

# WHO'S IN CHARGE HERE?: PERCEPTIONS OF EMPOWERMENT AND ROLE IN THE INTERPRETING SETTING

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## INTRODUCTION

We have prepared this paper not from an academic approach, but as practitioners and interpreter educators with an interest in addressing certain issues that we deal with on a daily basis. The issues we examine here are those surrounding: a) power and empowerment in the interpreting situation; b) gender and power; and c) the sense of disempowerment with which most interpreters address the task of working in legal settings.

When deaf people and interpreters work together, each comes to the situation with a set of expectations about the distribution of power, e.g., the interpreter's role and the deaf person's responsibility regarding the communication task. Over the years, however, interpreters' views of our own roles have shifted; these shifts have resulted in a considerable lack of trust between the Deaf community and interpreters.

We believe that the models of interpretation, as described by Witter-Merithew (1986), reflect a great deal about power and how power is distributed in the relationships we have with our consumers, both deaf and hearing. The helper model withholds power from the deaf consumer; interpreters in this model, in our view, often believed and therefore acted as though deaf people were powerless, incompetent, and unable to get what they needed on their own. Deaf people, in this view, had to depend on interpreters.

In shifting to the machine/conduit model, we rejected any responsibility for what happened to deaf people, became 'invisible' behind the skirts of the newly adopted Code of Ethics and refused to 'step out of role' ever. Moreover, we avoided responsibility for the message – as Witter-Merithew (1986) pointed out, the part of the transaction which we absolutely must be responsible for! For a variety of reasons, we soon shifted to a somewhat gentler approach – the communication facilitator. This move began the process of allowing interpreters to empower themselves to ask for things they needed to make the communication process go more smoothly. As facilitators, we recognized that we had some responsibility for the message, and possibly even for the success of the communication exchange. Realizing we had an effect on the communication process, we began to empower ourselves, as well as deaf people. In this model, interpreters occasionally 'slipped' and took on behaviors and apparent responsibilities that we now see as appropriate: specifically, we served as cross-cultural mediators. But because most of us had been trained to believe in the machine model, we experienced a great deal of guilt when we did so.

Having arrived at – or more aptly, now approaching – a bilingual and bicultural model, we have the opportunity to view our consumers as co-equals and as human beings who have both the rights and responsibilities for their own destinies. The bi-bi model recognizes that interpreters work between members of (at least) two cultures and that interpreters bear the responsibility for successfully managing and negotiating the

communication event. Moreover, we can consciously choose which ‘model’ we work in for a particular situation. For example, suppose we appear in a situation in which a highly experienced deaf consumer informs us: “I want every word she says, exactly as she says it. Do not change a thing!” In other words, “Please be a machine.” The most empowering response – the most appropriate response – is surely to accommodate that consumer’s preference. We have then put them in charge.

In the past, these models were rarely formally laid out for us; rather they represent shifting views and beliefs about the relationships between interpreters and the deaf people they work with. The problem for the last twenty or so years has been that there is little or no consistency in our approach. Deaf and hearing consumers never know what they’re going to get; a consummate conduit or a humane helper.

What do we mean when we say the models are about power? The graphic in Figure 1 below may help.



This configuration allows us to see that each model relating to the power distribution between interpreters and deaf people has an influence on each of the other models.

## **POWER AND PEOPLE**

What is power? According to one dictionary, power represents the ability or capacity to act or perform effectively. That doesn’t seem such a bad thing to have. We believe that interpreters and deaf consumers alike experience a great deal of confusion between power and control. Control is defined (as a verb) as follows: to exercise authority or dominating influence over; to direct; to regulate. Surely this is what we didn’t want when we shifted from helpers to machines. Rather than denying personal power, however, we should have been concerned about avoiding behaviors and attitudes that were aimed at controlling deaf people’s lives. For example, in group discussions, interpreters normally operate on the assumption that it is inappropriate to interrupt a hearing person’s turn in order to get the deaf person’s comments in. So we in effect cede

control to the hearing consumer; but to the deaf person, we appear to be controlling. The same thing is true when interpreters are apparently inactive in their ‘lag’ or ‘thinking’ time: deaf people feel they are being discounted and left out, while hearing people are getting information in a timely fashion. We suggest that interpreters have allowed our deference to hearing consumers to control us, thus disempowering ourselves and indirectly oppressing deaf consumers.

As interpreters, we need power. Because most of us are female (male RID membership is outnumbered 6:1), most of us start at a disadvantage. We are not saying that it is necessarily a disadvantage to be female in any absolute sense. Rather, in US society in general, being female means one enters most situations as a relatively disempowered person. In addition, although deaf people increasingly view themselves as a cultural minority, society in general views deaf people as ‘handicapped’ and therefore lacking power.

Moreover, it will be a long time yet before all deaf people view themselves as completely empowered. As a result, when any deaf person walks into a legal situation with a female (and young) interpreter, the two of them are entering an uphill battle.

A recent demographic profile of RID membership shows the following information: 16% are male and 84% are female; nearly two-thirds of us are under forty years of age; and we have levels of formal preparation in interpretation as follows<sup>3</sup>:

a) no formal preparation	15%
b) one year	19%
c) two-year program	39%
d) BA degree in interpretation	9%
e) MA degree in interpretation	0.6%

In sum, more than one-third of those responding to this particular question in the survey have either no formal preparation or around one-year’s worth of preparation.

## IMPLICATIONS

What are the implications for the interpreted situation? Let us look at characteristics of women’s language (from Lakoff 1975):

1. Hedges: sort of, kind of, guess, seems like
2. Superpolite forms: would really appreciate it if, would you please...if you don’t mind
3. Tag questions: question structures which suggest their own answer, such as isn’t it and weren’t you
4. Speaking in italics: intonational emphasis on words like so and very
5. Empty adjectives: these convey no substantive information, but mainly express the speaker’s feelings – for instance, divine, charming, cute, sweet, adorable, lovely
6. Hypercorrect grammar and pronunciation
7. Lack of a sense of humor
8. Direct quotations, rather than paraphrasing
9. Special lexicon: e.g., vocabulary relating to colors

10. Question intonation in declarative contexts: i.e., answering a question with a question-like response (...around 6 o'clock?), indicating that the response calls for approval by the questioner.

O'Barr (1982) refers to this dialect as 'powerless', rather than as women's language. In examining courtroom transcripts, O'Barr found that this usage is neither characteristic of all women nor limited only to women. While more women use it, all the women who have low scores for it have unusually high social status. Those men who used powerless language in their sample held subordinate, lower status jobs. O'Barr's conclusion is that it appears that the tendency for more women than men to use 'powerless' language is due to the greater tendency of women to occupy relatively powerless social positions.

Many, even most male interpreters have learned ASL and interpretation from women instructors. When going into various interpreting assignments, these male interpreters have faced comments such as "You sign like a woman." Many also have the habit of using typical powerless/women's language learned from their instructors when interpreting from sign to English.

## IN THE COURTROOM

What does all of this mean for the interpreter in the legal setting? Let's start by seeing how many interpreters have been certified for work in such settings. The following figures are the latest numbers from RID:

	SC:L – 97	CLIP – 27
Region I:	14	1
Region II:	23	3
Region III:	15	3
Region IV:	13	5
Region V:	32	15

SC:L interpreters were, in all likelihood, trained in a conduit model; that was the most current and acceptable model for many years. The CLIP group are the few who have trained in the now acceptable, 'best practices' model. It would be unfair of us to pass judgment on what was acceptable twenty years ago. Rather, we simply note that a change is in the works. In the last three years, the CSUN Legal Interpretation summer program has prepared 27 people, both deaf and hearing, to work in legal settings. This is the first program in the US to address the issues of legal work in a thorough and appropriate fashion, fully informed by the bi-bi model. We regard this as a salutary but recognize the inadequacy of these numbers to relieve the need felt around the nation for competent interpreters in legal settings, whether civil or criminal, whether juvenile court or police station procedures. The simple fact is that even in regions 'rich' in interpreters qualified for this sort of work, there is a desperate lack of interpreters and deaf people are becoming ill-served in probably 90% of the instances when they face legal proceedings of any sort. Only sensational cases, such as murders and rapes, get adequate service, and then often only after the damage has been done.

The majority of legal situations are likely to be handled by relatively young, relatively inexperienced female interpreters. Their experience and knowledge of both courtroom language and protocol are likely to be based on a one-day legal interpreting workshop and, like most mainstream Americans, on television versions of the legal process, such as LA Law. As Lakhoff (1990:101) points out:

“Legal language is intended for clarity, but that aim often renders it particularly opaque. It is language devised for and by professionals, but its most important users, the jurors, are amateurs.”

In this case, we would suggest that the typical interpreter in legal settings is at least as ill-prepared for legal language as the jurors are.

Most interpreters with this level of qualification cannot feel comfortable in the courtroom setting. The formality of the setting, the unfamiliarity of the procedures, and the seriousness of the consequences will impel interpreters into one of at least two directions/reactions. Some – those who are perhaps more experienced in general interpretation – may take the courtroom in a somewhat casual fashion, insisting that if one is qualified to interpret, there are simply a few little extras to be worked out (where to stand, for example) and from there on, it’s nothing special. A second group – we suspect the majority of us, including many who are even more experienced – have a very different sense: we are terrified of the court and terrified of the responsibility. When faced with interpreting in such settings, these interpreters are not at all comfortable nor secure in how to manage such a difficult situation. These interpreters are likely to fall back on the model which relieves them of the responsibility: the machine/conduit. This is the model under which the interpreter can simply transmit the information and allow any further complications to be 'handled' by the consumers: "If you don't understand me, you'd better talk with your lawyer. I've done my job."

## **LANGUAGE AND POWER**

In both cases certain issues remain the same: those of language and power. In his work on metanotative qualities of interpretation, Cokely (1983:16) points out what we all know from experience: "...the way messages are expressed is often coupled with stereotypic judgments of the speaker's social status, educational level...and so forth". These remarks are in harmony with Berk-Seligson's (1990) and O'Barr's (1982) experiments in which they showed (O'Barr, 1982:75) that for jurors in a mock trial:

“the use of powerless style produced consistently less favorable reactions to the witness...[T]he style...strongly affects how favorably the witness is perceived, and by implication [this] suggests that these sorts of differences may play a consequential role in the legal process itself.”

That is to say, typical women's style (that which is most unconscious and most comfortable for women) has a measurably negative impact on juries, and presumably everyone else in the room, including judges. Also, deaf people are viewed by society in

general as 'handicapped' and therefore relatively powerless. The combination of a handicapped person along with a woman interpreter puts both of them at a disadvantage within a context that is based on power relationships.

We have stated that the interpreter is likely, in this situation, to revert to a machine model of behaviors and decision-making. Alternatively, if the interpreter has a strong sense of how absolutely helpless the deaf person is in this setting, she may take on old helper behaviors, feeling that she is only the person who can 'save' the deaf consumer. We know that there were and are interpreters who would lie, change testimony, or lead the witness, all in the service of 'helping deaf'.

One other factor impinges on all of this: where is the deaf consumer in her own empowerment process? Most of the model changes that interpreters have made have been made unilaterally - without any consultation between interpreters and deaf consumers. Other social changes have begun to affect this working relationship. Some deaf people's views regarding their own place in the world have shifted. The success of the 'Deaf President Now' movement was the flashpoint of the Deaf power movement; along with various state and federal laws and regulations, this has given many deaf people a burgeoning sense of power in their daily business. When working in a legal setting, interpreters may find themselves with someone who wants total control over her situation. Or they may find someone who has never worked with an interpreter before and has no idea what it means to have mediated communication. In each case, the deaf person's sense of her own power should have an impact on the interpreter's decision-making and other behaviors. But not all interpreters are equipped for this. The interpreter who has retreated to a conduit model will be of no help to the deaf person who has no experience working with an interpreter. The helper interpreter who sees the deaf consumer as helpless will soon be brought up short by a seasoned, empowered consumer.

What are the implications of all these complex factors?

### **Passive Males**

Deaf males may - because of female interpreters' use of powerless language - appear overly passive or powerless in the eyes of the court and the jury in particular.

### **Aggressive Females**

Deaf females may be portrayed as overly aggressive by male interpreters using powerful language.

### **Homosexual People**

Deaf may be viewed as homosexual because of cross-gender interpreting and the use (or absence) of powerless language.

### **Powerless Testimony**

According to Berk-Seligson (1990), interpreters' language behaviors - many of them simply the result of language processing - will lead them to present testimony in powerless style. These include the addition of hedges, polite forms of address, and hesitation forms where they did not exist in the original source message.

## **Intrusion**

Our very presence in court - not only an "extra" body, but one who "waves her hands" - represents an intrusion and can disrupt the normal flow of courtroom business.

## **Distraction and Disempowerment**

Again according to Berk-Seligson (1990), the interpreter's behavior - the need to interrupt, the need to consult with a witness and the like - not only distracts the attention of the court, but can disempower the attorneys.

## **Embittered Deaf People**

Interpreters who are confused about their own empowerment can conflict with deaf people who are becoming clearer about their own, leading to embittered feelings on the part of the Deaf Community.

## **Embittered Interpreters**

Likewise, deaf people who are confused about their own empowerment can have conflicts with interpreters, leading to embittered feelings among some interpreters.

## **Impact not Transmitted**

Participants, both deaf and hearing, will be generally unaware that the interpreter may be skewing not just the content of their message, but also the metanotative sense of the proceedings. That is, the intended impact of witness testimony in all likelihood will not be transmitted accurately.

## **SUGGESTED REMEDIES**

As with all other professional issues we face, the first steps toward resolution are recognition and identification of the problems. The issues we have addressed here regarding power and control, as well as the use of powerless language, require that we understand - as a community - the power imbalance that we create and that we buy into. Next, the interpreting community must open up these discussions with deaf consumers so that changes can be made. The relationships that have gone sour will never be improved until we discuss these questions openly and freely.

Some other possibilities are as follows:

### **General Training & Recruitment**

Firstly, interpreter education programs need to include modules on metanotative qualities and the presentation of affect. Interpreters need to be aware that deaf and hearing consumers alike are judged as a result of the interpreter's use of language. Secondly, qualified deaf interpreters should be working in tandem with qualified hearing interpreters. This means establishing programs which truly prepare deaf people for the realities of interpretation. Finally, we should consider recruiting more men into the field, in order to alleviate the issues around powerless language usage.

## **Research & Specialist Training**

We need additional research into interpreters' use of powerless language and its actual impact on the interpreting situation. Interpreters in the court setting must be prepared to work there. If they are comfortable, then they won't fall back into the trap of powerless language so readily. In addition (taking advantage of the Certification Maintenance Program requirements of RID), interpreters and RID chapters could dedicate learning time to linguistic, sociological, psychological, and cross-cultural topics which would help us resolve issues of power and control.

Activities in the wider sphere could also be beneficial: RID could ally themselves with spoken language interpreter organizations around court interpreting and legal issues. In any case, we must advocate both on state and federal levels to limit work in courtrooms strictly to interpreters who have been trained and certified for work in these settings.

## **Court Awareness**

Following the example of the Los Angeles Superior Court, courts around the country should have at least one full-time staff member who is both knowledgeable about Deaf Culture and interpreting and who is comfortable and knowledgeable about the courts. (In Los Angeles, she is deaf and a qualified interpreter.) Such a staff member could prepare judges and other officers of the court for cases involving deaf people and interpreters. Advocates who are similarly knowledgeable could be dispatched to work with attorneys in assisting them with preparation of a case.

RID chapters and the national RID representatives could and should be making presentations at Bar Association workshops, judges' conferences, and the like to help educate hearing consumers. Court interpreting offices need to know about the use of deaf interpreters and they need to know about what qualifies interpreters to work in court. Once the court begins its business, instructions from judge to jury should include information about processing time, the fact that interpreters are an 'intrusion', the need for extra time which arises out of the need for accuracy, and the importance of watching the witness rather than the interpreter.

Just recently, conversation has re-opened between NAD and RID. This is the beginning at a national, organizational, and official level. Individuals have responsibilities as well, however; each of us can act on our own, trying to build rapport with the deaf people we work with and trying to develop our own understanding of the bi-bi model and the others which preceded it.

Elsewhere in this volume, you will find other suggested remedies for the larger problem. These are just the beginning. We challenge RID chapters, federally-funded Interpreter Education Projects, interpretation programs in colleges and universities, deaf people and interpreters to indulge in some introspection and then to find workable solutions for the problems we all face.

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### Notes

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3. Percentages given here are as proportions of the entire population responding to the survey: of these, some 17.4% did not answer the question about their level of formal preparation.

