

JILL BLEWETT MEMORIAL LECTURE – AUSIT CONFERENCE BRISBANE

**“Interpreters, Translators and Human Rights”**

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I will begin my presentation by making a few remarks about Jill Blewett's work and on her impact on the translation and interpreting profession in Australia.

Jill passed away in October 1988, so this is the 20<sup>th</sup> anniversary of her death. I gave the inaugural Jill Blewett memorial lecture in 1992 at the time of the fifth anniversary of the founding of AUSIT. She was present at the meeting which founded AUSIT.

Perhaps 16 yrs later not too many people here will have personally known her. I will briefly sketch out her work: she was an academic, interpreter, administrator, colleague and friend.

My friendship with Jill began with a disagreement. We had decided to present a joint paper on T&I at the Applied Linguistics Association of Australia's Conference in Melbourne, in the early eighties. This was the first time that any space was being given to T&I issues at an annual conference of a "mainstream" organization and we began to have differing opinions as to the format and content of the paper. It was through a series of brutally frank exchanges about what each had drafted that I began to appreciate the depth of Jill's feelings about and knowledge of, T&I.

Soon after we found ourselves occupying similar positions of responsibility *vis-à-vis* interpreting and translating programs and we began to talk to each other on a regular basis about common problems and often common solutions. Some of these conversations would take place in airport lounges between flights from Adelaide to Canberra, as Jill fulfilled her other obligations to NAATI or to the protocol of the Australian Government. She was at the time the wife of a Minister in the Hawke Government, Neil Blewett. I decided to recount this in order to illustrate how her contribution to the T&I profession was constructed. It was manifested also by her willingness to speak to countless groups about the basic issues in T&I practice and at the same time through the preparation of submissions to chart the policy course for T&I in Australia.

What is the significance of her contribution? Undoubtedly, but not solely, her most telling contribution has been to the field of I/T education. This was achieved not only through her developmental work in the Level 2 and Level 3 courses in Adelaide, but also in her involvement with NAATI in various capacities. Her overseas experience helped us to begin peeling back the cringe which seems to be *de rigueur* with anything made or developed in this country.

How can we commemorate Jill Blewett? Activities such as this and the publication of her papers are certainly an important way of achieving this. However, I believe that the most effective way of commemorating her work is to carry it on, to pursue with the same determination and clarity of purpose the goals which will enhance our profession, not for the profession itself but for the objectives and the clients which it serves.

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The first reaction to the title of this paper might be: what do interpreters, translators and human rights have to do with each other? This is a perfectly legitimate reaction both professionally and logically. It is axiomatic that an interpreter interprets not what he or she wishes to communicate but what the two clients wish to communicate. End of story? No,

not really, fundamentally because of two elements: the first is the relationship between interpreters and language rights, where these have been articulated and the second is human rights as the context of operations of the interpreter combined with the profile of the people who inevitably interpret in that context.

Speak to any interpreter or translator and not only will they want to tell you how their language combinations are special, particular and peculiar such that incredibly high levels of skill are required to do the job properly; they will also want to tell you about contexts, areas of specialisation, particular domains and they will go to great lengths to indicate how history, politics and culture, among many other things, have produced such intricacies which makes their job difficult.

Indeed this view is reinforced by the structure of the profession and reflected in the teaching and research about the profession worldwide. We have conference interpreters, technical and scientific translators, community interpreters, legal interpreters, business interpreters, literary translators, interpreters who work with law enforcement, bible translators, interpreters who work in hospitals and interpreters who work in refugee camps and in refugee determination situations, including tribunals, to name but a few.

In each of these areas there is serious work afoot to establish how and why they are different from a generalised model of interpreting or translation. So there must be something in this! There have been arguments in the literature about techniques applicable to each of the fields named above; some of the discussions have also argued that the ethics applying to some of these fields are different to the mainstream. I am wondering why we are spending so much time and effort trying to accentuate the differences rather than reinforcing the similarities along all the continua which have been explored. The discussion about human rights falls squarely into this kind of debate.

I wish to look at it firstly from a formal perspective in terms of where the idea of a 'right' intersects with the discussion about interpreters.

International instruments have devoted considerable attention to the concept of language rights; inevitably this has brought interpreters and translators into the argument. For example the Universal Declaration of Human Rights done on 10 December 1948 states at Art. 2:

*Article 2.*

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

The International Covenant on Civil and Political Rights done on 16 December 1966 and which came into force on 23 March 1976 at Article 14 para 3 (a) and (f) states;

## *Article 14*

....

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

...

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

In addition, an example from a domestic law, the Charter of Human Rights and Responsibilities Act, 2006, of the State of Victoria provides in its Section 25, paragraph (1)(h)(i) in relation to rights in criminal proceedings:

To have the free assistance of an interpreter if he or she cannot understand or speak English;

The recognition of language (which of course includes sign language) as a human right is the starting point and the catalyst for the consideration of interpreting and translating, where appropriate, as the implementation phase or the means by which this human right is respected.

The underlying assumption and one which international or domestic instruments have not made explicit, is that of the quality of the interpreter or the translator. If this sounds familiar it is because of the paradox that quality is assumed but not much is done to assure it.

One international body, UNESCO, with the prompting of FIT did, in fact, tackle this issue in what is known as the Nairobi Recommendation done in Nairobi at the nineteenth session of the General Conference of UNESCO on 22 November 1976. The title of it "Recommendation on the legal protection of translators and translations and the practical means to improve the status of translators" does not do justice to the comprehensive, somewhat understated and useful consideration of the professional figure of the translator and how it should be treated by member states. It goes to some detail about translation contracts, copyright, professional associations and it even states, at paragraph 14 (d):

a translator should, as far as possible, translate into his own mother tongue or into a language of which he or she has a mastery equal to that of his or her mother tongue.

If the right to employ one's own language, at least in dealing with officialdom, is considered to be a human right, it follows that the denial of it is the denial of a

human right and less than adequate interpretation or translation is also a denial of a human right.

Embedded in this notion is an issue which is central to the work of interpreters, even though in many ways it is being challenged from a number of quarters, and that is the notion of the importance or the supremacy, if you will, of the source language message. The phenomenon of linguistic expression can only be construed as a right if it is taken as axiomatic that, by privileging the native language, there is a freedom for the person to express himself or herself in a manner and with such nuance, intent, style or force which would be diminished or absent, were they to express themselves in a language other than their native language and that therefore they would be deprived of that right and a wrong would be done to them. Furthermore, the casting of language as a right to be exercised by the person, note – not by the interpreter– is a salutary affirmation that the responsibility for the communication rests with the same person and with no one else. This concept is accepted at law in Australia where the portion of proceedings in a court produced by an interpreter is not subject to the ‘hearsay rule’. In other words, when the interpreter speaks it is taken as if the original speaker were speaking.

The foregoing casts the interpreter as the person through whom a human right is exercised. This gives food for thought – it invites reflection about whether this right exists only in the rarefied atmosphere of international instruments and applies to matters legal only. In my view it applies any time interpreting takes place. This leads me to the more difficult aspect of interpreters and human rights: that which somehow gives the interpreter another *persona* and which is implied in the notion of quality.

The whole issue of the interpreter and translator as being ‘more than’ an interpreter and translator has been, especially in recent years the subject of considerable attention by researchers. Elsewhere I have bemoaned the facility with which conclusions have been drawn about the role of the interpreter or translator and strategies have been advocated on the basis of very small sample sizes in the research and a lack of control variables, including the important ones of training and experience. Even though what I wish to speak about today is germane to this issue it is not the issue which I wish to concentrate on or indeed which is relevant to the topic.

The inherent value of human rights and their protection goes and must go unquestioned. As I implied before, in thousands of interpreting assignments each day of the week this aspect does not loom large in the interpreter’s mind although it is a factor in every assignment. Just as the concept of impartiality is one which is focused upon in discussions of the role of the interpreter in a business meeting, so is the concept of human rights focused upon when we talk about asylum seeker interviews and interpreting in conflict zones or in camps for displaced persons.

A considerable amount of research has been done in this area, notably by Barsky(1994), Inghilleri(2007), Baker(2005, 2006) and others where the idea of

the role is not construed as the immediate behaviour of the interpreter, nor is there an analysis of the transfer of meaning in the interactions to assess whether this is accurate, rather the interpreter's role is examined from the standpoint of the macro-contextual factors influencing the social interaction which characterises the situations, in this instance, the refugee determination process. These factors stem from the narrative and narrative theory is utilised to analyse the social function and the political import of the interaction.

The concept of narrative has been utilised by a number of disciplines such as literature, social theory and politics. It is not appropriate or possible to do justice to this concept in a presentation like this one; I shall therefore simply attempt to illustrate its application to interpreters using examples from some of these authors.

Mona Baker (2005) gives an example of a narrative about translators themselves; the narrative portrays the translator as an honest intermediary, translation as a force for good; utilising the metaphor of the translator as a bridge, she gives the example of a programme on Iraq televised in Britain in October 2003 which showed a US army officer standing at the bedside of a wounded Iraqi civilian and speaking to him through an interpreter. The interpreter was enabling communication between the two parties and the officer was explaining to the wounded Iraqi that he had only two choices, cooperate with the US army and live or fail to cooperate and be left to die. She states that it is difficult to see how this 'enabling' role of the interpreter can be reconciled with the narrative of the translator as a force for good.

Moira Inghilleri in the *Journal of Social Semiotics* (2007) in an article titled *National Sovereignty versus Universal Rights: Interpreting Justice in a Global Context*, discusses the concepts of insider/outsider, national/transnational and looks at them in the instance of the process of refugee status determination in the UK. In describing the players in the process she states:

The asylum process is the roughest of rough games. Beneath some of the interactional surface each participant in an official hearing can be in bad faith. Discussions within the solicitor's office between an asylum seeker, a legal representative and an interpreter involve the joint production of a narrative that will achieve the objective of winning the right to remain in the United Kingdom. The underlying motive of the Home Office's counter-narrative against a claimant's credibility is to return the applicant to his/her country of origin or an alternative "safe" country. The particular discursive moves of any or all of the participants in evidence in interpreted interactions are directly informed by both the local communicative and global political processes described above.

The interpreters involved in this process do not come from nowhere. They too are socially and politically situated. They are therefore operating at the grinding edge of the macro-political realities. Given that asylum cases are won or lost based on the competing “ontological” narratives of applicants and “public” narratives of the receiving countries both sides have a stake in believing in and seeking to ensure that their case for or against persecution is relayed as comprehensively and “objectively” as possible. [207]

These two examples are illustrative of the phenomena which we as interpreters have perhaps identified and struggled with, but the above approaches place the issues in a much more holistic and universal frame utilising the concept of narrative.

I often meet interpreters who have interpreted at the Refugee Review Tribunal who tell me that they no longer wish to do this kind of work. When I ask for a reason, it is not couched in the terms which I have just quoted above but it is said that they find the experience too difficult as they fear the consequences of inaccuracies on the process and see the impossibility of achieving that bridging role which Mona Baker talks of. The existence of two narratives one belonging to the applicant for asylum and one which is the institutional narrative of the system and the distance between them, provides a degree of discomfort for the interpreter and often they do not wish to participate in this social interaction.

The problems embedded in the last paragraph are major ones. The poignancy of this area of operation is created by the following factors: the first is what used to be called the “world view” of the actors which includes the concept of narrative. In this area the most likely scenario involves persons whose world is far removed from the Australia of 2008, this is not referring to economic well-being but to the underlying assumptions in our society, including but not limited to the attitudes of officials, the reliance on the rule of law, the concern with process, the formality of the encounter and many others *versus* the assumptions about the same issues on the part of the asylum seeker. These are not matters that can be cured for either interlocutor by more information or more study, these are matters in the socio-political environment which are part of the fabric and makeup of the persons who constitute a society, absorbed over decades and changing with the times in accord with the efforts of parents, the media, politics etc. – the creation of new and different narratives both private and public. As an example the narrative of the *war on terror* is a recently created narrative which is moulded and reinforced at every turn and at every opportunity not only for those trying to exploit its political ramifications but also for ordinary citizens.

Enter the interpreter. In this area a large proportion of interpreters, by virtue of the languages involved, are inexperienced, untrained and not professionally socialised – sometimes all of the above. The context is human rights, the underlying assumptions are that the stakes are extremely high and the rewards

are also perceived as considerable. In order for communication to take place in fairly structured communication situations such as a lawyer's consultation or a tribunal hearing, the interpreting needs to be impeccable.

Often however, even impeccable interpreting does not bridge the communication gap because of the fact that the two narratives cannot be successfully integrated during the interaction. The reasons, in my view, are to be found in complex human feelings. In a high percentage of asylum cases the interpreter is of the same ethnic and cultural background as the applicant and often was himself/herself a refugee. It thus occurs that there is a tendency to normalise the narratives – for the English speaker to receive interpretation conforming to the, in this case, Australian narrative and for the other client to receive interpretation conforming to their narrative. I hasten to add that this does not mean that the interpreter is being inaccurate on purpose in order to alter the outcome of the interaction. What I am saying is that in such a situation more subtle forces are at play. What I have called the 'normalizing' of the narratives occurs at a level that the interpreter himself or herself is not necessarily aware of and it entails, for example, the way that the implicit and explicit aspects of language are handled, the manner in which non-corresponding concepts in either language are represented in the other language, highlighting one aspect over another. This is something which happens in any interpreted situation, except that, in the case of those involving human rights this element comes to the fore because of the nature of the players. This phenomenon reaches the 'unacceptable' in interpreting performance terms when the interpreter overtly intervenes in the situation as happens in my hearings every other day. These interventions are justified by those who advocate them on the grounds that the interpreter should be 'more than' an interpreter and is some kind of cultural broker, as if any act of interpreting did not entail a cultural transfer component.

An analogous line of argument has been pursued in business interpreting for decades, in this instance the 'particular' and 'special' licence to the interpreter to intervene is discussed in terms of the concept of 'he who pays the piper calls the tune'.

To bring together the threads of the above discussion, it is apparent that where the subject matter and context of the interaction involves human rights there is a point where the interpreter cannot easily attempt to separate the personal from the professional and the toll on the interpreter is sometimes overwhelming. In my view this is due to the multiple functions of interactions in this field where language as a human right becomes the means by which other human rights are achieved, for example the right to asylum. This is the reason why some people talk about the role of interpreters in human rights but I believe that to place such a burden on interpreters is unrealistic and counter-productive. I return to my appeal that we as interpreters should not take away the responsibility of the message from the interlocutors.

## Bibliography

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