

The Changing Role of the Interpreter

Contextualising Norms, Ethics
and Quality Standards

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9 Professional Role, Norms and Ethics in Interpreting Studies Research*

Claudia Monacelli and Michael S. Boyd

1. Introduction

In her groundbreaking study, Monacelli (2009) puts forth convincing evidence of distancing, de-personalization and the mitigation of illocutionary force in moves by professional conference interpreters in their struggle for professional survival. This involves subjects in a position of detachment with respect to both the source text and their own text. The overarching trends prevalent in her data are based on the analysis of personal reference, patterns of transitivity and the attribution of agency, mood and modality, and the interpreter's behaviour in relation to threats to face. This overriding trend, however, does not emerge in other settings. Interpreters employed in legal contexts, for example, often work behind closed doors in confidential settings and are required to adhere to a completely different set of norms. For example, Kalina (2015: 66) discusses norms and ethics in varying contexts and highlights the marked difference among professional settings:

In some settings, such as court and medical interpreting, codes of practice are established by providers, i.e. the authorities that are responsible for the functioning of the service and/or for the accreditation of interpreters; this is the case in the U.S. and some other countries.

This chapter considers the role of ethics and norms in Interpreting Studies on a number of different interrelated levels with a focus on the contextual constraints encountered by interpreters in a specific legal context, that of civil proceedings mediation. As its point of departure, the study draws on simulated data from the EU-funded project Understanding Justice¹ whose remit is to distinguish bilingual mediation (using mediators in the role as interpreters) from the use of interpreters in the same role. The discussion is framed by the notion that the role of interpreting² in civil mediation may contemplate the necessity of more prescriptive norms. Crucially, the present study highlights the dominant role played by the mediator in establishing and maintaining interpreting norms and ethics in these encounters. We argue that the interpreters occupy a secondary and often subordinate role in

the encounters, raising further ethical issues especially as regards normative stance. Whereas in cases in which bilingual mediators act as interpreters possibly empowering the other language client by ‘advocating’ the concerns and interests of the weaker and disadvantaged party in the communication situation, interpreters in the same capacity are not accorded such latitude.

The empirical data come from simulated mediations using interpreters, which adds yet another dimension to our ethical considerations—namely, can simulated data be used for research purposes on ethics and norms in interpreting studies? And, more importantly, if they can, to what extent? A sociolinguistic and critical discourse analytical approach is applied to analyse simulations of the process produced by the EU project Understanding Justice.

In the next section (§2), we provide a definition of mediation within our frame of reference for this chapter. We then provide the analytical framework (§3) we employ to examine our case study and pose a number of important research questions. We introduce our case study based on a simulated bilingual encounters in civil mediation using an interpreter (§4) and discuss the ethical issues concerning the use of simulated data in Interpreting Studies (§5). Finally, conclusions are drawn (§6) on the basis of our discussion.

2. Mediation

Civil mediation as a social process is informed by structures, rules and norms that constrain the environment within which it operates. Mediators are invited into the negotiation as third parties. They create the process of mediation, defining it through their actions which ultimately transform the mediators into active participants and gatekeepers in this process. In the analysis of our case study (§5) we tease apart the roles and responsibilities of the parties present in mediation cases where interpreters are employed.

The practice of bilingual mediation is best documented in cross-border, international family mediation cases or in disputes involving partners from the same state but of different nationalities or different religious or ethnic communities. The sensitivity of these disputes—at times acrimonious divorce, child custody, child abduction—has stimulated the practice of co-mediating that contemplates a tandem team of two specialised bi-cultural and bilingual mediators, each from a different state of origin and preferably from a different, but complementary, background (e.g. legal and socio-psychological expertise) and of a different gender.

A barrister and social worker, Marian Roberts (2013, 2015) has operated in the field of mediation for over 30 years. In her assessment of the mediation process in civil cases, she outlines five distinct phases (Table 9.1). As can be noted, she includes ‘facilitating communication’ on the agenda in all phases prior to the final phase when agreement is secured.

Phase 1, the commencement and introductory phase, typically clarifies the procedure and the roles of the participants and aims to address the issue

Table 9.1 The Mediation Process (Adapted from Roberts 2013)

<i>Development</i>	<i>Objective</i>	<i>Agenda</i>
Phase 1	Establishing the arena	First contact and reception Facilitating communication
Phase 2	Clarifying the issues	Agreeing and defining the agenda Facilitating communication
Phase 3	Exploring the issues	Managing differences in the early stage Managing high conflict Facilitating communication
Phase 4	Developing options	Facilitating communication Further information exchange and learning
Phase 5	Securing agreement	Concluding the session

of who has decision-making roles. In this phase, the issue of confidentiality is addressed. Information is then gathered and investigated in Phase 2, where the subject matter is distinguished, the issues are clarified and the agenda is agreed upon. Phase 3 covers an area in which it is expected that conflict will arise, where the differences between the parties present are most expressed. Oftentimes, these sessions see highly escalated conflict dynamics, lack of trust, feelings of anger and betrayal, the pressure to make far-reaching decisions at short notice. There is also a high level of insecurity and all this leads to very intense sessions. Even so, this is a fact-finding phase where establishing and defining differences are fundamental in the process in order for mediators to determine a movement forward by exploring options and developing solutions in Phase 4. Mediators here facilitate discussions and give evaluative feedback. This, then, ultimately leads to securing—and finalizing—an agreement among parties via a process of bargaining in Phase 5. Roberts (2013, 2015) stresses that the transition from one stage to another results as being the most delicate moment for mediators. As seen in Table 9.1, parties negotiate a mutually acceptable agreement (Phases 5). This is done in the presence of impartial co-mediators who facilitate the process. Although flexible, the process is highly structured, confidential, voluntary and is held in a neutral setting.

One can only surmise that, in reality, the process outlined may become quite complex when there are parties that represent more than one cultural background and/or when one or more parties intend to change residences, giving rise to international mediation, or cross-border mediation. This ‘messiness’ of reality (Gulliver 1988) becomes compounded when the need for language assistance arises.

In bilingual mediation, people communicate with each other, each using their own language. In Europe, the difficulty in this context lies in the fact that bilingual mediators cover both roles, mediating and interpreting.

Needless to say, what results is a blurring of boundaries with respect to both the service provider and the other language client. Even in the most consensual and constructive of mediation contexts, however, such as, e.g., social services finding housing for a refugee or health care providing treatment to a patient, the inherently active stance of the interpreter-mediator tends to move far beyond the established professional practice of interpreting proper and the traditional tenets of the codes of conduct or of national standards.³

3. Analytical Framework

Through the lens of a combined theoretical approach (§3.1), which draws on elements from Critical Discourse Analysis (CDA) and the related branch of the Discourse-Historical Approach (DHA) as well as the Interpreting Studies literature on ethics in confidential settings (§3.2), this chapter aims to address the following fundamental questions:

1. How do we account for the fact that analysts do not have access to authentic interlingual/intercultural settings which require the presence of an interpreter?
2. What can CDA and DHA offer in terms of its tenets on social critique, ethical standards and validity claims of truth?
3. Can an assessment of ethical issues be based purely on simulated encounters in confidential settings?

3.1 *Ethics and Norms in CDA and DHA*

CDA is a branch of discourse analysis that is underpinned by a number of ethical principles. Crucially, it envisions discourse as both a product of social interaction and a powerful force in reshaping social practices (Fairclough 1995, 2010; Fairclough and Wodak 1997; Wodak and Chilton 2007). Furthermore, researchers who adhere to this current are consciously involved in social critique and work to uncover how language and social functions are used to constitute and transmit knowledge, organize social institutions and/or exercise power (Wodak and Meyer 2009: 7). The ethical side of CDA is dictated “by a sense of justice based on the normative and universalist conviction of the unrestricted validity of human rights” (Reisigl and Wodak 2001: 33). In other words, Critical Discourse Analysts are expected to abide by “superior ethical standards” and “make their position, research interests and values explicit and their criteria as transparent as possible” (Wodak and Meyer 2009: 7).

One of the most important sub-branches of CDA is the DHA as advocated chiefly by Ruth Wodak and Martin Reisigl (Reisigl and Wodak 2009; Reisigl 2014). This current provides a further clarification on the nature of discourse that can be useful for the analysis of civil mediation encounters.

Reisigl (2014: 69) sees discourse as being defined on the basis of the following elements:

1. It is a network of “context-dependent semiotic practices that are situated within specific fields of social action”, such as politics or, in our case, civil mediation.
2. It is both socially constituted and constitutive.
3. It is linked to both a macro-topic and argumentation about validity claims (truth and normative rightness), involving social actors that have different perspectives.

We argue that these three notions can also be applied to the field of civil mediation. First, as we shall see in the following discussion, the semiotic practices that are, crucially, both verbal as well as nonverbal, are dependent on contextual constraints within the highly regulated field of civil mediation. Second, there is a dialectical relationship between a specific civil mediation event and “the situation(s), institution(s) and social structure(s), which frame it” (Fairclough and Wodak 1997: 258) so that this event is dynamic and is moulded by these contextual features through an ongoing process while also playing a part in reshaping them. Finally, part of the last point made by Reisigl is also applicable to the current study. Without going into too much detail about argumentation theory, which is well beyond the scope of this chapter (for further discussion see, e.g., Walton 2007), what is important here is how a so-called validity claim of truth is related to knowledge, epistemic certainty, or normative rightness, in other words “to questions of practical norms or ethical and moral standards, to questions of what should be done or must not be done or what is recommended or forbidden” (Reisigl 2014: 70). Thus we argue that participants in civil mediation are also influenced by such validity claims in that they determine the ethical standards of what should or should not be done, which are clearly laid out at the beginning of the encounter. As we shall see in what follows (§3.2), however, these ethical and normative issues are also framed by factors influenced by the dynamicity of authentic interpreting contexts in confidential settings.

3.2 Ethics and Norms in Interpreting Studies Research on Confidential Settings

In essence, all ethically based questions fundamentally concern the construct of agency, in this case interpreter agency. Bandura (1997: 6) describes human agency as “a transactional view of self and society, internal personal factors in the form of cognitive, affective, and biological events; behaviour; and environmental events all act as interacting determinants that influence one another bidirectionally”. This transactional view of self and society provides insight into what is at stake during professional practice.

Personal agency is enmeshed in a social network and is conditioned by the influence a social environment has on the dynamics of communication as it unfolds during mediation sessions. In professional interpreting circles the social network also implies the social organization of the profession. Therefore a sense of agency, and its characteristics, may be socially governed or dictated, and thus come within the realm of normative behaviour (Monacelli 2009: 31–33). However, interpreters working in civil mediation cases are subjected to a completely different set of norms, governed instead by civil mediation regulations.

A closer look at how processes are presented in civil mediation sessions—and how speakers attribute agency in texts—makes it possible to evince the nature of the interpreter's role in this setting. Our case study (§5) represents data drawn from simulations of civil mediation sessions with the presence of an interpreter. As will be seen, interpreters are specifically briefed on how they are to proceed throughout the mediation sessions, and are specifically told that the mediators control the information flow and thus act as gatekeepers.

In contrast to this, the dynamic environment which frames authentic interpreting contexts suggests that an interpreter's ethical role should be seen as situated and enacted rather than as responding to pre-established norms. In this latter sense, there are a number of studies that discuss ethics with respect to interpreting assignments in confidential settings.

Monacelli and Punzo (2001) flesh out epistemological issues concerning communication and then offer a pragmatic description of face-to-face encounters using an interpreter. They voice a 'military' perspective and use simulated examples to argue their point. Instead of reasoning in terms of fidelity and equivalence when assessing an interpreter's behaviour, they turn to fuzzy logic and probability, in light of the indeterminate nature of communication. They ultimately suggest that the interpreter embody ethics, dealing pragmatically with issues of power at a metacommunicative level citing several examples extracted from simulations carried out during an interpreter-training course for the Italian Army.

Instead of relying on simulated data in their study, Boyd and Monacelli (2012) bring forth findings concerning interpreting in the confidential setting of the Italian Ministry of Defence (MoD) on the basis of empirical data taken from semi-structured interviews with current and former MoD Translators/Interpreters. Although the authors have an ingroup relation with the interviewees, this nonetheless did not allow them access to the inner workings of the interpreting profession within the MoD. Instead, they propose an analytical framework that envisages the application of CDA/DHA to genre chains within the MoD. They carried out interviews with both MoD in-house Translator/Interpreters (their job profile title) and freelance interpreters who work for the MoD in the same capacity. The secrecy of MoD documents lies in the fact that they often include information about (top) secret military cooperation activities or the exchange of military equipment. Even though during the actual drafting stage Translator/Interpreters

are excluded from the genre, as Boyd and Monacelli explain, not all of these documents remain classified, so that at least some of the texts are accessible to—and therefore inclusive of—all professionals working at the MoD, regardless of their security clearance. Boyd and Monacelli interview professionals and all respondents mention using the Memorandum of Understanding (MOU) since unclassified MOUs, in fact, become important reference documents for both in-house and freelance professionals and can be used for purposes of recontextualization and general genre-building during other stages of the genre chain in the MoD.

Monacelli (2016b) adds both an analytical layer to the aforementioned study (Boyd and Monacelli 2012) and a reflexive turn in her discussion of the position of the analyst in studies conducted on confidential settings. She applies Goffman's theatre metaphor (1990/1959) to describe the 'staging' of interpreting in the same MoD setting as noted earlier, and pits analysts—along with members of the press, new media, etc.—as 'outsiders' and 'bystanders'. She specifically discusses the boundary between private and public life, as well as issues of power in relation to all 'actors' involved, pointing out how ever more frequently the flow of information eludes institutional gatekeeping.

In this sense, the current study—based on the use of simulations—may also be likened to information that, in some way, eludes institutional gatekeeping. Although the Understanding Justice project has produced these videos for training purposes, it nonetheless does indeed open the doors to civil mediation sessions that are otherwise strictly confidential in nature.

4. Methodology

In an attempt to formalise the analysis of our case study (§5), we here distinguish research procedures involved in eliciting, gathering and managing our data. Subsequently, we shall discuss (§6) the moral principles guiding research from "its inception through to completion and the publication of results" (Dean 2014: 5) and their relevance (in our case, findings from simulated data) in terms of what they may contribute to Interpreting Studies research.

We lean on the Code of Human Research Ethics put forth by the British Psychological Society's Code of Ethics and Conduct (2014) to guide us in our case study. As ethical research conduct is essentially the application of formal reasoning founded on a set of moral principles, we openly state the values that underpin our study (§3) and make them available for discussion and debate and allow the possibility of clarification and change (BPS 2014: 7).

Concerning participants in our study we, on the one hand, recognise their respective roles and guarantee anonymity, thus respecting confidentiality in terms of their identity (BPS 2014: 9). At the same time, the assessment of scientific value "must be appropriate within the context in which the research is being conducted" (BPS 2014: 10). And, most importantly, "a difference in power inevitably exists between researchers and participants, even if researchers seek to minimise it" (BPS 2014: 11–12). Concerning this issue of

power, the Understanding Justice project organised and ‘staged’ simulated mediation sessions with interpreters where members of the project team have also partaken in the simulation (cf. Monacelli 2016a). Participation was voluntary and all parties were guaranteed anonymity. All interpreters in the sessions were professional.

5. Case Study

The case study is based on excerpts from two simulated bilingual mediations: one in Spanish with English and the other in English with Romanian. For questions of time, we will limit our discussion to 12 short extracts—comprising a total of 19:04 minutes—available at the Understanding Justice website, which are provided in Table 9.2.⁴

Table 9.2 Video Clips Examined in Case Study

<i>Clip</i>	<i>Time</i>	<i>Languages</i>	<i>Who’s Who</i>
1	1:03	English	Robyn (Mediator) establishes the arena, determines the information flow and interprets modality
2	1:22	Spanish	Gemma (Co-mediator) explains expectations to interpreter
3	1:44	Spanish	Franco (Mediator) explains mediation phases to interpreter
4	1:34	English/ Romanian	Elizabeth (Co-mediator) explains mediation rules and expectations to interpreter and parties
5	1:05	English	Robyn (Mediator) facilitates communication in the phase clarifying the issues by asking Jim (Grandfather) to intervene
6	0:15	English	Jim (Grandfather) explains he understands turn-taking management
7	1:41	English/ Spanish	Franco (Mediator) establishes the arena, first contacts are made; Gemma (Co-mediator) explains interpreting dynamics
8	1:49	English/ Spanish	Franco (Mediator) explores issues with Veronica (Neighbour) and Brooke (Neighbour)
9	1:32	English/ Spanish	Gemma (Co-mediator) explores issues with Brooke (Neighbour). Interpreter working in consecutive mode using note-taking
10	2:34	English/ Romanian	Robyn (Mediator) explores issues with Julia (Daughter-in-law) and Jim (Grandfather); Interpreter working in consecutive mode, no note-taking
11	2:33	English/ Romanian	Robyn (Mediator) manages high conflict and facilitates communication
12	1:55	English/ Romanian	Robyn (Mediator) develops options, facilitates communication, gathers further information exchange and learning
Total time	19:07		

In both simulated mediation sessions there are five people involved: a mediator, a co-mediator, one interpreter, two conflicting parties. In the video clips, the roles are defined in the very first phase of the mediation process by the mediators, who have a dominant role throughout the process acting as gatekeepers in the information flow. In video clip 1, the mediator unequivocally tells the interpreter she is to wait until the speaker stops speaking before she interprets (“we expect only one person to speak at one time”). He even specifies the turn-taking time frame (“we will speak for maybe 30 seconds or a minute, then stop”). The co-mediator also clarifies the turn-taking process, specifying that turns will probably be limited to about 30 seconds (“a lot can be said in a minute”), by saying, “We would just give you a couple of sentences, two or three sentences, and then we would stop talking”.

In video clip 2, the mediator—upon greeting the interpreter—mentions that they understand he has worked as a court interpreter and explains that the interpreting requirements for mediation purposes, are much more flexible than in the courtroom (“than what you are used to in a legal setting”), stressing that “it is important to explain to you briefly what the dynamics of mediation usually are”. She, however, goes on to tell the interpreter that he is to refrain from adding any personal interpretation of what is said, and requests him to interpret literally, since they (mediators) have to “apply certain techniques to ‘clean’ the language”. They tell him this is because they “like to have the control over the communication”. This implies both communicating the speaker’s tone and intentionality, as the interpreter states. Mediators also stress that the interpreter should signal to them any cultural difficulty that they “may not notice but you [the interpreter] do”; he should tell them “in all confidence”.

What is interesting to note, in video clip 3, is that the mediator explains the phases 1 and 2 (Table 9.1) to the interpreter, then specifically informs him to tell him “if at any time any of the parties is disrespectful and insults each other, please look at us before interpreting, so that we can tell you not to translate”. In this video clip, the mediator mentions that everything said to the interpreter will also be repeated to the parties in conflict. He also stresses that while they “don’t want to put that responsibility” on the interpreter, the latter needs to be aware “that insults here are considered an element of conflict escalation” that have to be controlled by the mediators. The interpreter is told to inform the mediator(s) of any disrespectful forms of address (“it would be better if you consult with us, or if you say ‘the gentleman here has just insulted the other’”).

In video clip 4, the co-mediator explains the mediation rules to the interpreter and the parties. Essentially the mediation process “only goes on as long as you both continue to want to do it”. The mediator adds “if mediation ends, it just stops”. This shifts the onus onto the parties in conflict in terms of the duration and success of the process. In line with this, and to solicit a response, the mediator in video clip 5 questions one party whether he is actually listening, since he has not intervened as yet (“there is a risk that because

there's dialogue going on between you two and from us two, there's very little happening for Jim"). Yet the party (Jim) does indeed respond in video clip 6 that he is used to waiting for the process (interpreting) before intervening, but they still apologise to him for making him listen to everything twice.

Interestingly, in video clip 7, we see that both mediators make a point of explaining to the Spanish party (while the interpreter works into English for the other party) that indeed the interpreting will also be effected for her when the other party speaks. In terms of what the Spanish party will hear with respect to the interpretation, the co-mediator says, "Many times you will notice it is shorter because we try to condense the information, but you will get a literal translation". He further explains that "we will all have to adapt to these dynamics" using a first-person plural pronoun that indeed includes the interpreter linguistically but—on a pragmatic level—excludes the interpreter from any procedural decision making. This clip also highlights the importance of seating arrangements for the mediation and interpreting, further exemplifying the mediator's fundamental gatekeeping function ("you can sit here").

Video clip 8 highlights the rather delicate nature of using whisper interpreting (*chuchotage*) in the mediation process. Since the interpreter is whispering his version to the English party, and the communication flow continues, the mediator (who had informed the interpreter that he understood English) says to the Spanish party, "What he has tried to say, as I understood, is that he got that impression from you". This is because, when the English party spoke, the interpreter used whisper interpreting to the Spanish party alone, and neither mediator nor co-mediator received a Spanish version.

In video clip 9, we see a shift in the interpreting modality. The interpreter is now using the consecutive mode and is taking notes, whereas the interpreter in video clip 10 does not make use of note-taking when working in the consecutive mode. In video clip 9, the mediator also nods her head in agreement to what is being said in English, even though she had clearly stated from the outset that she does not speak English, providing an example of relevant nonverbal communication.

The mediator's pervasive gatekeeping role is propounded in video clip 11, where the mediator intervenes forcefully, by cutting off the English party, as soon as he understands that the English party is about to escalate conflict by raising his voice, thus nodding his head to the interpreter as a signal to continue. The interpreting mode shifts once again during phases 4 and 5 when the Romanian party becomes somewhat emotional in her explanation of why she does not want her daughter to spend time with her grandfather. Each single phrase is interpreted one at a time as the description progresses.

6. Discussion and Conclusion

In this section we reconsider some of the data presented in §5 in light of the theoretical and methodological issues introduced in §3 and §4. We argue that, on the basis of our data, such simulated encounters are indeed

a valuable resource for the purpose of gauging, to some extent, the repercussions of ethical and normative constraints found in civil mediation with bilingual interpreting.

We first re-examine the roles of the participants in these encounters as these roles are crucial for determining how the information flow is established. As we have seen in §5, in civil mediation the mediators have a clearly defined role in deciding how much information should be given in “chunks” before interpreting (approximately 30 seconds), how turns should be taken (with “only one person speaking at any one time”), which interpreting modality is to be used in the session (video clip 1), how to deal with any information that may be either culturally unexpected (video clip 2) or offensive (video clip 3), etc. Furthermore, interpreters are requested to provide feedback about the latter “in all confidence” (video clip 2), also as a way to avoid any conflict escalation (video clip 3). Such elements would appear to extend the interpreter’s role to one of confidant *vis-à-vis* the mediators. By requiring the interpreters to follow such norms, however, mediators clearly have the upper hand in the encounter not only as gatekeepers but also as power brokers. This dominant role (as compared to the interpreter’s subordinate one) is clearly played out in the semiotic practices—both verbal and nonverbal—adopted by the mediators.

There seems to be conflicting, unclear expectations of the interpreter’s role on the part of the mediator (video clip 3), since the mediator first requests that the interpreter signal conflict throughout the process but then says “I don’t want to put this responsibility on you” and goes on to explain that this mainly serves to hinder conflict escalation. The mediator in this case indeed suggests that he use the third party—metalanguage—to inform them that one party has employed offensive language, before deciding to interpret it as such. A lack of clarity concerning expectations is again displayed in video clip 4 where mediators tell the parties that the process is in their (the conflicting parties’) control. At any time, they can choose to continue or cease the mediation process. At this point, we begin to see the difficult role of interpreters in this context because they are integrated as a fourth element in an otherwise triadic encounter. Furthermore, in video clip 7, the point is made (by the co-mediator) that the different language versions may be longer or shorter, but that the interpretation will nonetheless be literal. Here, too, there is a sense of ambiguity in the co-mediator’s statement, and in what they expect from the interpreter.

In CDA and DHA, the use (or choice) of certain linguistic forms over others is viewed as an indicator of personal commitment and evaluation and, consequently, it embodies the dominant and subordinate roles of the speakers. Two important linguistic phenomena often considered are modality and pronominal use. Modality can indicate how committed speakers are in term of truth and obligation or necessity (Fairclough 2003: 194), while first- and second-person pronouns can be a powerful tool for speakers to position themselves in the ongoing discourse (Boyd 2016: 211–212). Thus they can

either indicate and/or obscure collectivity or individuality (Fairclough 2003: 162). If we return to the data discussed in §5, we can find a number of insightful examples. The following examples illustrate the use of different types of modality: “We expect only one person to speak at one time” (video clip 1). “It would be better if you consult with us, or if you say ‘the gentleman here has just insulted the other’” (video clip 3). “You can sit here” (video clip 7). While the first two examples are clearly examples of obligation—i.e. the mediator uses a modal expression to oblige the interpreter to cooperate with the established norms of mediation—the example from video clip 7 ostensibly gives the interlocutor a choice by employing the modal “can”. The meaning however is clearly deontic in that the speaker is in the dominant position requiring the parties in conflict and the interpreter to sit in certain, specified positions.

In video clip 1, we can see some examples of ‘we’ used with an exclusive meaning, in that the interpreter is excluded from the pragmatic function of the pronoun. In examples such as “we expect”, “we will speak”, “we would just give you” the interlocutor (interpreter) is not part of the implied meaning. An even more insightful example can be found in video clip 7 when the mediator says “we will all have to adapt to these dynamics” in which the meaning of first-person plural pronoun combined with the deontic modal “have to” together create a strong obligation on the part of the interpreter. Such usage of ‘we’ mirrors doctor/patient relations in which this pronoun is often used by a physician to establish institutional footing and to stress an exclusive and dominant position (Rees and Monrouxe 2008). We could say then that this example stresses the mediator’s institutional footing clearly establishing their dominant role in the encounter.

Yet, personal roles are not defined only by verbal means, as nonverbal behaviour also plays an important part in civil mediation encounters. For example, the co-mediator in video clip 9 nods her head in agreement to what is being said in English, even after having said she did not speak English, attests to her dominant role in the process. No other party, nor any interpreter, ever uses this form of nonverbal communication. Even the power exercised in the positioning of parties—on behalf of the co-mediator (video clip 7)—bears witness to the dominant roles that mediators claim in this setting.

Returning to our quote by Kalina (2015: 66) in the Introduction, we thus confirm that in civil mediation, too, providers (mediators) encode professional practice for interpreters. We have, nonetheless, presented ample evidence as to the ambiguity of expectations in terms of how the interpreter’s role fits as a fourth element in these otherwise triadic encounters (mediator-conflicting party A-conflicting party B). While our data come in the form of simulated encounters we would argue that a number of important ethical and normative issues still clearly emerge especially in terms of the role played by both mediators and interpreters. First of all, working on such data allows us to focus on only certain aspects of the encounter, namely

that concerning the role of the mediator in establishing and maintaining the ‘integrity’ of the encounter. Second, by using simulated legal issues, the conflict itself moves ‘backstage’, bringing both mediators and interpreters ‘frontstage’. Kalina’s “codes of practice” (2015) are thoroughly laid out by the mediators in the simulated cases and, more importantly, their powerful role in ensuring the proper functioning of the encounter is evident in all of the examples we analysed. Consequently, a dialectical relationship between the mediator and the interpreter is both moulded by these factors and plays an important role in reshaping the practice (of both civil mediation and interpreting in this particular context). Finally, mediators act as gatekeepers in establishing validity claims of truth in a process of power brokering questions of both “practical norms” and “moral standards” (Reisigl 2014: 70).

Notes

- * While both authors worked on the conception of this chapter together, Claudia Monacelli is responsible for Sections 2, 3.2, 4, and 5 and Michael S. Boyd is responsible for Sections 1, 3, 3.1, and 6.
- 1. JUST/2013/JCIV/AG/4000004684
- 2. See Zwischenberger, Chapter 3 in this volume, concerning the construct of role.
- 3. Canadian National Standard Guide for Community Interpreting Services (2007) www.imiaweb.org/uploads/pages/306.pdf
- 4. <https://vimeopro.com/user17897690/understanding-justice-clips-selected>

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