

The Speaker's behavior in Court Interpreting and its Influence on Translated Discourse Quality

Case Study: Ouargla court of Justice, Algeria

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ملخص:

تأخذ الترجمة القضائية في المحاكم في الجزائر شكل الترجمة المتتابعة والتي تكاد تشكل الأصل في مراسها في الجزائر في ارتباطها بسلوك المتحدث. فتأثير كيفية الحديث لدى المتكلمين الذين يكونون في تواصل مباشر بينهم والذين قد يشملون المحامين والمدعي والمدعى عليه والقاضي ووكيل النيابة تقتضي إيلاء أهمية أكثر لطريقة حديث كل منهم، كون أن ذلك ينعكس بطريقة قصوى على نوعية الخطاب المترجم نظرا لخصوصية الظروف التي يتم فيها الحديث وسياقه. ومن هذا المنطلق فإن هذه الورقة البحثية تتناول البحث في أثر سلوك المتكلم في الترجمة القضائية وتتعلق من افتراض أن كفاءة المترجم ليست وحدها الضمانة لجودة الخطاب القضائي المترجم. فملاحظة وتتبع عملية الترجمة هذه وكيف تتم توضح أن الظروف التي تتم فيها الترجمة وكذا العوامل التنظيمية الخاصة بالعملية تؤثر في جودة الترجمة القضائية وإن جودة الخطاب المترجم من شأنها أن تساهم في ضمان محاكمة نزيهة. تستند هذه الورقة إلى منطلقات النظرية التأويلية في الترجمة.

الكلمات المفتاحية: الترجمة القضائية، جودة الترجمة، النظرية التأويلية في الترجمة، مجلس قضاء ورقلة، الجزائر.

Abstract:

Consecutive interpreting is ultimately the form under which court interpreting is performed in Algeria. Hence, the influence of the behavior of the actors which are the lawyer, the defendant, the plaintiff, the judge and the prosecutor deserves more attention, since their behavior influences greatly the quality of the translated discourse regarding the environment and the context that surrounds the process. This paper aims at investigating the speaker's behavior on the quality of court interpreting. It hypothesizes that interpreter competency is not the ultimate determinant of the quality of the translated discourse. Observing the functioning of the process at Ouargla court demonstrates that the translational environment as well as the organizational context reflect on the quality of court interpreting and that a discourse quality may contribute to a fair trial. The study is based on the interpretive theory in translation.

Keywords: Court interpreting, interpreting quality, the interpreting theory in translation, Ouargla court, Algeria.

Résumé :

L'interprétation judiciaire qui prend la forme d'interprétation consécutive est pratiquement la règle adoptée en Algérie, elle est pratiquée en prenant en considération le comportement du producteur de discours lors de sa production. L'influence du comportement des sujets ou l'interaction reste directe entre l'avocat, le plaignant et le défendant, le juge et le procureur mérite l'attention d'avantage compte tenu des circonstances et le contexte dans lesquelles l'interaction se produit. Cet article tend à jeter la lumière sur le comportement de l'intervenant et son influence sur la qualité du discours traduit lors de l'interprétation judiciaire, il part de l'hypothèse que la compétence de l'interprète n'est pas l'ultime déterminant de la qualité du discours traduit. Observer le fonctionnement du processus au niveau de la cour de justice de Ouargla démontre que l'environnement traductionnel et les éléments organisationnels se reflète sur la qualité de l'interprétation judiciaire et que la qualité du discours peut contribuer à un jugement équitable. Cette étude est inspirée de la position de la théorie interprétative en traduction.

Mots clés : L'interprétation judiciaire, la qualité de l'interprétation, la théorie Interprétative en traduction, cour de justice de Ouargla, Algérie.

Introduction :

Court interpreting represents a branch of professional translation that is distinguished by its functioning as well as the environment in which it is performed. Its nature takes into account the specificity of the task performed by the interpreter to produce a target message that meets the parameters of quality that fulfills adequately its mission. The shift process is centered on mental operations to enlighten the audience in the courtroom with clear and

obvious message content. The environment is different from that in which written translation functions, despite similarities between both processes, the nature of the practice in courts and the presence of the message producer behind the receptor with the interpreter implies an instant transmission of the message to be translated. Inadequate environment can prevent actors in court to communicate fruitfully. The absence of objective control and assessment of the interpreter's acts and performances in court interpreting may harm communication clarity.

At present, in Algeria, it is the court which decides if it is necessary to use the interpreter's services. The parts have not got that right if they can use Arabic. So how can all these considerations influence the quality of discourse interpreting and what are the guaranties of an objective communication that contribute to a transparent trial? In which way the interpretive theory in translation considers the success of the process.

The translated discourse in court interpreting:

The discourse to be conveyed can be either a one direction from Arabic to the foreign language or from the latter to Arabic. In this case and regarding the reality of the Algerian context, most judges and lawyers master Arabic and understand French and English, but foreigners may not understand Arabic. Interpreting in this case goes in one direction rather than two, having in mind the idea that it is obligatory in the Algerian courts either to use Arabic or use the services of a sworn interpreter. Witnesses as well as the trial jury are almost all speakers of Arabic. English and French are advantaged in terms of use as foreign languages in courts. The difficulty of checking the veracity of discourse in this case is approximate and judges are equipped to adequately understand the questions or convey the meanings in which the interpreter is interposed between the cross-examiner and the witness

A real risk of a failure of the rendering process starts when incompetent interpreters will help to ensure a right to access and transparency. Legislation enacted ensured that non speakers of Arabic language should be entitled to an interpreter in court.

The Nature of the rendering process in court interpreting:

Interpreting in general requires a specific environment in which it is performed.

It is based on making the receiver understand the message in all its components particularly its intention and function. The interpreter should deverbilize the message received to get the intention and should be able to play conveniently the role of a transparent mediator who clarifies and guides the listener to a complete understanding of the message produced in a language that the receptor cannot understand.

Considering that the Interpretive Theory in Translation adopts that language is a container, which vehicles, expresses and conveys the meanings. Whereas, the discourse is personal, its nature, its length and investigation procedures in the court influence the process of expressing the message. Danica Seleskovitch points out:

“An interpreter receiving a speech never receives linguistic units entirely devoid of context, verbal, and situational contexts but rather receives utterances spoken by a person whose position, nationality, and interests are known to him, speaking with a purpose in mind trying to convince his listeners”¹

Here the Interpretative Theory in Translation or the theory of meaning in translation, also called “La Théorie de L'école de Paris”, which the first rules were inspired from the observation of the practice of oral translation. Its pioneers, as interpreting practitioners, noticed that the translation of the oral message requires specific competency to have and specific strategies to adopt by the translator. Those strategies are more than purely based on linguistic shifts, text register, but they highlight the pragmatic force of the utterance that implies specific knowledge to be fulfilled by the translator to ensure a safe and faithful rendering. The interpretative theory gives importance both to the process of rendering and to the translator himself. The question of conference interpreting competencies that represent the

main manifestation guarantee of a successful professional translation in general and conference interpreting particularly apply to all kinds of

The Translator's Knowledge and Discourse Quality

The fruitfulness of the translator's knowledge varies according to the nature of difficulty encountered in the text and beyond it. The complexity and the approximate nature of knowledge possessed by the translator and his capacity to cover the whole range of aspects or fields within the areas in which he works facilitate understanding between professionals who talk different languages. As a result of the approximate nature of his knowledge, translation competence is always a continuous learning that requires being continually creative². In order to attain the expected results, translators also have to be aware of the situationality of translation and to be capable of adapting themselves to both recurring and novel situations, as well as being capable of dealing with the changing situations arising from the very specificity of their work.

The steps of the translation process in court interpreting are fragmented under the following:

Source text → Original discourse → Meaning and intention → comprehension →
 → Formulation in the target language → internal checking the appropriateness of the target message expression of the meaning in the target language -

The real translation (oral or written) in the interpretative theory is a translation that does not give Importance to words, but to meaning of words. Conveying the meaning of a text is independent from the verbal manifestations of the words that compose texts. An identical position is adopted by the founders of the theory, as well as, researchers that took the same position .In this respect Jean Delisle claims that,

"Traduire consiste, en effet, à dissocier mentalement les notions de leurs formes graphiques afin de leur associer d'autres signes puisés dans un autre système linguistique"³

The interpretative theory in translation recognizes that the translator should possess a highly solid training and further capacities to fulfill successfully his professional duties and to produce the requirements of a reliable translation that is transparent, clear and impartial. The capacity to interpret and deverbalize the discourse in the first language, to decorticate it and extract its meaning and intention, and to reexpress that meaning naturally in another language are among other manifestations of a required translation competency. The interpreter should possess linguistic competency, expressive competency, communicative competency, transference competency, and a cognitive competency among others. The reexpression step begins when the interpreter takes the decision about the best way in which his target message appears. As direct equivalence is not always readymade to two different languages, interpreters are confronted with a variety of changing choices.

The interpreter's main focus should then be to convey the pragmatic meaning of utterance in a way that would achieve the same effect the original message would have achieved in the source language, subject knowledge as well guarantees full understanding of the contextual situation and a full understanding of the vouloir dire of the text. Hence, in court interpreting the crucial role of the interpreter is to maintain an equivalent meaning and effect of the source message in the target language by preserving all the elements of the message, like tone of voice, style and register.

To carry out this performance the interpreter needs a thorough understanding of all the dimensions of discourse and context of production. He should adapt his production to the linguistic and cultural characteristics of discourse.

Translation competence and Quality discourse in conference interpreting:

Discourse quality is not purely a matter of linguistic considerations. It is a matter of interpretation of meaning that relies on complicated dimensions. Since conference interpreting is a relatively recent practice that goes to Nuremburg process after the Second World War on

the years 1945/ 1946, it met the intention of researchers from different horizons and specialists who agree that the linguistic code alone cannot enhance a fruitful communicative task that overcomes the obstacles of a safe rendering.

The possibility to overcome interpreting difficulties of the process varies according to translation competency as well as the languages involved. Moreover, time and courtroom impose constraints and interpreters need to resort to the appropriate linguistic resources immediately, without any long time to stop and think. The conditions that surround the production of the target message ,the spaker's accent ,noise ,the public large or reduced,the technological means used if any,the nature and aim of the speech ,and the context of the speech.

In Ouargla court ,interpreters intervene in most cases in which one of the parties is doesn't master Arabic.Practice has demonstrated that sometimes the linguistic capacity of parties to letigation is modest .That reality renders the task of the interpreter harder and more complicated.Others master only there national local language that can be even oral languages.

An example of interpreting and adapting the discourse to the receiver can be:

حكمت المحكمة حضوريا على المتهم بستة أشهر حبسا غير نافذ.

ماهي إلتماساتك من هيئة المحكمة؟

What is actually admitted in Ouargla court is that the translators interpreters are coping with the linguistic and even elementary level of some foreigners coming from south neighboring countries .They are obliged to deverbilize and interpret discourse to render it understandable and clear .Literality is far from achieving that.The interpreter may say to translate the verdict.

The jury decided that you will not be put effectively in prison,you will be free,but you've to be causious since you've to conduct prefectly.It will be metionned in your judicial history report that you're subject to non effective emprisonment.

This is a way among other ways through which it can be expressed again and adapted in the foreign language.

For the second ,interpreters can diverbalize in different ways.They can say :

Can you tell what you are waiting from the jury?

Do you want to introduce any final request or wish to be taken into account by the jury?

The interpreter's innate abilities, his competence, training, memory capacity, listening and interpreting skills as well as experience impact greatly the produced discourse, that discourse that requires the use of tools and sometimes technological means to perform the process when and where the receptors are numerous in different languages. Its functioning is centered on the brain storming of ideas. That is a matter of the text and of the information contained, the style and language register used by the speaker. The question of quality is not only a matter of meaning, but it concerns clarity, adaptability and effect among other considerations.

Translation competence is a complex concept that has been addressed by a number of researchers .Some use the term "translation abilities" or skills (Hatim and Mason, 1997) while others refer to translation performance (Wills, 1989). The notion of translational competence is similar to Chomsky's (1965) famous distinction between linguistic competence and performance. Nord (1991) employs transfer competence and Chesterman (1997) called it translational competence.

Generally speaking, translation or transference competence is defined following the pedagogical model of competence and the abilities, skills and attitudes needed to carry out the task successfully and it is therefore affected by different aspects of the translator's training as cultural knowledge and approximately encyclopedic one .There are, however, aspects that are restricted to the specificity of translation and which constitute the essence of translation competence and its components.

Danica Seleskovitch mentions the importance of extra linguistic competencies the interpreter should fulfill. She points out that:

"The meaning of a word represents no more than an initial approach of the thing or the concept it designates. Familiarity with a vast vocabulary often creates the illusion of having a far reaching knowledge of the corresponding things or concepts. This tends to confusion between absolute and therefore non perfectible, knowledge of the material designation of the meaning i.e. the word and knowledge of the designed object the referent, which can never attain completion"⁴.

The quality of the message produced which reflects the final phase is the delivery phase which is the interpreter's verbal output. It is the result of the accumulation of succeeding operations centered on the use of a competence to take the convenient decisions towards a clear, intelligible and unambiguous message. That produced message contributes to achieve a parallel level of understanding in comparison to the original one. The interpreter's output, unlike translation, cannot be revised once uttered.

The manifestations of translation competency in court interpreting:

The quality of the delivered message doesn't refer only to the production of the content of the message, but also to the manner in which it is presented, the delivery of the message has an impact on listeners' understanding of such message and on the impressions formed about the sender. Previous knowledge in translation makes us claim that the lack of this type of knowledge leads to the failure of the translation process and product since it is a matter of a coupled linguistic and extra-linguistic competencies. Seleskovitch emphasizes the importance of the interpreter's knowledge to analyze and produce an adapted message to fulfill all the requirements of a good translation quality, she points out:

"L'interprète doit avoir assez de connaissances dans le sujet traité pour pouvoir l'analyser avec intelligence, mais il n'est pas nécessaire qu'il ait des connaissances du spécialiste: Compréhension et connaissances sont deux choses différentes"⁵

Checking interpreting discourse quality is a self assessment process in which the cognitive competence intervenes to overcome difficulties. Neubert claims that the practice of translation and, hence, teaching translation require a single competence that is made up of or could be considered to integrate a set of competencies that include, for instance, competence in both the source and the target languages. Its nature has the following features:

- (1) It is expert knowledge and is not possessed by all bilinguals.
- (2) It is basically procedural and not declarative knowledge.
- (3) It is made up of various interrelated sub-competencies.
- (4) The strategic component is very important, as it is in all procedural knowledge; moreover, the linguistic competence is insufficient in the absence of complementary knowledge. That consists in the capacity to follow the transfer process from the source text to the production of the final target text, according to the purpose of the translation and the characteristics of the target audience.

The manifestations of competencies are communicative and textual, cultural, thematic, professional instrumental, psycho-physiological, interpersonal and strategic, which are intimately related to each other and which, when developed in a particular way, allow translation competence to be acquired. Understanding the pragmatic meaning of utterances implies understanding the purposes for which sentences are used.

The communicative and textual competencies include the capacity to understand and analyze a range of different types of both oral and written texts. These texts can be from different fields produced in different languages. The inappropriate transfer from one language to another or the transferring from the mother tongue to the target language harms the final ideal objective of the court which is fairness and impartiality in considering the cases that are exposed to it. Competent interpreters guarantee a fair court process. Reconsidering its place

and role contribute to a more quality reliable job of interpreters. The courtroom is a space of interaction and evidently its dynamic functioning relies greatly on the way in which the interpreting discourse is performed.

Conclusion

The conference interpreting process entails specific rules that should be admitted to reexpress adequately a legal discourse meaning that was primarily expressed in a different language. The shift strategies are no more than means. Practice itself is a medium of perfection. The competencies of the translator are multi dimensional and interrelated; they depend greatly on the capacity of the interpreter to enhance his competencies for better job achievements.

Continuous self learning process is a key success in conference interpreting since adapted competencies vary from an interpreter to another. The changing circumstances in which conference interpreting is performed is a further guarantee to achieve perfectness that depends either on the training .When interpreters receive training, they are trained to do to adopt practices solidly based on theory, which take time and effort to acquire. Simulation should not be ideal, but simply real .It cannot therefore be argued that accuracy of interpretation is impossible because the current practice proves it to be so. Intuition can be developed but not learnt .Many of the deficiencies blamed on individual interpreters, now and in the past, are the result of systemic problems, such as the lack of uniform education and testing to promote high levels of technical competence, and the failure to develop proper mechanisms for service delivery. Those are inadequacies in the resources for legal interpreting services and levels performance that is reflected in the discourse quality and the transparency of the task of the interpreter that should be devoted to neutrality, impartiality, transparency and adaptability.

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² See Neubert, A. (2000): "Competence in Language, in Languages, and in Translation", in C. Schäffner and B. Adab (eds.): Developing Translation Competence, Amsterdam, John Benjamins, pp. 3-18.

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⁴-Op Cit .P93.

⁵ - Danica Seleskovitch & Marianne Lederer, Interpréter pour traduire, Didier Erudition 2004, P 109