

In Other Words

A study of interpreting and power in Oslo

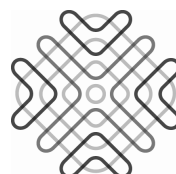
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Abstract

This is a study of interpreting and power in Oslo. The thesis is based on fieldwork with participant observation from interpreted encounters in Oslo where the Norwegian state meets immigrants and foreigners. The official interpreter role prescription in Norway is strict and limited, yet, in observations of interpreted encounters, an ambiguous and complex interpreter role is apparent. There is substantial flexibility in the interpreter role prescription and role performance.

The interpreted encounters discussed in the thesis are between individuals (who are not proficient in Norwegian) and the Norwegian state. In these encounters, the individuals are those who will suffer the gravest and most immediate consequences if the communication breaks down in one way or another. Therefore, those setting standards and developing structures for the provision of interpreting services exercise substantial power over individuals who are not proficient in Norwegian, their lives and their futures.

There are multiple layers of power in interpreted encounters. The critical position of the interpreter in communication gives this person a great deal of power over the interaction that takes place. Interpreter users, and especially the public interpreter users, have substantial power in interpreted encounters. And finally, the structural power inherent in the cultural presumptions in the state's public administration and administration of justice is integral in the power relations in interpreted encounters.

Preface

Interpreters in Oslo have been fantastic to study. Thank you for welcoming me into your work spaces and sharing your thoughts, feelings, experiences and ideas with me. The thesis would not have been possible to write without your cooperation and enthusiasm, and I am thoroughly impressed by the passion you have for the work you do!

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This thesis would not have seen the light of day without the support and encouragement of my husband, Eton. Thank you for believing in me!

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1. Introduction

“I didn’t understand much of what was happening. Sometimes the man [the interpreter] said something about what was going on, but he couldn’t interrupt the others all the time. When it was my turn to talk, I had to go to a table in front of the judge and I had to stand. I was nervous and tired. The man put a big dictionary on the desk in front of me, and then I started to explain. When I was explaining, the man said the important things [of what I said] in Norwegian language. I think I talked too much. It was good he was there, because he knew what was important to say. I talked too much” (Roslyn, after a court hearing)

I talked to Roslyn after she had been in court over the temporary custody and care of her children. She came from the Philippines 6 years ago, and is separated from her Norwegian husband. The judge was to decide whom the children would live with until the custody case comes to court in 4-6 months. During the hearing, she had an interpreter in English (the *man* in the quote above).

This thesis is about interpreted encounters such as this one between Roslyn and the Norwegian state. An interpreted encounter is a meeting with two or more languages are involved, and where an interpreter is interpreting between these languages. An interpreter is someone who “renders orally, and into another language, one person’s speech for other listeners at the time the speech is made” (Ozolins, 1991: 39). In Norway there is an estimated 1500 people serving as interpreters in more than 70 languages (Skaaden, 2000, see discussion in chapter 4), of whom 102 are certified (*statsautorisert*) in 16 languages. Approximately 1000 people have tried for the certification exam, and over 90 % have failed. The use of interpreters in the public sector in Norway has increased steadily with the flow of

migrants into the country since the late 1960s¹. Interpreters work in a multiplicity of settings; in courts and police stations, immigration interviews and lawyer's offices, hospitals and clinics, schools and day care centers, meetings and conferences². The interpreters I have studied enable communication between the Norwegian state and immigrants and foreigners who are not proficient in Norwegian. However, "interpreter" is not a protected title; anyone may call himself an interpreter³.

We may ask ourselves why there are no minimum standards for who may serve as an interpreter in hospitals, courts and police stations. And furthermore, how can we have a situation in Norway where only a few percent of those working as interpreters are certified to do so? A judge expressed his point of view on this matter in a custody case I attended: "I think there has to be a limit to how much of an effort we make to ensure that exactly the same thing is said in the two languages. I mean, there is no real evidence that it matters to the outcome of the case" (Dagfinn, judge in Oslo District Court). When exploring interpreting practices from an academic point of view, it is important not to forget or ignore the structural and historical space that the interpreted encounters take place within. My perspective is that the reason we don't have minimum standards and extensive certification of interpreters is that it is not considered important or necessary by Norwegian state and the general public. Those who are most vulnerable in these interpreted encounters are immigrants and foreigners who are not proficient in Norwegian, and who are in a difficult situation (often with regard to their health or the law). In the example above with Roslyn, everyone in the room could clearly see that she was saying much more than what was translated. She was speaking, but someone else, a man who was interpreting in

¹ In 1960, there were 24 828 foreign citizens in Norway (Falck, 1987). Today, there are approximately 365 000 people in Norway whose parents and grandparents were not born in Norway (SSB, 2005).

² I will not use the distinction "community interpreting" as a particular type of interpreting endeavor, and will not enter into the popular Interpreting Studies discussion of what constitutes community interpreting, dialogue interpreting, contact interpreting, liaison interpreting, public sector interpreting etc. For a discussion of this, I would recommend "Etikk og epiteter på tolkefeltet" (Skaaden, 2001).

³ (cf. Andenæs, Gotaas, Nilsen, & Papendorf, 2000; Havnen, 2006; Jahr, 2004; Jahr et al., 2005; Nilsen, 2005).

the case, was deciding what was important and relevant enough for the others to hear.

For more than 20 years, the quality of interpreting in Norway has been heavily criticized by researchers and others. The need for further research has been emphasized:

To have a better knowledge base for development work, interpreter training and education needs, as well as the implementation of administrative measures, research is needed into many areas [of interpreting] (Andenæs et al., 2000: 34-35).

Using anthropological research methods, through fieldwork with participant observation, I seek an understanding of this complex field. It is often pointed out that there are few empirical studies of interpreting in practice (cf. Cronin, 2002; IATIS, 2005). Some particular foci pointed out as interesting areas of study are politics of power in institutional, ethnic and linguistic hierarchies, politics of multilingualism, and politics of minority language rights. It is furthermore emphasized that:

the practice of community interpreting exposes that politically delicate and often volatile interface between immigration policies, medicine and law: no doctor, no lawyer and no judge can be assured of or assure basic statutory services for a non-native speaker without the aid of an interpreter (IATIS, 2005)

As stated here, an interpreter is needed. However, what is not clearly stated but must also be understood is that the interpreting must be of a certain quality to fulfill this goal of assuring that doctors, lawyers and judges provide “basic statutory services for a non-native speaker [of the national language].”

Throughout the thesis, I will show the reader numerous interpreted encounters, and analyze the function and effect of the interpreter in these encounters. The first aspect I will explore and analyze is the various roles and functions that interpreters may have in interpreted encounters. I seek an understanding of the effect these role variations have on encounters between Norwegian authorities and immigrants/foreigners. As stated by Andenæs, “ultimately, the interpreter will be the one who controls, with his willingness and ability, the quantity and quality of the communication transmitted through him” (2000: 28). The second aspect I will analyze is the question of structural and institutional power. How do Norwegian

institutions and authorities exercise the power they have in matters of interpreting. Here, I will also discuss the interpreting of Sami and signed languages, looking comparatively at the different structural and institutional aspects. Finally, the third aspect I will analyze is the consequences of the way power is exercised in matters of interpreting; what are the consequences of interpreter performance and structural framework on encounters between Norwegian authorities and immigrants/foreigners. These three aspects of the analysis make up the three research questions in the thesis.

Research questions

First, how is the interpreter role in Norway prescribed and performed in meetings between the Norwegian state and people who are not proficient in Norwegian?

Second, how does the state exercise power, structurally and interpersonally, in meeting its needs for interpreting?

And third, what are the consequences of the complexity in the role of the interpreter and the way interpreting needs are met by the state, on the power relations between the Norwegian state and people who are not proficient in Norwegian?

Scope of the study

This thesis is based on participant observation of interpreted encounters between the Norwegian state and immigrants and foreigners. I have not observed sign language interpreting or Sami interpreting. Within this, I have chosen to study interpreting independently of which languages are involved. This has also been done in previous studies of interpreting in Norway⁴. Clearly, observational data from interpreting in settings where I only know one of the languages involved (Norwegian) is of limited value. However, after exploring the value of fieldwork in these settings I found that I could still generate much valuable data, and decided to continue with this approach. I also do have a substantial amount of data on Norwegian-English interpreting

⁴ As in Andenæs et. al. (2000), Cardona (1996), and Falck (1987).

where I go deeper into analyses and comparisons of original and interpreted utterances.

This is a study of interpreting in Oslo. Though much is valid and applicable throughout Norway, it is important to keep in mind that Oslo is in a special position for two reasons: One, the number of immigrants in the capital exceeds that of any other Norwegian city. 37 % of immigrants from so-called non-western countries live in Oslo (Tronstad, 2004: 17). And two, centralized government functions (such as asylum interviews and deportation of illegal immigrants) are located in Oslo (cf. Skaaden, 2000: 42). Thus, the findings of this study are not necessarily applicable to the situation of interpreting in other parts of Norway. Also, as there are more people making a living as interpreters and greater competition for work in Oslo than many other places (cf. Andenæs et al., 2000: 15), one may expect interpreting quality to be better in the Oslo area than the rest of the country.

Writings on interpreting in Norway

In March 2005, a report was written for the Norwegian Ministry of Justice on interpreting and translation in Norwegian criminal proceedings. This report discusses the present situation and suggests changes in laws and regulations on the area of interpreting and translation in the courts and the police. Here, it is stated that the aim of interpreting is to enable professionals and civil servants to inform, advise and hear the parties in a case in spite of language barriers (Jahr et al., 2005). The report does not describe the current quality of interpreting in Norway, but it does suggest some changes to laws and regulations to ensure better and more standardized rights with regard to interpreting in the legal system (courts and police).

Anne Birgitta Nilsen's Dr. Art. Dissertation in linguistics (2005) is a case study of a multilingual court hearing recorded in eastern Norway in 1999. Her study concludes that the poor quality of interpreting in this case may have led to an innocent man being found guilty by the court. Dr. Nilsen also participated in the

other major recent report on interpreting in Norway on communication and due process (Andenæs et al., 2000). According to the authors, the data used in this report is limited, and consists of notes and recordings from eight police interrogations and four court hearings (2000: 21) as well as a number of interviews. This report concludes that there are substantial shortcomings in the communication between the parties during police interviews and court proceedings where people who are not proficient in Norwegian are involved. According to the authors, these shortcomings are primarily caused by the interpreters not being sufficiently qualified, the parties not having the sufficient training in the use of interpreters, inadequate time allowed for the cases, and the parties lacking cultural competence.

There are also two older studies on interpreting quality from Oslo. In 1987, Sturla Falck did a study on interpreters, language, problems with due process and role conflicts within the police and the courts. This study is an empirically rich report based on interviews with interpreters and representatives of public authorities (police, lawyers and judges). Falck concludes that there are vast differences in the competence of the interpreters, that there are no minimum standards, that there is no quality control, and that using an interpreter gives an unfounded impression that everything is being done right. He gives several recommendations, the most important one according to Falck being the use of two interpreters (mainly for quality control). Britt Isabel Cardona in 1996 did a follow-up study of Falck's study from 1987, based on participant observation from remand hearings in Oslo District Court. Cardona concludes that the recommendations Falck made had not been implemented within the court system, and that the problems documented by Falck had clearly not disappeared.

Structure of the thesis

I will now go on to introduce the theoretical and methodological basis of the thesis in Chapter 2. Following that, the reader will become acquainted with the places (Chapter 3) and people (Chapter 4) in the world of interpreting in Oslo. The main

part of the thesis, with explorations of the three research questions, consists of three chapters. In chapter 5, I explore roles that interpreters may take and be given in interpreted encounters. Chapter 6 is a discussion of how the state meets its needs for interpreting. In chapter 7, I explore the consequences these practices have on interpreted encounters. Finally, I summarize my conclusions on interpreting in Oslo, and briefly summarize some recommendations that have previously been made regarding interpreting in Norway.

2. Theory and Research Methodology

There is a dialectical relationship between the theoretical starting point of my data collection, the research conducted in the spring of 2005 and the theoretical foundations that the thesis is based on. This relationship is described by Cato Wadel: how the research process in qualitative studies can be described as a dance between theory, research methods, and data (1991). In this chapter, I will first present my theoretical gateway into the study. Then, I will go on to discuss the research methodology used during my fieldwork, as well as ethical issues. Finally, I will introduce the reader to fundamental theoretical discussions and theoretical perspectives used in the analysis.

Theoretical gateway: perspectives on the role of the interpreter

“It’s good to have a Norwegian interpreter, they are more helpful” (Anthony, man from Ghana)

I found my theoretical gateway into this field through a short article written by the American sociologist R. Bruce W. Anderson in 1976 (2002). This is considered the pioneer study of interpreting as a social activity in cross-cultural interaction (F. Pöchhacker & Shlesinger, 2002) as it was the first scholarly work to suggest that the ethnic and linguistic background of the interpreter influences the interpreted encounter. It was brought to my attention after I mentioned to an interpreter what Anthony, the man from Ghana in the quote above, had said to me. The interpreter, Lise, said that it was strange, and that this old article by Bruce Anderson had argued the exact opposite. Anthony thought Norwegian interpreters were more helpful

toward him than interpreters from his country of origin. In this study, Anderson made three claims regarding the interpreter's alignment and impartiality:

1. There is a somewhat greater probability that the interpreter will identify with monolingual speakers of his *mother tongue* than with speakers of other languages.
2. It is expected that the greater the linguistic dominance, the more likely an interpreter will identify with the speakers of the *dominant language* rather than with clients speaking his "other" language.
3. It is reasonable to expect relatively greater impartiality on the part of *multilinguals*; persons for whom neither of the languages spoken is primary or dominant.

Anderson here claims that people have loyalties that affect their work as interpreters, and that these loyalties are in favor of that of the parties that the interpreter shares a common mother tongue (possibly implying ethnicity) and/or best language with. He takes this further to argue that the most impartial interpreters are those who do not share a first and/or best language with either of the parties. As we can see, this is the opposite of Anthony's experience. Who is right, Anderson or Anthony? Or, perhaps, are they both wrong? Are perhaps interpreters neutral and invisible translation machines?

In the Norwegian ethical guidelines for interpreters, it is clearly stated that the interpreter shall be neutral, not adding, changing or removing anything in the interpreted utterance (UDI, 1997). This potential contrast between ethics and practice was what I wanted to explore when I started my research. Can we talk about neutrality and impartiality in interpreting? How impartial is the practice of interpreters? How is any alignment (to either party) influenced by the background of the interpreter? Anderson emphasizes two factors: ethnicity and language competence, but what about other factors such as sex, age, educational background, personal and professional experience; can we see any (systematic) correlation between such factors and bonds of loyalty that affect the interpreted encounter? What perspectives do interpreters have on these issues? Who or what is "the good interpreter"?

Anderson's article addresses the issue of the power of the interpreter. The power of interpreters and the consequences of the ways that power is being exercised in interpreted encounters has become the focus of my study. Much anthropological research is done on the poor and disadvantaged. "What if, in reinventing anthropology, anthropologists were to study the colonizers rather than the colonized, the culture of power rather than the culture of the powerless, the culture of affluence rather than the culture of poverty? Studying 'up' as well as 'down' would lead us to ask many 'common sense' questions in reverse" (Nader, 1972: 289). Focusing on power enables an interesting analysis of my data; relevant within current anthropology as well as contemporary Norway.

With regard to interpreting and anthropology, my theoretical gateway into exploring perspectives on the role of the interpreter came from an article by anthropologist Axel Borchgrevink on the role of the interpreter in anthropological fieldwork. In this article, he argues that communication in interpreted encounters becomes formal and artificial:

When a conversation or an interview is carried out through an interpreter... communication is hampered by the need to go through an extra link... Furthermore, the loss of direct contact... may make the communication process more formal (A. Borchgrevink, 2003: 110).

This is an interesting perspective, and an important thing to keep in mind when looking at representations of interpreted encounters I have observed. Is communication in these encounters hampered by the need to go through an extra link? And is there loss of direct contact? When entering this field of research, these were questions I sought answers to.

Research methodology

This study is based on a multi-sited fieldwork (Gupta & Ferguson, 1997) where I had to adapt my research methods to the field that I was studying, a social field with many geographical locations. In anthropology, long term field work with participant observation has long been claimed to be the core of this academic discipline. "It is

repeated over and over, like a mantra, that what distinguishes anthropology is its ethnographic method, not its subject matter (which would have been non-industrial societies in the past)” (Eriksen, 2006: 31). In the sense of research methods, this study is a classical anthropological study of human interaction, with only limited use of semi-structured interviews and other sources of data. Eriksen suggests that “our strength consists in seeing the world from below and from the inside, and in representing ... voices which are sometimes muted” (Eriksen, 2006: 85). I hope to be able to do that with this thesis.

Naturally occurring data

My thesis is based primarily on what sociologist David Silverman (2001) calls naturally occurring data; on observations of encounters and interaction between actors. In the multi-disciplinary study that was carried out by Andenæs, Gotaas, Nilsen and Papendorf, on interpreting in Oslo, the authors state that their descriptions are largely dependent on what their informants say that they do, and that they have had little opportunity to observe what they actually do. Observational data of human interaction, what people actually do, is the basis for my thesis. During eight months, I have attended 148 court hearings (lasting between 35 minutes and six days), as well as numerous encounters with interpreting at hospitals, police stations and welfare services. This may seem like a lot, but most of the encounters lasted an hour or less, so most days I could be at 4-6 interpreted encounters, at most 12 in one day. I had a total of 92 days of observations.

A weakness of my data is that I do not have audio recordings of my observations of interpreted encounters. This would potentially have increased the accuracy and reliability of my data. Other studies⁵ have used audio-recordings and thereby been able to have very high reliability and accuracy of the recorded utterances in the encounters. I have relied on notes taken during observations, with

⁵ For example Andenæs et. al. (2000) and Nilsen (1995; 2005).

proof-writing of these notes shortly after. The benefit of this is that it enabled me to include a much higher number of interpreted encounters in my analysis compared to the studies mentioned above. In addition, I have also participated in and observed various gatherings of interpreters. As Axel Borchgrevink has pointed out, being able to hear and understand the conversations among the people you are studying “opens access to whole new realms of information: statements that are not shaped as direct responses to the anthropologist’s questions, [and] the way some aspects are made explicit and others are taken for granted or politely passed over in silence ... Getting access to this kind of information greatly improves any fieldwork” (2003: 107).

Related to doing research on so-called naturally occurring data is the question of informed consent. I have chosen to distinguish between the public and the private sphere. I consider various break rooms for interpreters to be relatively private places. There, I have been careful to inform all the interpreters of my research and will not use any data without their consent. In public places, such as courtrooms, I have chosen not to make any announcement of my presence or purpose, or ask for consent. When people approach me, as they often do, I have explained that I am a student writing about interpreting and communication. This approach was also taken by Andenæs et. al. (2000) in their observations of court interpreting in Norway.

The actor’s point of view

“You see, the reason you see all this bad interpreting is just because they are not educated as interpreters” (Rita, interpreter, at an interpreter pub-hangout)

A challenge in qualitative research is to avoid treating the actor’s point of view as an explanation (cf. Silverman, 2001). There are dominance-subordinate relationships in most settings of a researcher and an object of the research which will still be present, precisely because one of the two parties has the power to determine how the encounter will be solidified on paper. I have attempted to balance this somewhat by encouraging my informants to give me feedback on the descriptions I write of my interaction with them. However, it is important to note that this does not mean that my informants would necessarily agree with my analysis of the interaction I have

observed. It is not possible to observe people's experiences, feelings, motivations, and goals directly (cf. Wikan, 1991), and it is a persistent challenge to analyze data in a manner that takes these limitations fully into consideration. What they say to me is not necessarily how it is, and it may not even be how they themselves experience it, their utterances may not reflect their feelings, motivations or goals. Yet, the utterances are still significant and valuable, it is just important to understand what they are: the actor's presentations of their points of view to a researcher. When Rita tells me that there are bad interpreters, and they are bad because of lack of training, that is an interesting perspective that tells me much about how Rita wants to come across and present herself to me.

Anthropology "at home"

"You know I read the dissertation [by Anne Birgitta Nilsen], and it's not like that. It's not usually like that; she just took the worst case. It's not representative" (Tone, judge in Oslo District Court)

I have been working part time on an ad-hoc basis as an interpreter since I started studying anthropology at university, and this is what initially awoke my interest in interpreting as a field of research. It was as an anthropology student that I entered the field of interpreting. Yet, when I embarked on my fieldwork in anthropology, it was through the eyes of an interpreter that I made my observations and did my fieldwork. Doing fieldwork is an entirely different endeavour from working in that same field. Through the eight months of fieldwork with participant observation in the field of interpreting in Oslo, I have seen a much more complex field than I envisioned before I started. Having worked as an interpreter, the vast majority of my work being done alone or together with mainly one colleague, my view of the interpreting field was limited to having seen my own behavior and the reactions I got. When doing fieldwork, I got insight into how a substantial number of interpreters do their job, and how users of interpreters react to the way the interpreters do their job. Having said this, the perspective of someone having done interpreting is clearly present in this thesis. Anthropologists in many ways use

ourselves as research instruments (Rosten, 2006). This influences the presentation of data as well as my analysis, and the reader must take this positioning into account when reading this thesis.

Historically, anthropologists have gone out into the world alone, and come back with findings that “basically rest on their own words” (A. Borchgrevink, 2003: 114). The last decades, the focus of anthropology has shifted from exotic small scale societies to many other fields of research. When doing anthropology “at home” in Norway, I cannot expect my findings to “be taken as good fish,” as the Norwegians say: Many people may challenge and question my findings, my data, as well as my analysis and conclusions (cf. Gullestad, 2003: 237). Tone, the judge that I talked to about Anne Birgitta Nilsen’s Ph. D. thesis, may read my thesis and may strongly disagree with me, and may even say that publicly.

Ethical issues

Due process and the opportunity to communicate and understand what is happening during a penal process are essential in Norwegian and international law. In several interpreted encounters I witnessed instances of interpreting such as this one, where Tom, an elderly man from Wales, was interpreting in a remand hearing:

Prosecutor: Kom han ut av baren først, eller gikk du foran? Nå må du huske at det er straffbart å forklare seg bevisst uriktig for retten. Hvem var det som kom ut først?⁶

Tom: Who came out first?

Defendant: He

Tom: Det var han som kom ut av baren først, ikke jeg.⁷

Prosecutor: Det er jo i motstrid til hva de andre vitnene har forklart. Er du helt sikker på at det var slik det var, eller er det mulig at du husker feil og at det faktisk var du som kom ut først?⁸

Tom: You sure it wasn’t you?

⁶ My translation: Did he come out of the bar first, or did you go in front? Now, you must remember that it is punishable to give a consciously untrue statement to the court. Who was it that came out first?

⁷ My translation: He was the one who came out first, not me.

⁸ My translation: This is in conflict with what the other witnesses have explained. Are you completely certain that this is how it was, or is it possible that you’re remembering incorrectly and that it actually was he who came out first?

Defendant: No

Tom: Nei, det var ikke jeg som kom ut først, det var han.⁹

People have the right to due process and to equality before the law, and so one may say that I should have intervened when I observed an interpreter who was clearly not giving close renditions of the original utterances in his interpretations. However, everyone else present in these encounters saw and heard what I did, and there is no reason why they should not be able to intervene. I would have developed an impossible relationship with interpreters I was studying if word had gotten around that I was objecting to the quality of the interpreting, getting them in trouble and putting them at risk of losing work. I decided not to intervene.

All names in this thesis have been changed to protect the privacy of my informants. Furthermore, other characteristics such as gender, age, language combination (for interpreters), and ethnicity have been changed where this was necessary to protect the informants. Properties of encounters, such as the type of illness or crime involved, has also been changed somewhat where necessary. However, some informants may recognize their own stories and statements. Furthermore, some of the participants in interpreted encounters that I have observed may recognize themselves and the other participants. Though I realize that this may be problematic, I find it unavoidable in order to retain authenticity in the presentation of my data (cf. Nilsen, 2005: 43). For some of them, this may not be a pleasant read. I want to emphasize that my intent is not to embarrass individuals, but to show the reader the field of interpreting in Oslo and the complexity in this field.

Fundamental discussions: Language, translation and culture

There are two discussions which are at the core of this topic which I will clarify my position on at the very start of the thesis. First, I will explore the notion of “language” and translation between languages. Second, I will explore further the relationship between translation and culture, and the idea of “cultural translation.”

⁹ My translation: No, it wasn't me who came out first, it was him.

Language and translation

In linguistics, language is generally understood as a system of signs common to a group of people, which they use to communicate (Nordgård, 1998: 11). Language is thought of as what all humans have in common, one of the things that distinguishes us from animals. The linguist Ray Jackendoff, states that there are two basic parameters underlying modern theory of language ability, based on the works of Noam Chomsky. One, mental grammar: The expressive variety of language use implies that a language user's brain contains a set of unconscious grammatical principles. Two, innate knowledge: The way children learn to talk implies that the human brain contains a genetically determined specialization for language (Jackendoff, 1993: 6). So, in this sense language is something we all as humans have in common, biologically, in our brains.

However, there is also a different way to understand the word "language," namely that it is one of the things that separate humans from each other. A distinction between "language" and "a language" can be useful to think with here. In the book *After Babel*, George Steiner discusses how humans have been separated and prevented from interacting and communicating because of the existence of a countless number of mutually unintelligible human languages (1998). When these languages¹⁰ meet, attempts are made at translation. It has been argued that translation between some (or all) languages is inherently impossible. Clearly, as pointed out by anthropologists Paula Rubel and Abraham Rosman, "a perfect translation is a utopian dream... Even intra-lingual communication itself is not perfect" (Rubel & Rosman, 2003: 16-17). People misunderstand utterances and messages in intra-lingual communication, and this will also be the case in inter-lingual communication involving translation. On this issue, I concur with Michael Cronin that "if language differentiates the animal from the human, then denying the

¹⁰ I will not discuss the difference between language and dialect, but for a clear and concise summary of this discussion I recommend Li Wei's Introduction to *The Bilingualism Reader* (2000).

utterances of others the status of language-that-can-be-translated is to reduce them to the condition of animals" (2002: 395). So, though translation between languages is possible, just as communication between people is possible, perfect translation is just as utopian as perfect communication.

Translation and culture

In linguistic anthropology, the feasibility of translation has been a much discussed issue. The Sapir-Whorf hypothesis, stating that there is a systematic relationship between the language a person speaks and how that person understands the world and behaves in it, has been influential in anthropology as well as linguistics. In the continuance of the Sapir-Whorf hypothesis is the question of translation between cultures (cf. A. Borchgrevink, 2003: 105). The question here is whether it is at all possible to communicate something from one cultural context to someone who is not part of that cultural context (cf. Rubel & Rosman, 2003: 4).

Exploring these questions, let us first look at the project of anthropology and anthropologists. Anthropologists and translators alike, may, according to anthropologist Benson Saler, be described as bridge-builders who facilitate a "crossing" into the sensibilities and sensitivities of others. The major purpose of these anthropological bridges is to give people the opportunity to "cross over to new understandings, new understandings of others and perhaps of themselves" (Saler, 2003: 209). Thomas Hylland Eriksen has also pointed out that this bridge-building is what anthropologists do best: making "credible translations between different life-worlds and world-views" (Eriksen, 2006: 123). In this context, my thesis can also be a gateway into a meta-reflection of anthropological research methods, if what anthropologists do is in fact cultural translation, though this is not my main focus. If we adopt the concept of translation used by Hylland Eriksen here, all translation is in fact translation between cultures. Even the simplest phrase, such as "you look pale" may in one life-world be an attempt to communicate "you look ill" and in another "you look beautiful." Hence, all communication that involves translation is

communication between “cultures.” But what is “culture?” This is a question much discussed in the social sciences. Traditionally, there have been two main approaches to understanding “culture.” One is the idea of culture as something anchored in history, with tradition being an essential part of culture. The other is the idea of culture as what makes communication possible; this focuses on the present and the possibilities for mutual understanding (Eriksen, 2001: 60). Thus, the concept of “culture” resembles the concept of “language” in the sense that culture is what all humans have in common, and at the same time cultural practices are among those things that separate us human beings from each other: “we are all culturally alike and culturally distinct” (Eriksen, 2001: 61).

Theoretical perspectives: Role, history, state and power

Now, I will introduce the reader briefly to the main theoretical perspectives that I use in the analysis. In Chapter 5, I will discuss the complexity in the role of the interpreter through the theoretical framework of Goffman. In Chapter 6, I will look at how needs for interpreting in Norway are met, exploring historical developments and structural constraints, and in relation to this, the state. In Chapter 7, I will explore issues of power in relation to interpreters, interpreting, the provision of interpreting and the state.

Perspectives on roles and role performance

In interpreting studies, a strong influence from social sciences has been Erving Goffman. His analysis of face-to-face interaction and participation in discourse substantially inspired the work of Cecilia Wadensjö on the communicative role of interpreters in encounters. I will continue in this tradition, basing my discussion of the role of the interpreter on Goffman’s theoretical framework. Goffman sees “role” as the basic unit of socialization: “It is through roles that tasks in society are allocated and arrangements made to enforce their performance” (Goffman, 1961: 87). He distinguishes between “role” as a normative term, and role performance, or role enactment, as what particular holders of particular roles do in particular situations.

My descriptions of interpreted encounters are primarily enlightening to the question of various interpreters' role performance. However, in these performances, we can also learn much about the normative "interpreter role" in contemporary Norwegian society. I will argue that an open and ambiguous interpreter role prescription is a pre-requisite for the flexibility and complexity in interpreter role performance that I will describe based on my observations.

Perspectives on history and the state in anthropology

Perspectives on history partly entail history as an object of study, but even more so history as a tool for analysis and context for anthropological studies. As Christian Krohn-Hansen and Halvard Vike have pointed out, anthropological studies of power relations must incorporate historical perspectives (2000). I will use historical perspectives on the field of interpreting in Oslo to get a deeper understanding of what I see in the field – inside and outside of the interpreted encounters themselves.

Strongly linked to historical developments is an analysis of the role of the state. As Bruce Kapferer has stated, the state, at least the imagination of the state has been of major influence on the lives of human beings from the very beginning of human history (2005: vii). Understanding the state, not as a thing but rather as embedded in everyday practices of human interaction, is at the core of the issues discussed in this thesis. I will discuss and analyze the state as the "concrete in which the state is materially realized and comes to have its embodied effects" (Kapferer, 2005: viii).

Perspectives on power

Power is often thought of in the sense that "A has power over B to the extent that he can get B to do something that B would not otherwise do" (Lukes, 1974: 11-12). There are various approaches to the study of power, and different theorists have focused their studies of power on institutions (Marx), actors (Weber), and relations (Bourdieu and Foucault). I will explore power through a notion of power as a relation – power

as something we find between people/groups of people rather than inside people/groups of people. Looking at power as a social relation implies that it is created in interaction. Power is thus merely a potential which can be realized in social contexts (Krohn-Hansen & Vike, 2000). If there is only one (person, group, institution, country), there cannot be power, it has to be exercised in a relation in order to exist. In the words of Foucault, “[power] is never localized here or there, never in anybody’s hands, never appropriated as a commodity or piece of wealth... In other words; individuals are the vehicles of power, not its points of application” (1980: 98).

Summarizing: anthropology and interpreting

When I first embarked on this research, I imagined that interpreting as an activity would be of great interest to anthropologists. I thought that many anthropologists probably use interpreters during fieldwork, and if not, they are faced with challenges of translation when they write on the basis of their fieldwork. However, I found very few anthropological mentions of interpreters. In an article on the curious absence of interpreters in anthropological literature, Axel Borchgrevink states that little has been written on interpreting and interpreters in anthropological works on research methods; he found two old articles of 35 pages in total (2003: 104-105). Borchgrevink furthermore states that in a survey of 20 recent anthropological monographs, “none of the works included any discussion of the impact that language proficiency had had on the fieldwork or of the methodological implications of bi- or multilingual field settings” (A. Borchgrevink, 2003: 98).

This same tendency is observed by researchers of translation and interpreting. In an article where he discusses the future of interpreting studies, envisioning a “cultural turn,” the Irish translation scholar Michael Cronin states that “anthropology and ethnography have, on the whole, been strangely indifferent to the activity of translation, even though translation would appear to be central to the concerns of these disciplines ... the problems of ethnographic translation scholars are

the problems faced by interpreters in many parts of the world” (Cronin, 2002: 389).

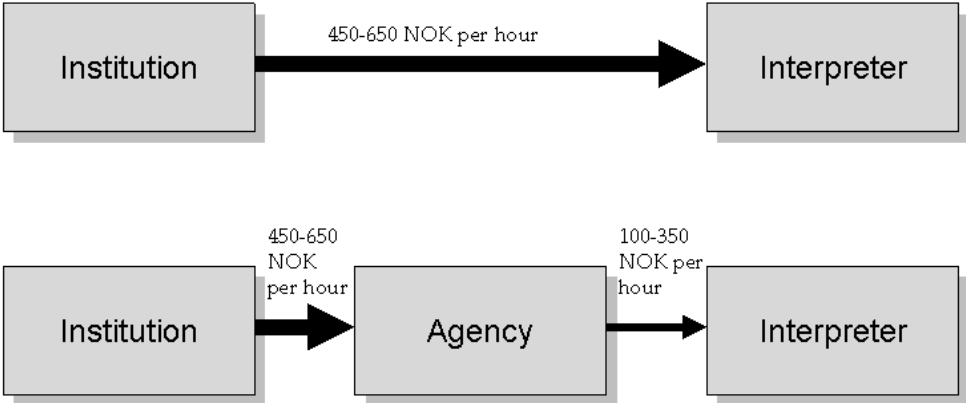
With the research, data and application of theory in this thesis, I hope to contribute to bridging the gap between anthropology and interpreting studies.

3. Locations of Interpreting

My field has been various sites where paid interpreters are provided for people on a fairly regular basis. I will here give a brief introduction to the various sites of (paid) interpreting in Oslo, and the structural framework for interpreting services at these sites. The purpose is to introduce the reader to the field. Understanding the context of the interpreted encounters analyzed in the coming chapters is thereby facilitated.

Finding interpreters

There are two main ways of finding interpreters: One is for the institution in question to contact interpreters directly, the other is to go through an agency. In Norway, there are both public and private interpreting agencies. The agencies do not charge for their services, but rather take a percentage of the interpreter's hourly pay as a fee for their services. This varies between 25% and 60% of the hourly rate that the institution pays for the interpreter:



Directorate of immigration

“This is the only place where they know how to use interpreters” (Yelena, interpreter at UDI)

I have not observed interpreted encounters at the Directorate of Immigration, UDI. UDI has its own list of interpreters which they contact directly. Interpreters are paid according to their qualifications; the range is NOK 450-650 per hour. The need for interpreting within UDI has decreased lately with the reduction in number of asylum seekers to Norway¹¹, but it still has a significant volume in Oslo. Many of the interpreters I have talked with say, as Yelena, that the UDI are the most competent users of interpreters.

On September 22, 2005 the national register of interpreters was launched. This national register was a culmination of the work of UDI as the national authority on interpreting policy at the time¹². On March 2, 2006, the register contained 348 interpreters in 51 languages. The interpreters are divided into 5 categories according to qualifications; from interpreters with training and certification on top, to people who have passed a basic vocabulary test (ToSPoT) and attended an information seminar about the role of the interpreter, last.

The courts

“I hate interpreting in court. Everything is so formal and people are so strict and you have to be so serious all the time. And all the people from my country are in trouble” (Moses, interpreter at Oslo District Court)

I have observed 148 court hearings with interpreting. The courts use two methods for getting interpreters; registers where the courts contact individual interpreters directly, and private interpreting agencies (cf. Andenæs et al., 2000: 101-102). Usually, they do not use the municipal interpreting agencies, and the reason they give for this is that the waiting list there is too long (Skaaden, 2000: 43). All

¹¹ Approximately 16 000 asylum seekers came to Norway in 2003. In 2004, only half of this (7 950 persons) applied for asylum in Norway, and in 2005 the number was reduced to 5 400 (UDI, 2006a).

¹² Now, the national authority is IMDi.

interpreters in court are paid NOK 644 per hour (though agencies take part of this if the interpreter is booked through an agency).

Recently, a national court register of interpreters has been made (*domstolenes tolkeregiester*). This was an initiative by Oslo District Court, and is based on Oslo District Court's own list of interpreters. The register is now supposedly used nationwide, though through conversations with various courts and interpreters it is clear that some courts still operate with their own lists or through agreements with private interpreting agencies. The national court register is expected to eventually be merged with the national register established by UDI discussed above (the system for classifying interpreters is similar).

The police

"Some people love interpreting for the police, some people hate it. I myself am somewhere in the middle, I guess" (Nina, interpreter, in a police station in Oslo)

I have observed 56 interpreted encounters with the police. Norwegian police districts generally either have their own list of interpreters, or agreements with private interpreting agencies, or a combination of the two. Interpreters at the police are paid the same as the court rate, NOK 644 per hour.

Oslo police district has its own list of interpreters (as do several other police districts). Each individual police officer chooses an interpreter from the list when he needs one, they have no centralized booking. Traditionally, this list has not been quality assured, and anyone wanting to be listed could be so. Many of the people on the list were listed in a multiplicity of languages; according to Falck (1987) one interpreter was listed in 15 languages. A major weeding of the Oslo Police interpreter list has been carried out recently, following recommendations from the report *Kommunikasjon og rettssikkerhet* (Andenæs et al., 2000). Three years ago there were 1200 interpreters on the list, now there are around five hundred (Havnen, 2006). In the initial phases the weeding consisted of ridding the lists of interpreters who are no longer interested in interpreting for the police. Now, bilingual testing is being done

to remove those interpreters from the list who don't satisfy the minimum 80 % correct answers in a simple written vocabulary test (ToSpOT, developed by UDI).

Most police districts also rely on private interpreting agencies. Certain police districts have exclusive agreements with one local agency, whereas others use a combination of short lists of interpreters with a list of a handful of interpreting agencies. The reasons that police districts prefer private interpreting agencies to public ones, are availability and service-mindedness: Private interpreting services offer interpreters on short notice, whereas public ones frequently have waiting lists (Skaaden, 2000: 43)¹³. Because of the fixed rate interpreters are paid, financial incentive to using public interpreting agencies is non-existent, and private ones are preferred.

Hospitals and clinics

“It pays really crap. If it would pay decent it would be ok, but now it sucks. But you have to work here, if not they [the interpreting agency] don't give you work in court and such” (Maria, interpreter, at a major hospital in Oslo)

I have observed 43 interpreted encounters with doctors. Hospitals and clinics have different ways of getting interpreters, and most of them use several different strategies. Some hospitals and clinics have their own lists of interpreters in frequently used languages. Most hospitals and clinics also use public and private interpreting agencies. The hourly rate varies greatly from one institution to the next. In these cases, the norm tends to be to use public ones for planned appointments (as they are cheaper) and private ones for emergencies (many private interpreting agencies offer 24 hour service). Many hospitals and clinics use spouses, children and other family members of the patients as interpreters because this is most convenient then and there (cf. Larsen & Melby, 1997).

¹³ In other parts of the country, there is a better cooperation between municipal interpreting agencies and the police and justice sector, for example in Bergen, Kristiansand and Trondheim (Skaaden, 2000: 43).

A recent trend is that health regions are taking bids and tenders for provision of interpreting services. The impression my interpreter informants have of this process is that in these competitions, having a large number of interpreters available, being able to provide interpreters on short notice, and finally low cost, are the aspects that matter. I have no conclusive information on this; it may be that the hospitals and health regions are also placing demands on, and rewarding, documented quality of interpreting services.

Social services, child welfare services and schools

“It’s interesting, you know, but sad situations. And I think it’s bad that only new interpreters want to work here because it’s a short time and little money” (Tia, interpreter, at a social welfare office in Oslo)

I have observed 23 interpreted encounters in these settings. Generally, social services, child welfare services, schools and the like prefer to use public interpreting agencies. The vast majority of meetings with clients/parents are planned well in advance, and this fits well with what public interpreting agencies can offer. Interpreting in these settings makes up a substantial portion of the assignments of public interpreting agencies (Andenæs et al., 2000: 111). Furthermore, there are tight budgets that often do not allow for private interpreting agencies to be used, and the need for interpreting services is generally not big enough within these small units (offices, institutions) to warrant maintaining their own lists of interpreters. The pay varies between institutions.

Conferences and business settings

“It’s nice to interpret at conferences like this one. I do civil cases in court sometimes too, but I am not comfortable doing criminal cases. I prefer conferences” (Silvia, interpreter, at a conference for a major international corporation)

This thesis has only to a very limited extent data pursuant to conference and business interpreting; I have only a handful of observations from these settings. What distinguish conferences and business settings from other locations of interpreting in Norway are two factors: language needs and available funds. In conference settings,

traditionally interpreting has only been offered in the major European languages. More recently, there has been some demand for other world languages such as Arabic and Chinese. Conference and business interpreting has been described as the most prestigious form of interpreting (Andenæs et al., 2000: 106), with court interpreting being of medium prestige, and all other interpreting being of low prestige.

Summarizing: Locations of interpreting

There are substantial variations in the way interpreting services are organized in various parts of the public sector in Oslo. The UDI, the courts and the police have a clear advantage in the pay they offer interpreters – and because of this many interpreters prefer these settings. In Oslo these three institutions mainly contact interpreters directly without going through an agency. Interpreting agencies in Oslo (private and municipal ones alike) mainly provide interpreters for hospitals, clinics, social services, child welfare services and schools. The hourly rate here is lower, and some of this goes to cover administrative expenses, and so the interpreters end up with a substantially lower hourly pay when they work in these institutions (between NOK 100 and 200). Clearly, this situation is chaotic, and much is random in how interpreters are chosen for interpreting assignments. Qualifications and quality of services provided are not the only criteria used to prefer one interpreter over another. These issues will be discussed further in Chapter 6, where I explore how the Norwegian state meets its needs for interpreting.

4. Interpreters in Oslo

In this section I will briefly discuss some demographic characteristics of the population of interpreters. First, I will give some indication of the number of interpreters working in Norway. Then I will discuss aspects of the background of these interpreters: ethnic origins, linguistic competence, age, gender and education.

How many interpreters are there in Norway?

Hilde: Oh, so you work freelance [with interpreting]?

Berthold: Ehm... well, actually I'm more "free" than "lance" if you know what I mean...

The first public interpreting agency was established at the information counter for Foreigners at the County Labor Office in Oslo and Akershus in 1976. At the start there were six interpreters. Later, the interpreting agency became a municipal responsibility, and in 1986 they had 14 full time interpreters in permanent employment, as well as a substantial number of people who worked freelance (Falck, 1987: 14-15). In the 1970s the Oslo police made their own list of interpreters, and in 1981 this list totaled 45 interpreters (Falck, 1987: 15-16).

Looking at the number of interpreters at the turn of the century, the situation is quite different. There were a total of 889 interpreters associated with municipal interpreting agencies (Skaaden, 2000: 35). Furthermore, the largest private interpreting agency in Norway has 7-800 interpreters and translators (Skaaden, 2000: 41), and there are several other private interpreting agencies of varying size. During the time period 2000-2004, a total of 1744 candidates had been tested as potential

interpreters in the ToSPoT-test. Of these, 633 had previous experience interpreting in courts and for the police (Skaaden, Grinde, & Myran, 2005: 8). We must also assume that a substantial number of those who took the test had interpreting experience from other places (health sector, etc). Based on these figures, a very rough estimate may be that there is an approximate 1500 people working as interpreters in Norway at the present time. However, many of these probably feel similar to Berthold, that they are more free than lance (not overwhelming amounts of work, in other words).

Ethnic origins

The majority of interpreters in Oslo were born outside of Norway and do not have Norwegian as their mother tongue¹⁴. At The Interpreter Gateway, only 1 in 7 has a Norwegian name (see Appendix 3). Though this is no certain way of knowing a person's ethnic background, it does give an indication. It also matches well with the observational data I have from my fieldwork. Many of the interpreters who are not born in Norway have lived in the country for many years. Similarly, most of the interpreters who are born in Norway have lived many years abroad. Furthermore, many interpreters are married to someone born in a different country.

Age

"It's like a lot of young people and a lot of old people. But I don't know. Maybe it will change. I think it would be different if things were a bit more organized"
(Veena, interpreter)

I have found few interpreters under the age of 27. The youngest certified interpreter is 25 years old. Furthermore, I have not seen interpreters over the age of 70, and all of the oldest ones were elderly Norwegian women who primarily did written translations and only occasionally served as interpreters. The majority of interpreters in Oslo are 27-32 and 45-60 years of age.

¹⁴ Mother tongue defined as "the language I speak with my mother" (cf. Svendsen, 2004)

What I find most interesting in the question of age is what happens to those between 32 and 45. When I did interviews, it was clear that older interpreters had not interpreted when they were younger, and similarly that the young interpreters generally are looking for a different career. Most of the young interpreters are students or recent graduates. They are smart and resourceful people who are looking for a good and stable career and financial situation. For many of them, interpreting does not provide this. They work as interpreters while they are studying and as recent graduates. Then, they leave the profession when a stable, interesting, attractive job is available. This has also been pointed out by Gotaas who states that “the nature of the interpreting profession is that of a *transit station* [and] most of the interpreters recruited into interpreting agencies ... are in higher education or working ... and not planning to stay in the interpreting profession” (Andenæs et al., 2000: 114).

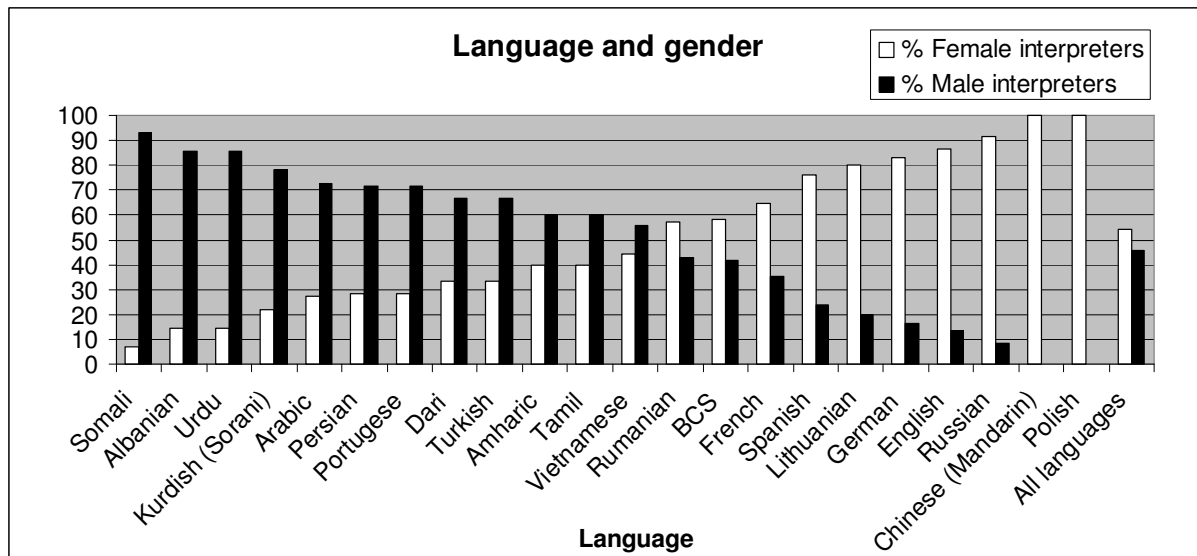
On the other hand, the interpreters over 45 can be divided into two categories: The majority of them are immigrants (mainly men) who have come to Norway as adults. They have an education from their home country, but their qualifications are not recognized in Norway, or they have not been able to get a job. After some years in the country with various jobs (bus driver, janitor, mother tongue teacher) they have started interpreting. The other category is Norwegian women who have studied languages and translation, and are working in European languages.

Gender

“Yea, the gender thing might look good on paper, but it’s not that simple”
(Lise, works at a private interpreting agency)

If you look at the population of interpreters, it seems to be very balanced in terms of gender. However, the picture becomes more nuanced if you look at the gender balance within various languages. In the National Register of Interpreters (UDI, 2006b), there are 189 women and 159 men registered (54 % women). Looking only at languages where five or more interpreters are registered, some languages (Amharic, Tamil, Vietnamese, Russian and BCS) have a fairly even gender balance, with at least 40 % of each gender. Other languages (French, Spanish, Lithuanian, German,

English, Russian, Chinese and Polish) have a clear female dominance, with 60-100% women. Yet others (Somali, Albanian, Urdu, Kurdish, Arabic, Persian, Portugese, Dari and Turkish) have a clear male dominance, with 60-100% men. From conversations with staff in private and public interpreting service providers it is clear that the lack of female interpreters is a problem in certain languages (Somali and Arabic being two of the ones frequently mentioned).



Linguistic competence

“Hilde, have you heard of the man who went to the hospital to interpret for the police interpreter?” (Fouad, interpreter)

As mentioned above, the majority of interpreters do not have Norwegian as their mother tongue. To perform well as an interpreter, it is a necessity to have a high linguistic competence in the two (or more) languages involved. For instance, Andenæs claims that court language can be so complicated that even people who are proficient in Norwegian may find it difficult to follow the proceedings (2000: 11). Not all those working as interpreters in Oslo have a high linguistic competence in Norwegian and/or the other language(s)¹⁵. This is important to keep in mind when reading some of the renditions of interpreted verbal exchanges later. One clear

¹⁵ Also noted by Nilsen: “Interpreters are used, whose language competence is not sufficient” (Andenæs et al., 2000: 58).

example of this is that in a recent report on bilingual testing of interpreters, 60 % of interpreters with experience as court and police interpreters failed the test with a score below the minimum 80 % correct responses (Skaaden et al., 2005). 633 candidates were tested, and “as it is obvious that the interpreters when interpreting must have encountered most of the concepts tested, [these results] give reason for concern for due process” (Skaaden et al., 2005).

There is, however, remarkable linguistic competence found among interpreters. Most interpreters can translate orally in a matter of seconds, and without any help available, complex legal and medical utterances. The reader will see several examples of this throughout the thesis.

Education

“Until 1985 there have only been a few optional [interpreter] training courses. Most of the police and court interpreters had not heard of the courses, and only two had participated” (Falck, 1987: 19)

The educational background of the interpreters varies greatly. Some have not completed primary school, while others have several university level degrees. Similarly, their fields of education vary; from having studied languages and translation to molecular biology or political science. A mapping by UDI in 1993 showed that many interpreters have higher general education (Andenæs et al., 2000: 16). What is clear is that, until recently, only a very small minority of interpreters had ever studied translation or interpreting in an institutional setting. However, since 2004 (Skaaden et al., 2005: 2) a number of basic courses in interpreting have been offered and a substantial number of interpreters have completed this course. I would estimate that about half of the much used interpreters in Oslo now have completed basic interpreting studies.

What is surprising is that also in languages where there are a lot of certified interpreters, such as Arabic, BCS¹⁶, Russian and English, many others (without

¹⁶ Bosnian/Croatian/Serbian.

interpreter training) are also working as interpreters in Oslo (cf. also Andenæs et al., 2000: 80). Furthermore, some certified interpreters in the languages mentioned above complain that they do not have enough work, such as Venera, a certified interpreter in BCS: "I just wish I got more work. I like my job, but it's so unpredictable and it's just not enough work to rely on interpreting."

Summarizing: Interpreters in Oslo

Generally, interpreters in Oslo are a diverse group of people. The same has also been found in other studies in other parts of the world, such as this from the US:

"[The interpreters] are retirees looking for a part time occupation, women returning to the job market after raising their families, laid-off workers, recent college graduates or law students seeking a way to work their way through school. Some are extremely bright, well-educated and articulate in two or more languages; others have serious language deficiencies" (Mikkelson & Mintz, 1997: 56).

There is much distrust and competition among interpreters, and I think the demographic make-up of the profession contribute to that (in addition to structural causes). An example of this is that there are quite clear guidelines stating that there should be two interpreters serving in court cases exceeding one day. Still, many interpreters have told me that they do not ask for a second interpreter; the reason being that maybe then that interpreter would be preferred in the future by the lawyers or the police. So what seems to be a win-win situation: twice the number of interpreting jobs = more work for everyone, becomes a contested sphere of competition.

5. Complexity in the Role of the Interpreter

In this chapter, I will explore the complexity in the role of the interpreter. I seek an understanding of the options and choices involved in doing interpreting, and the structural framework surrounding the interpreter. According to the ethical guidelines for certified interpreters in Norway, an interpreter must faithfully render what the parties express, and be impartial in the conversation; not expressing her own opinions and attitudes or let these influence the interpreting (UDI, 1997). Most interpreters in Norway are aware of this being the *official* standard, but the adherence and attitude toward this standard varies greatly, as will be shown in this chapter.

I understand role to be the activity that an individual with a particular status (doctor, lawyer, interpreter, etc.) would engage in if he was to only act in terms of the normative demands upon someone in his position (Goffman, 1961: 85). This is role in a normative sense; for clarity I will sometimes use the term role prescription. It must be distinguished from descriptive accounts of role performance or role enactment, which is what a particular individual actually does when he is “on duty in his position” (Goffman, 1961: 85). In this chapter, I will explore the performance of the role of the interpreter, and the flexibility and complexity in this. This role performance takes place through face-to-face interaction in social situations with so-called “role others,” (such as doctors and nurses, when interpreting at a hospital) and one can look at the totality of role others for an individual in role as a “role set” (Goffman, 1961: 86-87). The role of the interpreter thus has two dimensions: the interpreter’s own attitude toward the role, and the expectations and attitudes of the

role others in the “role set”: those using interpreters (cf. Andenæs et al., 2000: 63). It is important to keep in mind this; that it is not the interpreter alone who chooses her role, but rather the role prescription as well as role performance is negotiated by all parties during the encounter. In these negotiations, the interpreter and the various parties may have different interests as well as different ability/capability to have their preferences adhered to.

In the first half of this chapter, I will explore the complexity in interpreter performance. I will give the reader insight into how six different interpreters perform their role in various interpreted encounters. From that, I will go on to explore central themes in the complexity in performing the role of the interpreter.

Marie: being nice and helpful

It was a spring day in a small town in eastern Norway. I was sitting in the waiting area outside the courtrooms, in a corner of the corridor with 10 chairs and some tables. A middle-aged woman arrived and we began to talk. Her name was Marie, and she was the interpreter. I told her about my research project, and she was interested and told me about herself and her work. She was working as a manicurist, and then she also did interpreting on the side. She came to Norway from the Netherlands as an adult, and had lived here for 22 years now, interpreting for the last 14 years.

After some time, the police arrived with a woman in her 20s who was also from the Netherlands. The woman and Marie started to talk in Dutch; the lawyer had not yet arrived. Soon Marie turned to the police officers and said “the girl, she is very hungry.” The police officers dismissed her saying that there was no time for this now. When the lawyer arrived, the interpreter repeated her concern, but the lawyer gave the same answer. Then the judge came and unlocked the courtroom door.

When all parties were seated and the judge had declared that the court was in session, the interpreter stood up, clearly frustrated, and interrupted the judge: “I am

sorry to interrupt, but this girl has been in a cell since yesterday evening, and she has not been given any food. She must really be given something to eat before her remand hearing, or she will not be able to follow the proceedings attentively." The young woman did not say anything before or after Marie spoke. The judge in response turned to the police officers: "you'll make sure she gets something in the break, right." One of the police officers nodded his head.

Here, it seems that the interpreter sees herself as an advocate for the 'powerless' participant in the encounter, and her role to be to help the minority language speaker present her case in the best possible way (cf. Hale, 2005: 4). I confronted the interpreter, Marie, with this presumption:

Hilde: I think that you see your job as a helper for the immigrants.

Marie: Yes, of course. The interpreter has to be a fellow human being (*medmenneske*), I cannot just ignore how they are feeling and what is happening. I have to show that I care and that I want to help. But of course, ethically I'm not supposed to say that. But, you know, she is in a very difficult situation.

Interpreters are maneuvering in a space between the role of a translation machine and the complex realities of interpersonal communication. This space, and the flexibility of maneuvering within it, gives the interpreter much power. Gentile, Ozolins and Vasilakakos have argued that bilingual "help" often is the antithesis of interpreting. "While in some situations it may allow some understanding between the parties, the broader impact upon roles and status can be devastating" (1996: 14). In conversations with interpreters, many have expressed to me more or less frequently, and more or less openly, that they want to help immigrants/foreigners: "Sometimes I twist the words just a little so that what he says sounds reasonable, I mean, they already have so much going in their disfavor" (young Norwegian man interpreting French). "I wish I could explain to them how it works here, because they get in so much trouble with how they react toward child welfare services" (young Norwegian woman interpreting English, said after she had interpreted for a West-African man at child welfare services). Linguist Anne Birgitta Nilsen has also found

in her interviews of interpreters that some see themselves as helpers for immigrants (Andenæs et al., 2000: 75).

In this case, the young woman who was having her case tried in a court of law may have wanted to come across as a strong and respectful person. She may have had her reasons for not standing up and complaining about the way she had been treated by the police. She may have been scared of what would happen if she did so. She may have thought that the judge would be annoyed and not as sympathetic toward her if she complained. She may not actually have been so hungry; possibly she just said it to make conversation with the interpreter. I don't know what her motivation and state of mind was. In this case, the power to decide what to do in this situation was taken away from her by a sweet and kind interpreter who wanted to help her. Marie saw the young woman as weak and needing help, and decided to act on this. Marie confirmed that she was going outside of what she saw as the official standard of behavior for the interpreter, and that she chose to abide by other moral standards than those in the ethical guidelines for interpreters. This dilemma is also discussed in a philosophical article by Patrick Kermit. He discusses a situation where the interpreter perceives that the patient does not understand the term "side-effect" and where the doctor does not pick up on this.

If the interpreter in the story ... had chosen to make it clear to the doctor that the concept "side-effect" was not understood, the outcome of the situation could have changed for the better with regard to the patient's peace of mind. However, the interpreter would then have chosen to overrule the patient's own choice of pretending to understand (perhaps of respect for the doctor or fear of losing face) (Kermit, 2005: 12).

To summarize, what I understand Marie to be doing here is that she performs her interpreter-role as a helper for the participant that she perceives as the least powerful in the encounter (the immigrant). There are differing opinions regarding the consequences (whether they are good or bad), but Marie and several researchers are all clear that this deviates from the norm given in official ethical guidelines for interpreters in Norway.

Parvin – getting the message across

One Wednesday afternoon in a hospital in Oslo, I was on my way out when I met Parvin, an interpreter I know, in the reception area. Parvin told me that she was there to interpret, and knowing about my research she asked if I wanted to come along. I happily accepted her offer. She asked the doctor and patient for permission, saying that I was there to evaluate her (which may be stretching the truth a bit, but I didn't object), and they accepted my presence.

The interpreting was between Norwegian and a south Asian language, and Parvin told me later that the patient was from a neighboring country to the one she comes from. The doctor was a Norwegian man, about 50 years old, from the western part of the country. He was constantly looking at his notes or at a computer. The interpreter and the patient have eye-contact throughout the conversation. I consistently got the impression that there were small side-conversations going on between the interpreter and the patient, but it's difficult to know because the interpreter was not offering explanations of what was going on, and the doctor was not asking for explanations. A possible explanation could be that she was merely asking the patient to repeat or say something in a different way to make sure that she had understood.

Toward the end of the consultation, the doctor wrote a prescription for antibiotics and said "so, it's important that you take all these pills even if you start to feel better." The interpreter translated this. The patient responded, the interpreter talked back to the patient, and 5 more turns were taken between them without anything being said in Norwegian. Then the interpreter explained to the doctor: "sorry, I just had to explain to her because she didn't think it was important." The doctor says "hm" and goes on typing on the computer. The way I understood this situation, the interpreter took it upon herself to explain the importance of taking medication to the patient. She may have done similar things several times during the

conversation; at least that is the impression I was left with because of all the exchanges that were not translated.

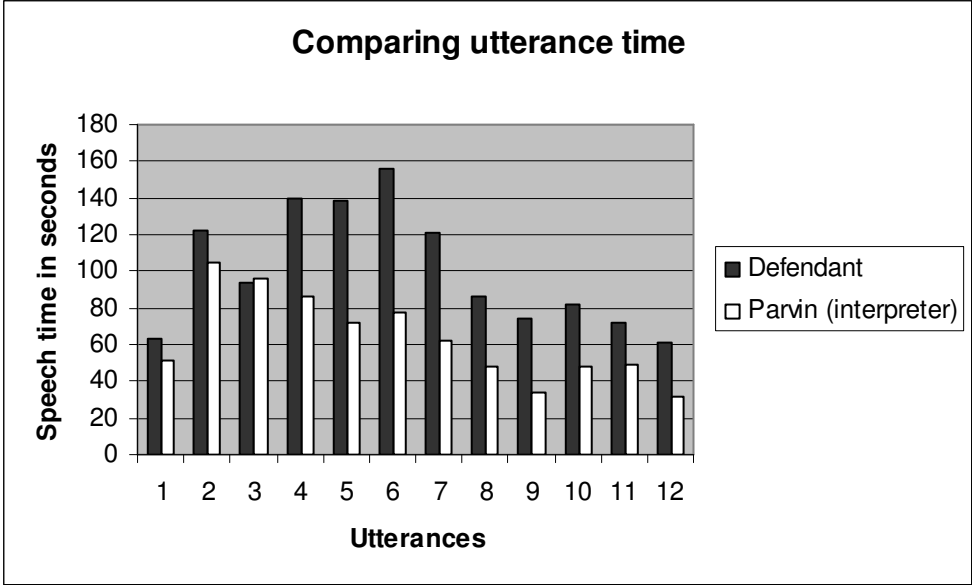
I asked Parvin afterwards what she thinks is important in her role as an interpreter. She said: "You know, you have to make sure they understand, the doctor and the patient, and if you think they're not going to do what the doctor tells them, have to make sure you explain to them it's important. Too many interpreters just translate words and think that the job finished." Here, she presents herself as a part of the service-providing institution, and identifies with the goals of that institution, in this case the hospital. Furthermore, she sees her competence as going beyond interpreting skills. It is a doctor's job to tell patients to take pills and explaining why. Doctors are trained to do this, they know what to say, they can explain and persuade in the appropriate manner. However, in this case, the well-intentioned interpreter takes away from the doctor the opportunity to do this. If she had merely translated the patient's response ("ah, foolishness" or whatever she may have said) – the doctor would have to determine if and how to respond to it. Here, the presence of the interpreter seems to be increasing the distance between the doctor and his patient.

Interpreters may also be found to identify with the public institution when interpreting in court. In one case observed by Andenæs, the judge asked the interpreter to limit himself to the essence of what the defendant said when he was interpreting (2000: 25).

The goal of the judge often seems to be to peel off as much as possible of the information that cannot be linked specifically to that very act that is connected with the wording of the section of the law that the person is indicted according to. Then, everything else becomes more or less irrelevant to determining the question of culpability (2000: 48-49).

Interpreters may have encountered this attitude several times, and thereby possibly have internalized the interests of the court. I also saw Parvin in two separate court hearings. After the first hearing, I had the impression that Parvin was saying a substantial amount less than the defendant in the case. Three weeks later, I was in court with her again, and I decided to time her. I used a stop watch to measure how

long each utterance was for a part of the court hearing (when the defendant was giving his free statement about what had happened). I measured how many seconds the defendant spoke for, and then how many seconds the interpreter spoke when she was interpreting his utterance:



What does this diagram tell us? The diagram compares the number of seconds of each original utterance with the interpreted (Norwegian) utterance delivered by Parvin. This doesn't tell us anything about what was said by the defendant or the interpreter. But it is clear that the interpreter was talking for a shorter amount of time than the defendant. What are possible explanations for this? Well, Parvin may have been speaking faster than the defendant. It is possible that Norwegian is a more concise language than the south Asian language that the defendant was speaking. It is possible that Parvin had problems remembering the utterances (as they were mostly quite long). It is also possible that Parvin thought some of what he said was irrelevant – and more or less consciously eliminated those parts from her interpreted utterances. After the hearing, I asked Parvin about what I had observed:

Hilde: I timed you, and you talked a lot less than the defendant.
 Parvin: Yes, you have to do like that. If you talk and talk and talk when the man talks and talks and talks, then the judge will tell you to stop with the talk talk talk. It's important to make it clear and concise to the court and not take too much time.
 Hilde: How is it like? What do the judges say?
 Parvin: It's like "you can summary, we just need the clear answers to the questions."

Here, Parvin is saying that she knows what she is doing, and that she is doing it on purpose because she feels this is what the court wants from her and she wants to be a good interpreter and satisfy the interpreting needs of the court. As I said, it is also possible that she has problems with short term memory and interpreting technique, and that that could be part of the explanation for what is happening as well. Anne Birgitta Nilsen has argued that when much is left out of the interpreter's renditions, this may indicate that what is unclear is being sifted out, or that the interpreter is guessing what it may mean. She furthermore states that interpreters may do this out of fear of being perceived as incompetent (2005: 191).

To summarize, what I understand Parvin to be doing is to identify with the goals of the public institutions (the hospital and the court) and doing her best to abide by these goals. In the case of the hospital, I understand it such that she sees the purpose of the hospital to be to heal people, and she then also tries to do this. She takes it upon herself to care for the patient's health. In the case of the court, I perceive that she sees the court as being concerned with relevance and time management, and she takes it upon herself to make sure that the court's time isn't wasted.

Milan – getting involved in the case

I met Milan in Borgarting Court of Appeals after asking in the administration for a long case with interpreting. The courtroom was one of the biggest ones, with room for the jury and all six defendants and their lawyers. It was a serious narcotics case with several defendants and charges of organized crimes, lasting two weeks. Milan and the other interpreter in the case are from the same region of Europe as most of the defendants.

A major piece of evidence in this case was recorded telephone conversations between the defendants, mostly in their language as well as some in English. The conversations had been transcribed in Norwegian, and were played on a screen with pictures of the people who were talking, original sound (in the foreign language), and the Norwegian text as "subtitles" on the screen. After about half of the 150

conversations had been played for the jury, the defendants started objecting to the translation. I cannot say how proficient the defendants were in Norwegian; they talked directly with their lawyers (without interpreters), but whenever they spoke in court they spoke in the other language.

It was the Norwegian word "*stikk*" [beat it/run away] which they thought was a wrong translation, and that the correct should have been "*dra*" [leave]. The judge then decided to call upon the two interpreters that were serving in this case to come to the witness stand one at a time and speak on this matter. First, Milan came to the witness stand and said "of course, one can always discuss how to translate various words in context, but I have no objection to the translation that was done of this recording." Then the other interpreter was called to speak, and said "I concur with my colleague." And so, nothing more came of it, and the defendants came out looking quite suspect with all this focus on "*stikk*." Now, everyone who was there would remember that the defendants on the phone had been talking about getting out of the country fast "*stikk*," not in a leisurely vacation mode "*dra*." How does this make Milan an active third part in the encounter? Well, after Milan had spoken against the defendants, all those present (the defendants, the court, the jury, the audience) experienced him as siding with the police. There had been a conflict between the defendants and the police (about translation), and Milan had taken the police' side.

In a conversation with Milan during the next break, I asked him how he felt about what happened. He explained to me that he has a big family and that he knows he can depend on his family; that is why he is not afraid that people he interprets for are going to hurt him, because his family will protect him. I said "I think that here you acted as an active third party in the conversation." And Milan's response was "yes, sometimes you are in a situation where you have to do that no matter what you do, and that's what I mean about family." I understand this to mean that Milan is uncomfortable with taking sides in this encounter, yet he does not feel it to be an option to refuse to do so. He could have said to the judge that he did not

want to comment on the question because he feared this would jeopardize his impartiality and neutrality in the case, but if he ever considered doing this, he must have discarded the option for some reason. More likely I think is that he never felt he had the option of refusing to do what the judge was asking him to do.

Treating the interpreter as an active third part was according to Nilsen and Gotaas frequent in their observations from the courts and the police (Andenæs et al., 2000: 55, 123). In one police interview observed by Gotaas, the interpreter several times asks the investigator: “Did you catch that?” and sometimes interjects with his own corrections to information that is given (2000: 123). Given that this behavior is practiced by some interpreters, others may also be expected to fill the same role.

To summarize, the way I understand what happens here is that Milan wishes he could remain impartial and invisible when he interprets, but he feels that sometimes this is impossible. He sometimes (such as in this case) experiences pressure to act as an active third part in the encounter, and he does not know how to avoid succumbing to this pressure.

Maja – echoing

This was one of the first court cases I went to during my fieldwork. I looked in and saw that there was a white man, a black man, and a white woman sitting on one side of the courtroom. I assumed this constellation meant that the woman was an interpreter. I had never met the interpreter (Maja) before, and sat down at the back of a courtroom in Oslo Courthouse. No one asked why I was there, and I didn't say anything. The judge declared that the court was in session, and Maja started interpreting, and then the judge asked the defendant to come up to the witness stand. The entire dialogue between the defendant and the judge proceeded like this excerpt:

Judge: Hvilket statsborgerskap har du?¹⁷

Maja: What is your citizenship?

¹⁷ If I were to provide translations, as I have on the previous pages, they would be very similar to Maja's.

Defendant: Eh?

Maja: Hæ?

Judge: Hæ? ... Ehm, ja, altså, hvilken nasjonalitet har du?

Maja: Eh? ... Hm, yes, well, what is your nationality?

Defendant: Oh, Nigeria.

Maja: Åja, Nigeria.

Andenæs discusses what he calls the “conflict for the interpreter” where the ideal goal is that he must interpret everything; and the reality for the interpreter where he is not able to do this. This leads to constant use of discretion (2000: 28). Here, Andenæs is arguing that the role of the interpreter as a faithful renderer of other’s utterances is a largely unattainable ideal. Yet, in this case Maja was able to achieve this ideal, through persistence and assertiveness. I witnessed countless other instances of interpreting where competent interpreters were faithfully rendering everything that is said in a monologue or dialogue. However, it seems to be largely up to the interpreter to ensure that the conditions are such that faithful rendition can take place. Let us explore how this can be done:

Prosecutor: Så, du sier altså at du fikk passet fra en mann som du møtte utenfor den nigerianske ambassaden i Roma. Mener du virkelig at du trodde at det var slik man fikk pass, eller var det ikke heller slik at du skjønnte at dette ikke var helt den korrekte måten å gjøre det på men du hadde ikke mulighet til å skaffe deg et ekte pass, så du [is interrupted by the interpreter]

Maja: You say you got the passport book from a man you meet this man outside the Nigerian embassy in Rome. You really say you think this is how to get passport, or more like you know it’s not really this way to do it but it’s not possible for you to get good passport... [turns toward the prosecutor] så du...

Prosecutor: Ja, så du valgte å skaffe deg falskt pass fordi du ikke hadde mulighet til å få et ekte Nigeriansk pass.

Maja: So you decide to get oluwole passport book because it’s not possible for you to get a good, official Nigerian passport.

Defendant: I can explain now?

Maja: Kan jeg få forklare nå?

Here, Maja interrupted the prosecutor in the middle of his question. We can see from how she ended her turn, by turning back to the prosecutor and repeating the last words he said, that she realized he had not finished his turn. However, she decided to interrupt, and my understanding of why she did this is that she felt like her memory had reached its maximum capacity and she did not think she could retain more speech. The strategy she used here made it possible for her to interpret

everything. Maja consistently delivers what linguist Cecilia Wadensjö calls “close renditions” – translations where the propositional contents in the rendition is explicitly found in the original and where the style of the two utterances is approximately the same (cf. Nilsen, 2005: 30). Toward the end of the day, I could see that Maja was looking more and more tired. She was stretching her arms behind her back, drinking water more often, yawning, and holding her face in her hands whenever there was a break. She also two times asked the judge for a 5 minute break. She had been interpreting alone the entire day. Toward the end of the case, the prosecutor was submitting some previous court rulings from similar cases to the judge. He then read them aloud. Maja was interpreting simultaneously to the defendant, sitting next to him in the courtroom speaking in a soft voice (low volume, but not whispering). After just 30 seconds or so of the prosecutor reading, Maja interrupted and said quite loud “excuse me, the interpreter cannot do her job when the prosecutor is reading this fast.” The judge looked at the prosecutor and said “more slowly, right.” The prosecutor read at a remarkably comfortable speed the rest of the time. When asking Maja about this interruption at the end of the day, she said: “You know, I don’t like to do like that, but it’s the only way that I can really do my job and say everything that is said in Norwegian to the defendant in English.” Here, Maja takes responsibility for making sure she is able to say everything in English that is said in Norwegian (and vice versa). Though one may argue that this is not the sole responsibility of the interpreter, Maja is more successful at conveying complete messages than many other interpreters largely because she does take on this responsibility. However, it is clearly impossible to ensure that she is able to say everything without the cooperation of the other actors.

To summarize, what I understand Maja to be doing here is that she takes it upon herself to echo everything that is said in one language in the other language. Sometimes this requires her to be more active than she would like, but she intervenes and makes sure that she is able to carry out what she sees as her responsibility. This

has been described as seeing “language” as her client. She is faithful to “language” rather than to either of the parties.

Jane – by the book?

I met Jane at a café in Oslo before going with her to a court case. The café is a small, with a friendly atmosphere, and not too far from the courthouse. I often met interpreters there because I felt it created a warm and comfortable setting for conversations, and it was not too crowded. Jane had been interpreting for the police the day before. A while into the police interview of a Nigerian woman suspected of giving a false identity, she told me how she found herself in the following situation:

Police: Hvordan kom du deg fra Nigeria til Norge?

Jane: So, how did you get from Nigeria to Norway?

Witness: I came with a trolley.

Jane: Jeg kom med handlevogn.

Police: Hmm... [types on the computer]

Jane told me that she felt very frustrated about this. The reason she was so frustrated was that the police had not asked any further. Jane explained to me that in Nigeria, trolley is used to designate a person helping people to get illegally from Africa to Europe. But “I couldn’t very well translate trolley in English into trafficker [menneskehandler] in Norwegian; it does literally mean shopping-cart [handlevogn].”

This idea of what language *really* means is a dangerous one – as if words have some sort of meaning independent of use and context. The notion of word-by-word translation is linked to Jane’s idea of who a good interpreter is and what she should do. She had just completed the web based interpreter training course at university (see chapter 6), and talked about that in this context: “After the course, I have become much more careful with giving explanations and careful with saying what I think they really mean, in stead of what they say. The interpreter must just translate, you know, right (*ikke sant*)” Jane says that she wants to do her job well. However, the consequences of her view of language and translation can be devastating, such as in this case where the woman comes across seeming crazy rather than the victim of a crime (trafficking). It may be that she only brought up this police interview with me

as a hypothetical, because she wanted to check my reaction. Maybe she felt like the teachers at the interpreter training went too far in this direction, and she wanted to test the dilemma on me. What is interesting still is how she clearly feels like this is what she is expected to do based on what she experienced at the interpreter training course. Somehow, she must have gotten the impression that literal translation on a micro-level is the ideal. The difference between Maja and Jane is thus mainly related what constitutes a unit of translation, and to the importance of context.

Nilsen brings up this discussion of what the units of equivalence shall be in the interpreting. Is it words, expressions, utterances, lines of argument or situations that must be equivalent? (Andenæs et al., 2000: 79). In this case, the interpreter has the impression that the requirement for equivalence is on a micro-level, pertaining to words or expressions outside of context. This causes substantial problems:

“The smaller the units that equivalence is demanded of are, the less natural the translation will sound, and the more difficult it will be to get the full message across with the additional information that is expressed through effects working on a textual level” (2000: 79).

To summarize, in the story Jane tells I understand her as seeing the prescribed role for the interpreter to be interpreting with very small units of equivalence; translating words out of context. This is a role that she experiences has been communicated to her during interpreter training, and that she herself is not comfortable with.

Abdou – non-interpreting

Remand hearings are held on the ground floor of the Oslo Courthouse. If you come there in the morning, you'll see many lawyers and interpreters sitting in sofas in the hallway waiting for their turn. The persons being presented before the court have to wait in small holding cells in the basement of the court house. It is the police who call interpreters for these remand hearings, as they are scheduled on short notice. One morning I met Abdou outside, and was surprised to find that he was going to interpret in English (as he usually interpreted Wolof and sometimes French). I have

to say that the dialogue that took place was not in any way unique, I have observed similar ones a number of times:

Representative for the police: "Fengslingsbegjæringen begrunnes i unndragelsesfare da politiet frykter at fremstilte vil søke å unndra seg utvisning til Gambia. Det vises til at fremstilte tidligere har oppgitt 3 ulike identiteter til norske, tyske og danske myndigheter, og søkt asyl under disse ulike identitetene"¹⁸

Abdou: "He is talking about why you should go to prison"

Judge: "Du plikter ikke å avgi forklaring for retten, men dersom du ønsker å avgi forklaring har du rett til å gjøre det. Dersom du ønsker å avgi forklaring kan du nå ta plass i vitneboksen"¹⁹

Abdou: "Go over there [interpreter points to the witness stand]"

Is this perhaps the most obvious case of a "bad interpreter"? Perhaps, but there are those who disagree (see Chapter 7 for a discussion of a case where the judge is advocating an interpreter role similar to this one). The interpreting strategy used by Abdou here is a combination of what Wadensjö calls zero-renditions (where original utterances do not have corresponding translations) and non-renditions (where the "translation" does not correspond to a preceding original utterance) (cf. Nilsen, 2005: 31).

Usually interpreters were happy and enthusiastic to talk to me before and after their assignments. However, in this case the interpreter did not want to talk to me before or after the case. I introduced myself when I came, he said his name and then he walked away. He walked out the glass door, and stood in the entrance area keeping an eye on the courtroom door so he could come when it was time for the trial to start. He stood there for 25 minutes. Could the reason for him avoiding to talk to me be that he is insecure in his competence as an interpreter? During much of the court hearing, Abdou spoke at an unusually low volume, sometimes making it

¹⁸ My translation: "The reason for the motion to remand in custody is danger of evasion, as the police fears that the person presented will seek to avoid deportation to Gambia. This is with reference to the fact that the person presented previously has given 3 different identities to Norwegian, German and Danish authorities, and applied for asylum under these identities."

¹⁹ My translation: "You are not obligated to give a statement to the court, but if you wish to give a statement you have the right to do so. If you wish to give a statement you may now go to the witness stand."

difficult for me to hear the little he said, even though I was seated less than one meter away from him.

To summarize, what I understand Abdou to be doing here is trying to hide his incompetence. Whispering at such a low volume, and avoiding to talk to me before and after the court hearing, I think he was aware that he is not a very competent interpreter in Norwegian/English. It may be that he is simply lazy, not wanting to make the effort to interpret, but then I do not understand why he would have spoken at such a low volume.

Tendencies in the role of the interpreter

Exploring the interpreter-role of these six interpreters, and the negotiations that have taken place with role others in the role sets (such as when the judge requires of Milan that he come in and settle a language dispute between the defendants and the police), clearly shows how ambiguous the interpreter role is in Oslo, in spite of the official Norwegian standard prescription. Furthermore, looking at the performance of the role, we see that there is considerable flexibility there. Perhaps this is because the interpreters' role others (such as doctors, lawyers, patients and defendants) do not have very clear and uniform role prescriptions for the interpreter role. What tendencies in the role prescription and role performance of the interpreter can we see from the descriptions of these six interpreters? I am not attempting to make the complexity disappear in a typology, but merely to bring the reader's attention to three central dimensions of the role, namely loyalty, work load, and neutrality/invisibility.

The first dimension has to do with loyalty. As sociologist R .B.W. Anderson asked, "should the interpreter be a mere echo, or should he be an advisor and ally?" (2002: 212). Who are these interpreters loyal toward? Marie is loyal toward the least powerful participant (the immigrant), Parvin and Milan are loyal toward the most powerful participant (the public institution), Maja is loyal toward "language," Jane is loyal toward "interpreter ethics" (that she does not agree with), and Abdou is loyal

toward himself. The matter of loyalty has been discussed frequently in connection with the idea of the interpreter as 'man in the middle' with some obligations to both clients: "The interpreter's position is also characterized by role overload. Not only is it seldom entirely clear what he is to do, he is also frequently expected to do more than is objectively possible" (as when people speak at the same time, or the utterances are too long, or the interpreter has to work for hours without breaks) (Anderson, 2002: 211). This is a matter of role ambiguity: the nature of the interpreter role is unclear in encounters, though it is not described as unclear in the official ethical guidelines. This has also been noted previously in literature: "It is clear that the interpreter may choose, for whatever reasons, to ally himself with one rather than the other client" (Simmel in Anderson, 2002: 213). In a survey on health care interpreting, a discussion of whether the interpreter's background affected loyalty was brought up. There, the conclusion was that neither service providers nor interpreters considered characteristics of the interpreter's background such as gender, ethnic group and religion as significant to the loyalty of the interpreter (Tomassini & Nicolini, 2005: 6).

The second dimension is not what, but how much behavior is expected. Does the interpreter have to work continuously, or is it sufficient to convey the most important? Out of all the interpreters we have seen here, it is only Abdou who seems to be characterized by particularly "little behavior" (in the sense that he says very little in either language). However, when Parvin was interpreting in court she too was saying substantially less than the other participants in the conversation. Generally, based on my observations, most frequently interpreters work consistently, but there are variations in "how much" the interpreters feel they are expected and obligated to do.

The third dimension is neutrality and invisibility: Here, Maja and Jane are attempting to be neutral and invisible, Milan also wants this but does not feel that he is being given the opportunity to be invisible. Marie and Parvin have other standards and see their purpose as something different/more than neutral and invisible. I don't

quite know what to say about Abdou, but perhaps he is the least invisible of all because so little of what is uttered is conveyed to the speaker of the other language. Anderson predicts on the matter of neutrality that “a neutral self-image appears most likely to occur when bilingualism and biculturalism are relatively well balanced. It would also seem reasonable to expect relatively greater impartiality on the part of multilinguals, or other persons for whom neither of the languages spoken is primary or dominant” (Anderson, 2002: 213). I have not found indications that Anderson’s prediction is correct.

In this complex interpreter role, we can see that there are two “ideal types” of interpreter role prescriptions (role prescription by interpreters themselves as well as by the state and other users of interpreters). The first ideal type is the cultural interpreter; bridging the gap between different life worlds (typically Marie and Parvin here). The second ideal type is the interpreter as translation machine; interpreting utterances and leaving the responsibility for the communication with the parties (typically Maja and Jane here). I will now go on to explore further these two ideal types of the role of the interpreter. First, I will briefly discuss power in the role of the interpreter, which can explain how these two ideal types have come about. Following this, I will explore these two ideal types in normative descriptions of the interpreter’s role (the interpreter as a cultural bridge versus the interpreter as a translation machine).

Power in the role of the interpreter

An essential aspect of interpreter roles is how the “choice” of role influences the power of the interpreter in any given encounter. “When a lawyer has access to [a] person through an interpreter, some of his power slips away from him and shifts to the interpreter who is now in control ... of the communication” (Fenton, 1997: 30). A person may try to counteract this by instructing the interpreter to translate accurately, *word by word*, what he says (to act like a conduit). Another approach he may take to counteract the feeling of loss of power is to try to encourage the

interpreter to take his side and act as his advocate. Therefore, these in a way quite opposite roles may be encouraged by the same discomfort, distrust, or fear of those who are using the services of the interpreter. They fear losing power in the situation to the interpreter – and they can try to remedy this either by defining the interpreter out of the situation, or by demanding that the interpreter be on their side. “The dread comes from the fear of being misled” (Cronin, 2002: 392). It has been argued that the function of ethical guidelines for interpreters is to control the interpreter’s position of power (Andenæs et al., 2000: 63). The ethical guidelines Andenæs is referring to here are telling the interpreter to a large extent to become invisible (cf. Appendix 2).

Many feel uncomfortable with using interpreters, and especially uncomfortable with their own inability to control the quality of the interpreter’s work. Even anthropologists have noted this concern:

In the long run, the investment of a few months in learning a language will pay off handsomely. You will be able to learn far more in your second six months if you can speak directly with the people than you could hope to learn in a full year of seeing things murkily through the distortions of an interpreter (Burling in A. Borchgrevink, 2003: 102).

Though I do not share Burling’s pessimistic view of interpreters and interpreting, I understand well where this concern is coming from. In some interpreted encounters that I observed, the interpreting can fittingly be described as “murky distortions”. Here, Igor (originally from the Ukraine) is interpreting English for a man from the Caribbean in a meeting at a social welfare office:

Client: No, me don’t have no money, man. Me never eat for three days an’ me need fi get sumtin’. You mus’ can gimme sumtin’. An’ me no have no place. An’ me no have no job.

Igor: Han sier han har ikke penger og han vil ha penger fra sosialen²⁰.

When looking at cases like this, it is easy to understand that people are uncomfortable with using interpreters and relying on their renditions. This was also found by the linguist Anne Birgitta Nilsen in her case study of an interpreted court case: the interpreter changed the contents and the presentation of the defendant’s

²⁰ He says he don’t have money and he wants money from “the social.”

speech; the speech was characterized by the interpreter's poor proficiency in Norwegian, as well as lacking coherence (Nilsen, 2005: 95).

Contested ideals – complexity, confusion and controversy

One police officer I talked to said "the most important quality of an interpreter is that he always is available when I call, and can come quickly." An employee of a private interpreting agency said "the most important thing is that the interpreter is on time, and that they don't call inn sick." An interpreter interviewed by Sturla Falck said "many don't understand legal expressions in their own language. Often I have to tell them what it means. I see this as the interpreter's duty. It has happened many times. Two out of three times I have to explain what a [court] judgment is" (1987: 55). Several of the interpreters I talked to said things similar to Nina, that a good interpreter is invisible; "like if they talk to each other as if they were two people speaking the same language."

Looking at these statements about what a good interpreter is, it is clear that there is a substantial amount of complexity, confusion and controversy in the role prescription of the interpreter. As we have seen in the explorations of interpreted encounters in this chapter, an unclear interpreter role can create ethical and professional problems for the role performance of the interpreter (cf. Andenæs et al., 2000: 63). In looking at role performance, it is important to have a clear understanding of complexity and controversy in role prescription. The two last statements about the "good" interpreter above, about the interpreter making sure people understand each other, and about the interpreter being invisible, are representations of the two most common interpreter role prescriptions. These can be regarded two main "ideal types" of interpreter role prescriptions: Those who see the interpreter as a cross-cultural mediator (or bridge) and those who see the interpreter as an impartial translation-machine (or conduit).

Interpreters as cross-cultural mediators (bridges)

The image of interpreters who “become bridges between their own worlds and another, unfamiliar one” (Karttunen, 1994) is a common romantic notion of the practice of interpreting – oral translation. This image is strongly connected with the story of the explorer arriving in a new land, “discovering” this land together with his interpreter. In this case, the interpreter is an assistant to the powerful part in the encounter (the explorer). In his article on the absence of a discussion of interpreting and interpreters within anthropological research, Axel Borchgrevink brings up the anthropologists’ use of interpreters as key informants (2003: 109), which is certainly a sort of cross-cultural mediator or bridge. He also explicitly states that “translation involves interpretation and explanation of cultural context” (2003: 111). Furthermore, law professor Kristian Andenæs has pointed out that the need for a kind of cultural expert has been apparent in several court cases (2000: 25). The appropriateness of this was discussed extensively by the anthropologists Tordis Borchgrevink and Reidar Grønhaug in the journal *Norsk antropologisk tidsskrift* in 1997. Sometimes, the interpreter is expected or asked to be the one to satisfy this need (cf. Andenæs et al., 2000: 28), but there are also anthropologists (such as Grønhaug and in later years Unni Wikan) who fill this role.

In Canada, the “cultural interpreter” is expected to fill in background information and other information gaps, and explain cultural differences and misunderstandings (Roberts in Frøyli, 2001: 153). Also in writings on interpreting from Italy we find reference to “cultural interpreters,” and the reason stated for their use is that “cultural beliefs about health and illness around the world vary significantly from the biomedical perspective ... Interpreters thus have a fundamental role in helping both parties understand each other’s explanations on health and illness” (Tomassini & Nicolini, 2005: 1). The idea of this role is based on the premise that people who are not proficient in the majority language are at a disadvantage culturally as well as linguistically. They (be they explorers, anthropologists or

immigrants) do not know the culture, system or language, and thus need additional assistance. One sees the interpreter as a helper for the more powerful or less powerful party, or both. Practicing this form of interpreting entails

changes to the original such as adding additional information to the questions if the interpreter feels the service provider did not explain adequately or did not provide sufficient information, changing the tone of the utterances to make them less aggressive, changing the style of the answers to make them more coherent, more logical and more credible, omitting swear words, etc (Hale, 2005: 5-6).

I have not seen much of this in the courts, but there have been instances with the police and in other institutions. I have the impression that there has been a reduction in the use of interpreters as cultural consultants in Norway: Twenty years ago half of the interpreters asked (and most of them several times) had been asked during trials and/or at the police to speak as “cultural experts” about how things were in the home country of the foreigner (Falck, 1987).

Interpreters as translation machines (conduits)

From previous advocacy of interpreters as cultural bridges, researchers and policy-makers went on to increasingly advocating the interpreter to be a conduit, a translation machine, someone who repeats the exact meaning in another language. This image has been especially popular within the legal community as an ideal for court interpreting. Though it is now clearly realized as an unattainable fiction (as interpreters are people and not machines) “the idealistic image of the interpreter serving merely as an instrument or a channel, transmitting messages back and forth between two languages” (Wadensjö, 1997: 36) has appeared to be useful in the development of ethical guidelines for interpreting in several countries. It has furthermore been pointed out that this image has had an impact on the self-image of interpreters, and that there is reason to believe that at least some interpreters have a neutral self-image (cf. Anderson, 2002: 213). My impression is that both Maja and Jane see themselves as neutral, and understand the role prescription of the interpreter role as such. Similarly, Marie pointed out that her behavior did not correspond with what she saw as the prescribed “neutral” interpreter role, which she

sees as “neutral.” Anthropologists have also noted that “pure” conduit interpreting is not possible, stating that “of course, [it is] unacceptably naïve to say that [translation and interpreting] refer to more or less mechanical processes of simply exchanging words of one language with their equivalents in the other” (A. Borchgrevink, 2003: 105). I think it is here important to distinguish between neutrality as a method/ideal/goal for the interpreter in practice, and the idea of neutrality as a world view. Perhaps this can be seen analogous to the distinction between cultural relativism as a research method and cultural relativism as world view? (cf. Kaplan & Manners, 1972).

Andenæs found that most interpreters in his study saw their structural role in this way; a kind of *interpreting machine*, obligated to be neutral and interpret everything that is said (2000: 26-27). However, as pointed out by Sabine Fenton, this is merely a “legal fiction” (1997: 29) to enable the justice system to continue treating interpreted utterances as absolute equivalents of original utterances (in other languages): Fenton furthermore argues that in order to understand the “true” role of the interpreter one must disregard this fictitious role prescription. Fenton’s view is appropriate and important to keep in mind, as any theoretical discussion of interpreter roles is bound to be limited when compared with reality. In every interpreted encounter I have observed, a combination of the two ideal types have been involved, though usually one more prominent than the other: An interpreter who acts in a very conduit-like manner will still influence the encounter, and one who seeks to influence the encounter substantially will also to a certain degree act as a conduit.

The invisible interpreter

A consequence of a conduit-like interpreter role is that the interpreter in some ways becomes structurally *invisible*. Several of my informants, interpreters and others, talked about invisibility when they were describing good interpreters and good interpreting: “I guess the best feedback an interpreter could get after a job would be

wow, I didn't even notice you were here" (Lecturer at interpreting training talking to a student during a break). It has also been written about interpreting that "ideally, the interpreter should not be experienced as a participant in the situation where he or she is interpreting, but on the contrary do her job in a way that allows the users of the interpreter to "forget that the interpreter is present," even though this in reality is a practically unachievable ideal for an interpreter" (Kermit, 2005: 5).

One interpreter told me that "good interpreters shouldn't interrupt the court with questions, and it's important not to talk too loud – then the lawyers are annoyed because it disturbs them. It should be like you're not there" (Thai interpreter after a court case). This point is substantiated by linguist Anne Birgitta Nilsen, who notes that she has only once seen an interpreter ask for an explanation in court (Andenæs et al., 2000: 74). I have also very rarely seen interpreters ask for explanations and clarifications, and when they do it is more often in the other language than in Norwegian.

One example of the invisibility of the interpreter can be found in records from court hearings with interpreting. Very rarely, if ever, is there anything reminding the reader that an interpreter has been present in the communication between the court and the defendant (cf. Nilsen, 2005). Generally, the only mention of the interpreter is in the list of people present in the hearing at the top of the first page, where the name of the interpreter and the language is listed. If we adhere to a conduit-like model for interpreting, the voice of the interpreter is the voice that speaks most in the court case, and at the same time it is the only voice that is never recorded. What the interpreter says is noted as the statement of the defendant or witness that she is interpreting for. If you do not pay careful attention in reading court records, you would think that the defendant speaks Norwegian.

Matter out of place

Closely related to this idea of the interpreter's invisibility is a discussion of the interpreter as "matter out of place." In the ritual that a court hearing is, the role of the

interpreter is an unclear one. This was also observed by anthropologist Nora Gotaas in her study of court interpreting in Norway: "A general impression is that there is a discrepancy between how the positions of the other actors in the courtroom are strictly and formally defined, while the position of the interpreter in reality becomes substantially more unclear" (Andenæs et al., 2000: 121-122). The result of this unclarity is sometimes that the interpreter is ignored and excluded structurally from the communication. A cold morning in March in Oslo District Court, I witnessed the following exchange when Li was interpreting in Chinese:

Prosecutor: "Alternatively, the defendant would be guilty of a negligent crime"

Li: "Excuse me, can you say that in a different way, I don't know how to say..."

Prosecutor: "It's not important, don't interrupt"

Judge: "It's important that the prosecutor is not interrupted during his closing argument"

Here, we see how the interpreter is defined out of the situation. There should not be any interruptions during closing arguments, and judges are known to be strict about this. Clearly, if the interpreter is to translate accurately what is said, he must have the opportunity to ask for clarifications or something to be repeated if necessary. In this case, the interpreter was *matter out of place* in the communication, and the solution was to define him out of the situation, to seclude him from the other actors in the communication. Cronin has gone further than this, arguing that interpreters are "objects of ambivalence, in-between figures, loathed and admired, privileged and despised. Like the monstrous, they inspire awe and alienation" (2002: 392).

Summarizing: Complexity in the role of the interpreter

Based on all this, what can we then say about the role of the interpreter? Well, there are two general conclusions. First, there is an ambiguity in the role prescription for the interpreter role; from interpreters as cultural bridges at one end of the spectrum to interpreters as neutral and invisible translation machines at the other end. Second, partly due to this ambiguity in the role prescription, there is a great flexibility and complexity in the role performance or role enactment. Sociologist R.B.W. Anderson said in 1976 that "the interpreter's role is characterized by some degree of

inadequacy of role prescription, role overload, and role conflict" (2002: 212). I concur with Anderson on this point: As we have seen in this chapter, interpreters are maneuvering in a space between the role of a translation machine and the complex realities of interpersonal communication (cf. also Fenton, 1997: 32). In Norway, the official role that is prescribed for "the interpreter" is precisely this artificially created role of a mechanical device. I believe that this can explain some of the complexity I discovered when trying to identify and understand what interpreters do, how they justify their actions, and how interpreters see themselves and their colleagues.

It is important to remember that it is not only role prescription and ambiguity in role prescription that affects role performance. As Borchgrevink points out, "loyalties to the locality, embarrassment at certain themes, or personal interests, may all result in translations that are less than complete. Similarly, boredom and tiredness will influence the interpreter's work" (2003: 111). R.B.W. Anderson (2002: 215) has furthermore stated that he expected these factors to influence the emergent role relations in interpreted encounters: Number of participants, distribution of language skills among participants, arena of interaction, level of tension, relative prestige of the national or ethnic groups involved, and associated attitudes toward languages spoken. I agree with Anderson's suggestions here, but I cannot conclude on the particular influence of each of these factors. My impression is that this is too complex; that there are too many factors exerting influence to ever be able to say anything universally valid about each factor.

Based on this discussion of the role of the interpreter, the ambiguity in role prescription and the flexibility and complexity in role performance, I will now go on to explore the structural and historical developments of interpreting in Norway and the power relations in these developments.

6. Meeting the Needs for Interpreting

One day, I was having coffee with Roberta at the courthouse cafeteria in Oslo. She is 36 years old, originally from South America. She moved to Norway 11 years ago with her Norwegian husband, and now works full time as a certified interpreter. We were sitting there during a long break of a court case that she was interpreting in, when she received a telephone call. She answered, and when she hung up she told me that it was Asker and Bærum District Court asking if she could work tomorrow, 10 to 12, but she told them she was busy. 10 minutes later, her phone rang again. It was Asker and Bærum police district asking if she could work tomorrow, a court case from 10 to 12. 15 minutes later, her phone rang again. It was the municipal interpreting agency in Bærum asking if she could work tomorrow, 10 to 12. I asked if it was common to be contacted by so many institutions about the same assignment, and she said not too frequently, but sometimes especially if the other interpreters were busy and could not answer their phones. Then, as we were talking about this, Tolkenett, a private interpreting agency called and asked the same question. Finally, 45 minutes after the first phone call, Noricom, another private interpreting agency, called about the same assignment. The next day, I went to Asker and Bærum District court, found the court case and talked to the interpreter that was there. It was a Norwegian young man, Truls, who had been an exchange student in the Dominican Republic some years ago, and who now did some sporadic interpreting for a private interpreting agency while he was attending university.

The way I understand what happened in this case is that a secretary at the court was told to find an interpreter. First, she tried the people she had on her list. Then, when she couldn't get anyone, she called someone at the police and asked if they could help her find an interpreter. They called the people on their list, then called her back and said they couldn't find anyone. Then, she first contacted a municipal interpreting agency, then a private one, and then a second private one before finally she got an interpreter for the case. Perhaps whatever way you go about finding an interpreter, you will many times end up with the same people. In this case, everyone seemed to have the idea of contacting Roberta. Generally, it is not as if private or public interpreting agencies know of certified interpreters that are not registered with the police or the courts. However, what is possible is that there are other people willing to serve as interpreters on an ad-hoc basis who are registered with interpreting services and not with the courts or the police, such as Truls in this case.

This chapter is in part a macro-level exploration of how interpreting needs are met by the Norwegian state. The emphasis is on comparative historical and structural perspectives, on the development of the interpreting field as a part of our migration history. The chapter also explores current interpreting, in practice, on the micro-level, and seeks structural and historical explanations for these practices. My reason for exploring these perspectives is that actors themselves can only account for so much, and in order to achieve a deeper understanding of the underlying issues, we need to explore the structural framework that the actors operate within. In this, historical and structural perspectives are essential.

The history of interpreting in Norway

There are five different types of people who depend on interpreting in Norway: indigenous Sami people, people who are hearing impaired, immigrants, foreigners (tourists and visitors) and Norwegian diplomats, politicians and business people working internationally. The first four meet the Norwegian state in interpreted

encounters, and are the ones that will be included in this historical discussion. Interpreting for immigrants and foreigners will be discussed together, as there no distinction is practiced in provision of interpreting services for these two groups, and as there is a blurred distinction between the two categories. When discussing history, the focus will not be on “history as one damned thing after another” (Leslie White in Wolf, 1994: 223). The place of history in anthropological accounts is that it “allows you to... look at processes unfolding, intertwining, spreading out and dissipating over time” (Wolf, 1994: 223). My goal is to understand how the current systems, requirements, standards, trends and discourses have been formed through time. In this, it is important to explore processes on the macro-level as well as on the micro-level.

Sami-speakers in Norway are today estimated to number between 10 000 and 20 000 people; the majority of whom speak Northern Sami (Kulbrandstad, 2006). Most of these people also speak Norwegian. However, that is irrelevant to the question of Sami interpreting, as anyone has the right to speak Sami in contact with the Norwegian state regardless of his competence in Norwegian. A number of people demand the right to speak Sami for political reasons, not because of lacking language proficiency. It is also worth noting that there are certainly speakers of Sami who are more proficient in Sami than in Norwegian, and who may for that reason prefer to communicate with authorities in Sami. I have not found any estimates of how many Sami interpreters there are.

With regard to sign language, it is estimated that there are approximately 15 000 users of Norwegian Sign Language (NSL) today, and for approximately 4000 of these, NSL is the primary language (Jahr et al., 2005: 124). These 4000 people depend on the services of NSL interpreters in parts of their day to day life and interaction with society at large. Today, there are approximately 500 NSL interpreters in Norway (Bergh, 2004).

Regarding interpreting for immigrants, the question of how many immigrants there are in Norway who are not proficient in Norwegian is impossible to answer. There are 290 000 first generation immigrants in Norway (SSB, 2005: 12), but the majority of these are more or less proficient in Norwegian. The need for an interpreter depends greatly on the level of severity of the matter that is to be communicated, and so many people who do well in their daily life communicating in Norwegian, may not be sufficiently proficient in Norwegian to communicate with a doctor, police officer, lawyer, judge or child welfare worker. As stated previously, my estimate of interpreters for this group is approximately 1500.

Norway in a global context

An interesting question in this context is how the situation is in Norway in a global context – how is the situation in Norway compared with other countries. Legal safeguards for minority language speakers in Norway are better than in many other countries of the world: Interpreters are provided, in a multiplicity of sites where the minority language speaker interacts with the Norwegian state, and often free of charge for the minority language speaker. And there are certain measures in place to move toward interpreting of an acceptable quality.

This is not the case in most countries of the world (cf. Ozolins, 1998). In his comparative study of how interpreting needs are met in a variety of countries, interpreting scholar Uldis Ozolins discusses what he calls a spectrum of solutions. At one end of the spectrum, there is a lack of any recognition of interpreting needs at all, and at the other end there are holistic solutions where a variety of aspects are maintained in meeting interpreting needs. The holistic solutions discussed by Ozolins have three key components: an organized booking service, a certification scheme, and interpreter education programs (cf. Skaaden, 2000: 30-31). Additionally, the Australian translation researcher Adolfo Gentile emphasizes interpreter salaries as an important factor in the development of the interpreting profession (1996: 69).

The Directorate of Immigration (UDI) describes the current situation in Norway in their status report on public sector interpreting from year 2000:

Norway can be said to be on the way toward developing a holistic solution, as there are public interpreting agencies, education and a certification scheme ... but there is [still] room for substantial improvements in this field, before Norway has reached the goal of a holistic and satisfactory approach. (Skaaden, 2000: 30-31).

Norway is not among the countries with the weakest rights for minority language speakers. However, in this context, it is important to note that the structures for meeting interpreting needs in Norway are not holistic and permanent at present, but rather in a process of being developed.

Interpreting in the context of minorities and migration

Looking at the history of interpreting in Norway, it may be useful to go back to the 1960s. In 1960, there were 24 828 foreign citizens in Norway, and 292 of these were from countries outside Europe and North America (Falck, 1987). At that time, people who did not speak Norwegian were a minute minority in the context of the Norwegian state and society. Today, there are approximately 365 000 people in Norway whose parents and grandparents were not born in Norway, and approximately 265 000 of these have their background from countries outside Europe and North America (SSB, 2005). The situation is thus drastically different from 1960. Since the early 1970s, the Norwegian state have acknowledged the need for interpreting services for immigrants. In a Norwegian Official Report (NOU) on immigration policy from 1973, a brief paragraph on interpreting sets the stage for state responsibility in communication with people who are not proficient in Norwegian:

As a help for public as well as private agencies dealing with foreigners, in connection with the information counter at the County Labor Office in Oslo and Akershus, a contact network of people who may serve as interpreters if need be, [should be] established (NOU, 1973: 126, my translation).

From this, a public interpreting agency was established in Oslo. Around the same time, things also began to happen with regard to sign language interpreting. From the end of the 1970s and throughout the 1980s, sign language interpreters started

being paid, interpreter training/education was established, ethical guidelines were made and organizations for interpreters were formed (Kermit, 2005: 7). Toward the end of the 1980s and into the 1990s, the scientific acceptance of sign language as a complete and natural language (not inferior to spoken languages) resulted in greater public recognition of hearing impaired as a linguistic minority (Kermit, 2005: 11). The situation in Norway also developed with regard to spoken languages, and at the end of the 1990s, there were 18 public interpreting agencies in Norway (Skaaden, 2000: 35). Furthermore, there were numerous private interpreting agencies (Skaaden, 2000: 41). There are now several major registers of interpreters with various institutions, and countless short lists of interpreters around Norway.

Conflict and competition among interpreters

Interpreting must be understood in the context of global migration and migration in Norway. An effect of the fact that the structures for meeting the needs for interpreting are being developed is that the field is still fairly poorly regulated. This leads to substantial extent of conflict and competition. During my 2nd month of fieldwork, I was attending an interpreter training course at a university. It was in an auditorium with approximately 80 people; interpreters of 13 different languages. The group of people was a diverse one in terms of ethnicity, age, gender, and language competence, and diverse in terms of individual migration histories.

After about half an hour, the lecturer started talking about the need for interpreters to be familiar with Norwegian society as well as the societies where the other language is spoken. A man I had met previously when he was interpreting in court raised his hand. Ahmed is around 50 years old and moved to Norway 20 years ago. "I think what you say very important. It is very important you know your home country very well. And that's why it's problem with people who come to Norway when they very young – they don't familiar with their countries. And then people like them because they speak Norwegian without bad pronunciation, and they don't

realize that they don't know the other language and country."²¹ The room started *buzzing*; people were looking around, rolling their eyes, nodding in agreement and whispering to each other. The lecturer dismissed the comment with a remark about how there are many different ways to become familiar with a country and society (suggesting that you could also visit or read about the other country if you didn't grow up there).

An hour and a half later, the rebuttal came. Another lecturer was talking about language competence and touched on the issue of pronunciation. A young woman quickly raised her hand, and said in *perfect* standard Norwegian: "Many interpreters have bad pronunciation in Norwegian, and that is bad because then the Norwegians have to concentrate a lot to understand what the interpreter is saying. I think interpreters have to speak both of the languages very fluently." This comment too was dismissed by the lecturer – stating that of course it's a problem if people don't understand the interpreter, but it's not necessary to have perfect pronunciation.

So what do these two comments about interpreters' competence tell us about the interpreting in the context of migration? To me, they are symptomatic of one of the core tensions between interpreters in Norway. The majority of interpreters are immigrants or the children of immigrants – and there is a conflict between those who arrived in Norway as adults and those who either arrived here very young or were born in Norway. Immigrants working as interpreters after coming to Norway as adults are often highly educated people who learned Norwegian relatively well and relatively soon. Immigrants working as interpreters after coming to the country very young or being born here may not know the other language very well, and may not have any higher education, but they usually speak Norwegian without an accent, and are therefore often preferred by the Norwegian service providers who book interpreters. With a shortness of work, this can become an area of conflict. As stated by Gotaas, "if the users only to a small extent are concerned with distinguishing

²¹ I have maintained the level of language competence in the translations from Norwegian.

between interpreters depending on measurable competence, and the fight for work is tough, one can imagine that the consequence is little loyalty among interpreters” (Andenæs et al., 2000: 121). In Norway, where quality standards are not yet uniform, the lack of standards give room for competition and conflict between interpreters based on whatever is a marketable quality: such as accent or familiarity with societies and social structures. The resulting situation is one of lacking loyalty among interpreters; considering each other more as competitors than colleagues.

Legislation on interpreting

The lack of loyalty among interpreters may also be seen as a consequence of the inconsistent and unclear legislation on interpreting in Norway. Norwegian laws pursuant to the right to interpreting have been basically unchanged since 1915 (Jahr et al., 2005: 63). With regard to the right to interpreting outside of the justice system, this right is a consequence of the authorities’ duty (according to the Public Administration Act) to provide guidance and information to their clients/patients/users, and is not directly stated²². Laws pursuant to interpreting are not uniform and a number of changes have recently been suggested in the report *Rett til tolk*. In addition to domestic legislation, the European Human Rights Convention, which has been ratified and is thus a part of national Norwegian legislation, sets certain minimum standards for people’s right to translation and/or interpreting.

In 1973, it was made clear that the costs of providing interpreting services for immigrants are a responsibility of the state:

The way public interpreting services may be organized, instructions etc., is presumed established by the relevant authorities, and the necessary funds must be made available” (NOU, 1973: 126, my translation)

Using interpreters from public interpreting agencies was initially free for the institutions where the interpreters were needed; the costs were at first covered directly on the national budget (Falck, 1987). Later, public interpreting agencies and

²² For a detailed discussion of the legislation, I recommend Chapter 4 of the report *Rett til tolk* (Jahr et al., 2005)

services became fully funded over the municipal budgets, and interpreting services continued to be free for municipal institutions. Nowadays, it is up to each municipality to determine whether interpreting services are on the free market or not²³ (Skaaden, 2000: 33).

One special case of legislation on interpreting in Norway is legislation on Sami interpreting. Sami is an official language in Norway and has equal status with Norwegian language²⁴. The right to use Sami in contact with the Norwegian state is extensive and absolute, independent of the individual's proficiency in Norwegian (Jahr et al., 2005). These rights are in place in part to promote a positive attitude to Sami language, and also to increase the overall competence in Sami language (cf. Jahr et al., 2005). In a report from 1996 discussing the possibility of Sami becoming an official language in Norway, it was stated:

The status of the Sami language is an important factor in the language's possibilities for survival, revitalization and development. Language status is a key concept which may be regarded a language user preference in given situations in society and may be looked at from several perspectives: the actual use of the language..., the social value, social status, symbolic status and financial status of the language (Øzerk & Eira in Bergh, 2004: 53, my translation).

This is a contrast to other rights to interpreting, which are in place to ensure provision of information, legal safeguards and due process.

The other language with special legislation on interpreting is Norwegian Sign Language. Sign language interpreting is provided free of charge through the central for assistive aids in each municipality. These centrals provide various (mainly technical) aids to disabled people, including computers, special cars, wheel chairs, and interpreters.

²³ Some municipal interpreting services provide interpreting free to municipal institutions, while others charge the institutions in question. Where institutions are charged when they use interpreters, they may also choose to use private interpreting agencies in stead of public ones.

²⁴ Northern Sami is the most widely spoken Sami language in Norway, but all four main Sami languages are generally recognized as official (cf. Jahr et al., 2005: 130).

Resources and language competence

In exploring the complexity in legislation on interpreting, let us now look at one specific issue related to the right to interpreting, namely the language competence of those needing and using interpreters. This is another aspect of meeting the needs for interpreting where the standards are not uniform. Translation and interpreting is for people who don't know each other's languages. At first glance, this statement seems obvious. Yet, what does it mean to "know" or be proficient in a language? Language competence can be difficult to assess, and there may be differences between passive and active command of a language (Jahr et al., 2005: 64). Furthermore, it may be more difficult to understand and express oneself in a foreign language in critical situations, as often found in hospitals, child welfare services, police stations and courts (Frøyli, 2001: 156).

A survey conducted among judges and police officers in Norway showed that there is substantial uncertainty among them with regard to how poor command of Norwegian a person must have for an interpreter to be used (Jahr et al., 2005: 64). I encountered this dilemma several times in courts during my fieldwork. Several times, an interpreter who had been called was sent home because a judge decided that the person in question (defendant or witness) was sufficiently proficient in Norwegian to do without interpreting. I have not encountered this outside of the courts, and I believe the explanation for that to be that most other places it is the same person who calls the interpreter who uses the interpreter, and that the reason the interpreter has been called in the first place, is that the person in question (police officer, social worker, or the like) was not able to communicate well enough with the "client". However, in court, the judge does not meet the "clients" prior to court hearings.

Let us take a look at one of these situations from a court case. I had met Bjørn in the courthouse cafeteria when he came to buy coffee in the morning before going to his court case. I asked if it was ok that I come along to "his" case, and he said that

was fine. We entered the courtroom, I sat down and Bjørn went up to the defense table. Some minutes later, the judge came in together with the two lay judges. The defendant was called up from custody, and two guards brought him into the courtroom. He sat down on the chair between the interpreter and the defense attorney. The judge begins to talk, Bjørn interprets into Russian for the defendant, and after a few sentences the judge turns toward the defendant and says in Norwegian:

Judge: [looks at the defendant] Do you understand Norwegian?

Defendant: Yes.

Judge: Do you want an interpreter when you give your statement?

Defendant: Statement?

Judge: When you are going to say what happened and answer questions, can you do that in Norwegian?

Defendant: Yes.

Judge: Then we will write in the court records that the defendant did not need to be assisted by an interpreter, and the interpreter was dismissed.

Judge: [looks at Bjørn, the interpreter] Then you can just go, and just bill for one hour.

Bjørn left the courtroom, and the proceedings continued in Norwegian. After the prosecutor and defense attorney had given their opening statements, it was time for the defendant's statement (in Norwegian):

Judge: Then you can come to the witness' stand.

Defendant: Eh?

Judge: Go over there [points to the witness stand]. You are not obligated to make a statement in court, but if you chose to do so I will encourage you to be truthful.

Defendant: Yes.

Judge: Can you explain in your own words what happened the night in question.

Defendant: In question?

Judge: The night when this thing happened, can you say what happened.

Defendant: Yes. I was at... how you call... party. After, one man come to me. He angry. He say to me you look at my woman. I not understand. Who this man woman, I don't know. So he stay in my face. Angry man. I push him with my hand. He come back and I push him away again. After, I go.

Here, we understand more or less the course of events according to the defendant. However, he does not sound particularly eloquent, and his free statement is shorter than we might expect. After this, a sequence comes where the judge, the prosecutor and the defence attorney all ask the defendant questions. Based on his language

performance (such as in the example above), I would question how much he actually understood of what was being said during the opening statements and closing arguments by the prosecutor and the defence attorney.

In another case I observed, a French woman came to be a witness. Her Norwegian was impeccable, better than many of the interpreters I know. Yet Sidsel, an interpreter of French, was there. "Just in case any clarifications are needed," as the judge in that case said. I have also several times while I was working as an interpreter been asked to come and be there "just in case," to translate a word or two if there is something that isn't entirely clear. I have only been asked to do this when the person in question is from a North-Atlantic country. My impression is that people from "high income countries" are more likely than others to get an interpreter even if they are able to communicate in Norwegian. This would be an interesting area of further study.

Why is proficiency in Norwegian sometimes relevant and sometimes not? As pointed out by Jahr et al, the complexity of the case may be a relevant issue because language proficiency must be assessed with regard to the words and concepts that may be expected to come up during the case (2005: 65). Other than this I cannot see anything that should lead to such widely discrepant standards on this matter. An interesting comparison is with Sami interpreting, where it is irrelevant whether the person speaks Norwegian or not. It is a politically motivated right, not something related to language proficiency. Sometimes, as when an interpreter is provided for people who are more proficient in Norwegian than the interpreter, I get the impression that the situation for certain immigrants and foreigners is approaching the situation for Sami interpreting, where interpreting is a right and something we do to have everything in order for the record.

This discussion of language competence is related to resources and how the state spends its resources. Interpreting costs; and the state should not waste money. Therefore, interpreting is not provided when it is not necessary. This brings us over

to another aspect of meeting interpreting needs, namely the ethical aspects of interpreting and provision of interpreting.

Ethical guidelines for interpreters

There are four central principles that are found in ethical guidelines for interpreters all over the world in different versions: Discretion, impartiality/neutrality, to not take on any other task than interpreting, and finally to interpret all that is said with as much equivalence as possible (Kermit, 2005: 5). The first ethical guidelines for interpreters in Norway were made for sign language interpreters in the early 1980s (Kermit, 2005: 5). General ethical guidelines for interpreters in Norway were made in connection with setting up the certification scheme for spoken language interpreters in 1997. These guidelines are only binding for certified interpreters, but many institutions require all interpreters working for them to abide by them (see Appendix 2). There are no distinct ethical guidelines for Sami-Norwegian interpreters.

Ethical interpreting

Closely related to the question of ethical guidelines for interpreters, is the question of good and bad interpreting. When people talk about a bad interpreter, they are in many ways telling me who they themselves are and what they themselves are good at. In looking at stories about bad interpreting, we can gain valuable insight into how people contrast the norm (presumably being good, ethical interpreting) with the stories they tell.

In a study of communication and legal safeguards, most of the interpreters that were interviewed told stories of bad interpreters who were used in various cases, and at the same time they rarely talked about high quality interpreters in their own language (Andenæs et al., 2000: 121). Anne Birgitta Nilsen has pointed out in the same study that some interpreters overrate their own competence (Andenæs et al., 2000: 64). This is clearly an example of the lacking loyalty discussed earlier.

However, I also understand talking about bad interpreters to be a way of showing

your competence without being seen as bragging, implying it through contrast. This can be an effective way of promoting yourself in a society like Norway, where equality (in the sense of sameness) is an important value (cf. Lien, Lidén, & Vike, 2001).²⁵ This has been elaborated on by anthropologist Marianne Gullestad:

The logic of sameness is briefly stated that people in many informal contexts must perceive themselves as equal (the same) in order to feel of equal worth. This often leads to a style of togetherness where what the parties have in common is emphasized, and what distinguishes them as much as possible is held tactfully out of the togetherness (Gullestad, 2001).

The high prevalence of stories of bad interpreters in conversations and interviews with interpreters has also previously been noted (Cardona, 1996; Gotaas, 2000). This is one of the most common stories I have heard of a bad interpreter during my fieldwork: “The judge asked the interpreter if he has given an affirmation²⁶ (*forsikring*), and the interpreter replied: yes, I have insurance (*forsikring*) for my car with Gjensidige.” The pun here is that the Norwegian word *forsikring* is a homonym for two widely discrepant concepts (affirmation and insurance). This particular story has been told to me during my fieldwork 16 times, by 9 interpreters and 7 lawyers, in slightly different versions. The same story was also referred in Andenæs et. al. (2000: 104). Stories like this, mocking the interpreter who does not have sufficient language competence, are common. I see this as a clear indication that the most highly valued principle of interpreter ethics is language competence, often so taken for granted by those making ethical guidelines that it is not particularly strongly emphasized in these guidelines.

Between theory and practice: Ethical dilemmas of interpreters

Users of interpreting services have differing ideas of what constitutes quality interpreting. In a textbook about child welfare work with immigrants, the following description is given of a good interpreter:

²⁵ In Norwegian, there is no distinction between equality as “sameness” and equality as “of equal worth.”

²⁶ In court, most witnesses are required to give an affirmation swearing to tell the truth.

The ideal preconditions for a good interpreter is that he/she functions neutrally, that the language competence is good in both languages, that the interpreter has courses or training in filling the interpreter function, and that the person knows something about child welfare services and the other party's culture" (Thomsen & Larsen, 1994: 106, my translation)

Leena, the interpreter who made me aware of this passage wrote in her email to me:

"This is as if someone wrote about the function of the dentist that: a dentist should know something about where the teeth are placed, have some practice in brushing teeth, and know something about how it feels for the patient to be in the dentists' chair." Surely, all of these are important for a dentist to know, but the question is whether this is enough. Ideals for quality interpreting vary, between as well as within countries. Tomsen and Larsen here go quite far from the official Norwegian state code of practice for interpreters²⁷, also stating that the interpreter should act as a cultural translator:

For information to be transferred, it is often necessary that the interpreter conveys something more than the words spoken. The interpreter must also know how the words are being understood. Therefore, it is important with competence within child welfare services as well as the other party's culture (ability as culture-translator)" (Thomsen & Larsen, 1994: 106, my translation)

Here, the interpreter is given the impossible task of being required to know "how the words are being understood." It is difficult to know what the authors had in mind with this phrase, it could be a reference to strictly linguistic aspects (people who talk about brother may be talking about a friend rather than a biological brother – Norwegian child welfare workers would not necessarily understand this), but it could also be referring to anthropological aspects (explaining the cultural context that has given the conditions for actions, cf. T. Borchgrevink, 1997: 29). I believe that most readers of this text would include both of these types of cultural translation in the reference given. It is also interesting that it is only "the other party's" culture that

²⁷ In the ethical guidelines for interpreters in Norway, it is stated that: "The interpreter has no function as a cultural informant or cultural bridge during the interpreting, and shall as such not make any expert statements... If the parties in the conversation ask the interpreter such a question, the interpreter must translate this question to the other party, so that he may answer. An answer from the interpreter may be perceived as if the interpreter is taking sides, and thereby reducing the trust in the interpreter. Besides, incorrect information from the interpreter may have unfortunate consequences for the case" (UDI, 1997: 6, my translation).

the interpreter should have competence in. This is because in Norway, as in most other North Atlantic countries, we all know that “immigrants are heavily burdened with culture, while the majority are just ordinary people” (Eriksen, 2006: 11). So we see that even though it is clear what the official state standards are (see Appendix 2), quality standards for interpreting in Norway are variable. These differences in expectations create countless ethical dilemmas for interpreters, as we have seen for instance in the cases of Marie, Parvin and Milan in Chapter 5. In the continuance of this, let us now take a closer look at interpreter training, education, testing and certification.

Interpreter training, education, testing and certification

Standards, such as ethical guidelines, are to a substantial degree empty and meaningless unless there are ways to measure people’s competence, and to train people to measure up to the standards. The first education program for interpreters in Norway was set up in 1977. This was a basic 5 week course for sign language interpreters. Prior to this time, sign language interpreting was a favor performed by friends, family members, teachers and priests at the “deaf schools” (Kermit, 2005: 4). In 1995, a two year program was established at the University of Oslo and the University College of Sør-Trøndelag; in 2004 at the University College in Bergen. This program must be completed and passed in order to get government approval as an NSL interpreter. In order to work as an NSL interpreter in Norway, one must have government approval (Bergh, 2004).

The first courses for interpreting between two spoken languages came almost a decade later. One semester courses in interpreting has been offered at the University of Oslo and at the university colleges in Agder, Finnmark and Volda, sporadically between 1985 and 2003. Approximately 230 people have completed these courses (Jahr et al., 2005: 35). The University of Oslo has also made an attempt at a bachelor degree in interpreting, but this has been put on hold after the first two groups of students were admitted (in Russian and Spanish respectively), primarily

because of few qualified applicants, and a high drop-out rate. For interpreting Sami – Norwegian, 1 semester courses have been offered at the Sami University (Samisk Høgskole).

Since year 2000, it has been possible for spoken language interpreters (though not Sami interpreters) to take a basic bilingual vocabulary test (ToSPoT) to document their proficiency in Norwegian and the other language. The requirement to pass is 80% correct, and the vocabulary tested is not particularly advanced according to most interpreters I talked to. To date about 2000 people have been tested, and approximately 60% of those who take the test fail (Skaaden et al., 2005). The test is available in 51 languages (Skaaden et al., 2005: 2), and though it was originally intended as a screening test to eliminate unsuitable candidates, it is now used as a qualifying mechanism for being listed in the national register of interpreters. The test does not test interpreting ability or technique, only vocabulary.

A pilot project with web based interpreter education was carried out in 2004 and 2005. The final courses are being offered in 2006. These courses have been offered at four universities/university colleges (in Oslo, Bergen, Trondheim and Telemark) and approximately 500 people will complete them during the project period (Jahr et al., 2005: 35). The course has not been offered in Sami.

In several countries, the state certifies interpreters²⁸; so also in Norway. There are 102 certified interpreters in Norway to date, in 16 different languages (UDI, 2006b). The certification scheme was established in 1997, and the interpreter certification test is offered by the University of Oslo in 3-4 languages every year. Those who pass the test may apply for certification from the relevant state authority (either a ministry or a directorate, IMDi at present)²⁹. Approximately 90% of the candidates for the certification exam fail (Jahr et al., 2005). Furthermore, 66% of those

²⁸ The Norwegian state also certifies translators. This is a different test with regard to subject matter and mode of translation (only written) and does not measure competency in interpreting.

²⁹ When applying for certification, a background check of the person's criminal record is also done.

who have passed at least one semester of interpreting education also fail the certification exam (Frøyli, 2001). Therefore, it is regarded as a high distinction to be a certified interpreter. Most of those who pass the exam (as well as most of those who fail) have years of interpreting experience. There is a special certification scheme for Sami-Norwegian interpreting administered by the Sami University. The certification has been carried out only one time (in 1997), and was awarded to five interpreters, but due to lack of funds, it has not been repeated since. There are plans to begin administering Sami interpreter certification on a regular basis (Jahr et al., 2005: 137).

Interpreter organizations

With the emergence of interpreter education and certification came interpreter organizations, and the early beginnings of an interpreter profession. The Norwegian Interpreting Association (*Tolkeforbundet*) for sign language interpreters was established in 1978 (Tolkeforbundet, 2006), the year after the NSL interpreter training courses started. The conditions for membership in the organization are government approval as an interpreter, or status as a student interpreter, interpreting between deaf and hearing persons where the working language is Norwegian Sign Language (Tolkeforbundet, 2006).

The first organization for spoken language interpreters was established in 1986. The initiative was taken by graduates of the first interpreter training courses at the University of Oslo. In 1992, the association joined the Norwegian Confederation of Trade Unions, LO. Shortly thereafter, the union was dissolved, partly as a consequence of the increase in membership fees after becoming a labor union (Jahr et al., 2005: 30). In 2004, a new attempt was made to form an association, and the Norwegian Association of Interpreters (*Norsk tolkeforening*) was established. The founders were mainly certified interpreters and interpreters working with asylum interviews at the Directorate of Immigration (Jahr et al., 2005: 30). This organization is in principle open to all interpreters regardless of working language, but there are strict requirements for membership with regard to qualifications (Wesenberg, 2006).

Quality assurance of interpreting

Central to the questions of training, testing, and interpreter organizations, is the discussion of quality assurance of interpreting. When discussing quality of interpreting, defining what constitutes quality interpreting is a difficult issue, which is also related to the developments of meeting the needs for interpreting. If we return for a moment to the discussion of interpreter ethics, we may gain some useful perspectives. The prevailing notion of quality interpreting in Norway is defined by the ethical guidelines for interpreters. Ethical guidelines for interpreting cannot be considered in a universal, ahistorical fashion, in isolation from hierarchical relationships of power (Cronin, 2002: 394). As Cronin states, “the role of interpreters throughout history has been crucially determined by the prevailing hierarchical constitution of power and their position in it” (Cronin, 2002: 394). In the Norwegian ethical guidelines, quality of interpreting in Norway is defined: An interpreter must faithfully render what the parties express, and be impartial in the conversation; not expressing her own opinions and attitudes or let these influence the interpreting (UDI, 1997). I understand this to be the goal of official Norwegian interpreting quality enhancement and quality assurance measures – to ensure faithful and close renditions by impartial interpreters who do not express their own opinions or attitudes.

“Interpreter” is not a protected title in Norway (Jahr et al., 2005: 28), and a consequence of this is that anyone may serve as an interpreter as long as he is successful in convincing certain people around him of his aptitude and suitability for the task at hand. To convince people, he may use qualifications from any of the tests or education discussed above: the ToSPoT vocabulary test, the one semester university level basic interpreting education, or the certification scheme. However, none of these are required in order to serve as an interpreter. The exception here is sign language interpreting, where government approval is required.

On the issue of interpreting quality, Andenæs writes that “the public interpreting agencies have since the end of the 1970s been given the task of quality assuring and booking interpreting services for users in the public sector” (Andenæs et al., 2000: 14, my translation; cf. Frøyli, 2001). In White Paper no 17 (1996-1997) on immigration and the multi-cultural Norway, it is stated that “interpreting and translation services are important in order to enable public authorities to give the same service and assistance to immigrants as to the population at large” (KAD, 1997). Clearly, the state here describes availability of qualified interpreting services to be a public responsibility. At the same time, the state openly admits that:

Weakened legal safeguards in the judicial system have been documented, particularly related to insufficient use of interpreters, wrongful use of interpreters, and breakdowns in communication. There is reason to believe that the state of interpreter use is no better in other public sectors (KRD, 2002).

As stated by the head of interpreter training at the University of Oslo, Jorunn Frøyli, “the path from learning Norwegian as a second language to interpreter training can be a short one” (Frøyli, 2001: 150). Among those who use interpreters, there is a lack of knowledge of what competence is needed to interpret and interpreters have unclear professional profile and low status. Only 9 % of interpreters have permanent employment (Andenæs et al., 2000: 14).

It is also interesting to note that the quality of Sami language interpreting is considered inadequate: “It is claimed that the quality of the interpreters is variable, and one may therefore question whether using Sami language in the court may constitute a greater risk to due process unless all the parties speak Sami” (Jahr et al., 2005: 135, my translation). Interestingly, this question has not been given much, if any, attention in discussions of the right to Sami interpreting. Possibly this could be related to the motivation for the right to Sami interpreting: to promote a positive attitude to Sami language, and also to increase the overall competence in Sami language (Jahr et al., 2005).

Quality assurance of NSL-interpreting is still considered a challenge in spite of the three year bachelor degree now required by all working as NSL interpreters.

“The need for further education and specialization of interpreters is present. Today’s system with a three year degree ... is not sufficient in the long run” (Bergh, 2004: 43).

A working committee on interpreting and translation in Norwegian criminal proceedings has discussed quality assurance of NSL interpreting, based on the following description of status quo:

In most cases, two sign language interpreters are utilized. One interpreter does the interpreting, while the other does a quality assurance of the one who is interpreting. If errors or inaccuracies are discovered, corrections are made immediately. After approximately 20 minutes the interpreters swap functions. Sometimes, one may use only one interpreter, if it is an assignment lasting less than one hour (Jahr et al., 2005: 125, my translation).

When making recommendations for future policy, the working committee recommends that these practices be continued, but that the practice of sometimes having only one interpreter (if the assignment is less than one hour) be discontinued: “For sign language interpreting, [it is the suggestion of this working committee that] it be required that there are two interpreters present in court hearings” (Jahr et al., 2005: 128). Interestingly, this same working committee also states that it is not a good idea to require there to be two interpreters in all court cases lasting more than one day when discussing interpreting between spoken languages for immigrants, see page 83. The committee does not discuss the potential paradox in recommending one standard in general, and a different standard for Norwegian Sign Language in particular.

Quality assurance and resources

I met Patrick, a teacher of sign language interpreters, at a conference about interpreting, and the topic of court interpreting came up. He described to me what some sign language interpreters had won forth with in a recent court case in Eastern Norway: The case was a civil case (neighborly dispute) where the plaintiff and the defendant were both hearing impaired and needed sign language interpreting. And the question that arose was how language issues should be handled in such a case. There had to be interpreting, so that the court and the parties could understand each

other. And since the case is to last for several days, it is necessary for the interpreters to take turns, switching every 20 minutes. So, there must be two interpreters. However, the interpreters had argued that as there are two people who need interpreters in the case (although in the same language), they should have two interpreters each. And furthermore, it had been argued that to ensure due process, it was also necessary that all the interpreting was filmed. As this was a court case, it would be necessary to have someone videoing the interpreting and simultaneously quality assuring it during the actual court case. However, the person doing the videotaping and quality assurance could not work continuously either, so they would need to be two. Of course, with two different teams of interpreters in the courtroom (one team interpreting for the defendant and another team for the plaintiff), it would also be necessary with two teams of two interpreters doing the filming and quality assurance (one team filming the interpreting for the defendant, another team filming the interpreting for the plaintiff). And so it was – a court case with eight interpreters for one language pair (Norwegian/Norwegian Sign Language). I think this is a rather extreme example, I do not expect that it is the standard procedure, and I find it interesting in contrast with other observations.

A few days after meeting the teacher at this conference, I was at the Oslo courthouse, and I saw a young woman going into the bathroom. I had seen her before, Saida, but I hadn't talked with her. She interprets between Norwegian and Somali. When she came out of the bathroom, her eyes were red and her face was puffy. I asked her if she would like a coffee, and she smiled and accepted; "aren't you the one writing about interpreting?" she said. We went to the coffee shop downstairs around the corner of the courthouse. As we sat down, Saida began to tell me about her case. She was interpreting in a murder case for a man who shot and killed several people. The court case was scheduled to last several weeks. Saida was interpreting together with another young Somali woman in the case, and this was the third day of the case. Saida told me that since the very start of the case, the prosecutor had been complaining about the two interpreters being there. She had said several times in the

courtroom that it could not possibly be necessary with two interpreters. She had complained to the judge, said that they could not both get paid when only one of them is working at a time, and complained that they are disturbing when they switch places to take turns. And Saida started crying, and told me that she could not bear the thought of working in there alone: “It is blood and shit, and everyone is talking and I don’t understand how I can say all that day after day.”

Surely, not all cases are like this. There are plenty of cases with spoken language interpreting where there are two interpreters and everyone present is completely in agreement on the necessity of that. Still, I have several observations of judges and prosecutors being reluctant to use two interpreters in court cases. Especially this has been the case in civil cases between private parties (such as custody cases) I have observed, but also in several criminal cases. Recently, it has been recommended in a report on quality of interpreting and legal safeguards, that a general rule could be that two interpreters be called (for each language) in cases lasting longer than one day, but that it is not a good idea to require there to be two interpreters in all cases like this, because it depends on the number of defendants, witnesses, the duration and complexity of the case (Jahr et al., 2005: 93). There are no specific rules about this, but the general practice in Oslo District court seems to be that two interpreters are called if a case is to last several days AND is considered important. This may be the reason why the reluctance to have two interpreters is greater in civil cases that are seen as unimportant by the court. I perceive this to be a dilemma of weighing the need for quality assurance against how much recourses are spent – money.

I do not know why the prosecutor in this case was so adamant to have only one interpreter. Perhaps a concern for tax payers’ money, perhaps the talking bothered her, perhaps she thought it unnecessary for some other reason. Yet, looking at these two cases, we clearly see that the focus on interpreting quality (ensuring faithful and close renditions by impartial interpreters who do not express their own

opinions or attitudes) is much stronger in the case involving Norwegians speaking Norwegian Sign Language than in the case of an immigrant speaking Somali.

Why do we have these stark contrasts in concern for quality assurance of interpreting services between different languages? Taking the examples here of court interpreting, why it is deemed necessary to always have two NSL interpreters in a court case (sometimes even eight), whereas two interpreters in spoken languages is only sometimes deemed necessary and left to the discretion of the court? No research indicates that there are any inherent differences between the languages involved (or the difficulty of interpreting) which would explain the differences in attitudes to quality assurance. The reason for these differences may be found in differences in language status related to the ethnicity of the speakers of the languages rather than linguistic qualities. Sign language interpreting is for Norwegians, whereas interpreting in other languages is for foreigners. The question of resources and quality assurance may be related to what Krohn-Hansen and Vike say about some people being perceived as expensive for the state. They talk about a type of moral pragmatism which is not unknown in Norwegian political discourse. One example of this is the so-called "immigrant accounts" for Oslo municipality in 1995 (Krohn-Hansen & Vike, 2000). Those who are hearing impaired have a reason not to be proficient in Norwegian which is perceived as legitimate. Immigrants do not have such a legitimate reason; they should make more of an effort, stop being expensive, and learn the language of the country they are living in.

Summarizing: Toward interpreting as a profession

The field of interpreting in Norway today is as we have seen a fragmented field. It appears chaotic and disorganized. The legislation on interpreting is unclear and inconsistent. There are different ethical guidelines for interpreting in different languages, and the adherence to these guidelines in practice varies greatly.

Interpreters are not required to comply with the guidelines. Interpreter training and testing is on the increase; it is becoming more extensive and more regular. However,

there is still only permanent interpreter education in one language pair (Norwegian/Norwegian Sign Language). Interpreter testing is also becoming more widely available through the ToSPoT test. However, this test does not test interpreting skills, and according to interpreters I have talked to does not require particularly high language competence. The certification exam, which does not have these shortcomings, is only held in 3-4 languages per year, and few candidates measure up to the standards of the test. Also in the field of interpreter organizations there is uncertainty and confusion. There is an interpreter organization only open to interpreters of one language, Norwegian Sign Language, which is relatively large and influential. The other interpreter organization is small and just starting out, and though it is becoming influential only a fraction of practicing interpreters in Norway are members.

With this in mind, can we say that interpreting is now becoming a profession in Norway? The Norwegian linguist Hanne Skaaden asked this question in her article on ethics and epithets in the field of interpreting (2001: 164), and the question is whether we are moving toward a unification of the fragmented interpreting field. According to Patrick Kermit, teacher of sign language interpreters, the sign language interpreters fastened the grip on their own professionalism toward the end of the 1980s and into the 1990s. He furthermore states that the young interpreter profession's foremost concern was to distance itself from the "old" interpreter type with its "helper role" (2005: 7). From this, he claims that sign language interpreters have succeeded at establishing themselves as a profession, with "permanent employment, educational programs of increasing duration and improved organization of the collegiate" (2005: 8).

My question is whether this is now happening also in the two other fields of interpreting discussed here, Sami interpreting and interpreting for immigrants? Much is happening with regard to legislation, yet there are still wide discrepancies in practices of interpreting, recourses, availability and quality assurance. I find this to be a difficult question to answer. An important issue to take into consideration is that

the group of spoken language interpreters is a much more diverse one (in terms of language, ethnicity and background, cf. Chapter 4) than the group of Norwegian Sign Language interpreters. Therefore, it may be more difficult to achieve solidarity and uniform practices among this diverse group than was the case with the NSL interpreters.

Based on this discussion of the structural and historical aspects of interpreting in the Norwegian state, I will now go on to explore power in the field of interpreting. This relates to the power of actors in interaction (judges, interpreters, minority language speakers), as well as to the organizational and structural power of the systems and enactment of the systems of the interpreting field in Norway.

7. Interpreting and Power

As pointed out by Irish interpreting scholar Michael Cronin, power is “everywhere in the definition, context and practice of interpreting” (2002: 387). In order to begin to grasp the dynamics of interpreted encounters, an analysis of power is necessary. Studying power in relation to interpreting in the public sector necessitates understanding power in relation to the state. On the surface, it can seem as though the state would be difficult to seize methodologically for anthropologists doing fieldwork (Krohn-Hansen & Vike, 2000). However, seeing the state as it is embodied in everyday practices makes it omnipresent in the data generated during my fieldwork. The state is not distinct from the actors enacting the state in its institutions. The actions of those enacting the state in state institutions (doctors, judges, social workers, etc) have a clear presence in my data from interpreted encounters in Oslo.

Sociologist R.B.W. Anderson’s article about the role of the interpreter from 1976 was my port of entry into the topic of this thesis. In this article, Anderson emphasizes the need to study the power and relative status of the participants in interpreted encounters with regard to social class, education and gender. One of the characteristics of the majority of interpreted encounters I have observed, is that they are characterized by unequal power relations, and that the socio-cultural backgrounds of the participants in the encounter are widely discrepant. In this chapter, I will explore the power relations in interpreted encounters, how interpreters affect these power relations, and how power is exercised in matters of

interpreting and interpreters by the Norwegian state. The basis for this exploration will be an in-depth look into power relations in one interpreted encounter, a court case in Oslo District Court. The reasons that I have chosen this particular case to explore in this chapter are several: First, the language of interpreting is English, and so this enables a more thorough analysis of the interpreted utterances. Second, the interpreter in this case is competent in terms of language and technique, and so aspects of ethics and power become more prevalent. And finally, it is an interesting case for looking at power because of the tension that develops between the judge and the interpreter. My focus will be on the power relations with regard to this being an interpreted encounter, the role of the interpreter and the way other actors in the case relate to the interpreter.

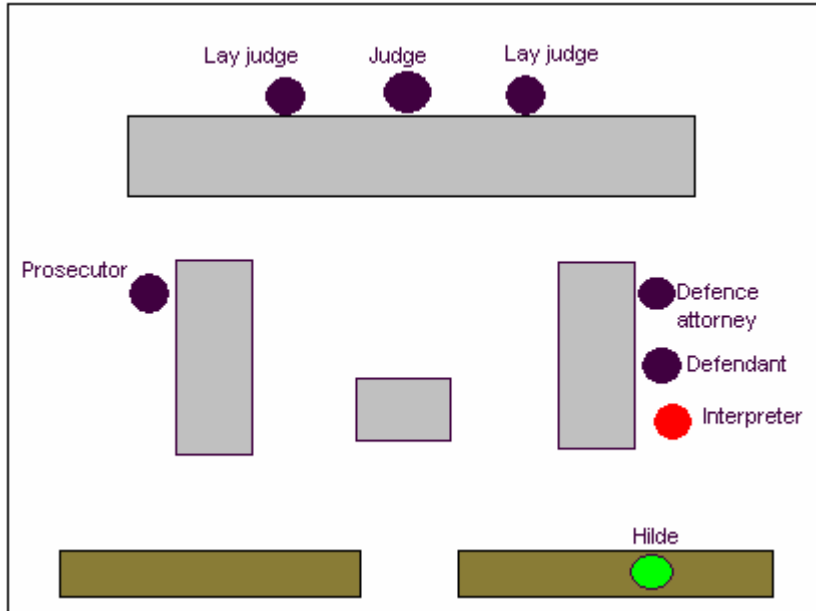
In court with Hanna

In the justice system, meetings between the state and individuals often take place in the courtroom. The courtroom is where people who are accused of having violated laws are brought by the law enforcement (the police) to meet the state (the judge, judges or jury) to have their innocence or guilt determined. One Thursday morning I walked into courtroom 627 of Oslo Courthouse. An interpreter I had met several times before, Hanna, had told me that she was going to interpret in a case regarding violation of immigration regulations, which was scheduled to last half a day. Hanna interprets between Norwegian and English, and she has been working as an interpreter for many years. The defendant in the case was a West African man. I entered the courtroom and sat at the back of the room, in the seats reserved for members of the press, as close as I could to Hanna so that I could hear her interpreting to the defendant. Hanna, the defendant, his lawyer, the prosecutor and two security guards were already present. Shortly after, the judge and the two lay judges came in to the room, and the judge declared that the court was in session.

Judge: Tilstede i retten er Tingrettsdommer Pia Paulsen, politiadvokat Kine Knudsen, forsvarer Jan Johansen og tiltalte, Akinshola Amadi

Hanna: Present in the court is District Court Judge Paulsen, police attorney Knudsen, defence council Johansen and the defendant Mr. Amadi
 Judge: Meddommere er Astrid Andersen og Bjørn Benjaminsen
 Hanna: Lay judges are Ms. Andersen and Mr. Benjaminsen
 Judge: Og tolkens navn er
 Hanna: And the name of the interpreter is [turns toward the judge] Hanna Hansen.
 Judge: Har du gjort tjeneste som tolk tidligere?
 Hanna: Ja
 Judge: Da kan tolken bare tolke oppsummeringsvis det viktigste til tiltalte, og prosedyrene behøver du ikke tolke.
 Hanna: Then the interpreter can just translate summaries of the most important things, and the closing arguments is it not necessary to translate.
 Judge: Vær så god, aktor

The interpreter, Hanna, looked wide-eyed at the defence attorney. He shrugged his shoulders, and the prosecutor stood up and begun her opening statement. Hanna interpreted while the prosecutor was speaking. She was looking at the prosecutor, but looked over at the judge several times. To me, Hanna seemed insecure and nervous, as if she was doing something wrong. Before continuing, let us look at an overview of the courtroom and where people are placed:



What is there to say about this brief sequence? The judge, the embodiment of the Norwegian state in this room, was deciding the amount of information that was to be conveyed to the defendant, and decided that the defendant should only have access to “the most important” things. The judge told the interpreter how to do her

job; to “interpret in summary the most important [things] to the defendant, and [not interpret] the closing arguments.” The interpreter (with her willingness and ability) determined what information was ultimately conveyed to the defendant. She chose to interpret the judge’s instructions into English, and not to respond to what the judge said. Furthermore, she communicated her surprise with the judge’s instructions to the defence attorney.

In this case, the interpreter Hanna is relating to two different aspects of the power structures of interpreting in a court case, namely 1: that the interpreter is bound by the ethical guidelines for interpreters, and 2: that the judge is the person in charge of a courtroom. Usually, these two structural aspects of the situation do not come into conflict, but in this case they do. While we can clearly see here that the judge here is a social actor who is generating power, it is important to keep in mind that this power is a part of social structures. Power is created in particular social relations, and these relations are realized through resources and imagery regulated by social patterns (Krohn-Hansen & Vike, 2000). These social patterns are experienced by the actors involved, and the patterns, or aspects of these patterns, are taken into consideration by the actors. Let us go on to look at the other actors:

The defendant, who is in the room to meet the Norwegian state and be found innocent or guilty, was completely passive during this sequence. He did not react in any way to what the judge instructed the interpreter to do. After the judge instructed the interpreter to only interpret summaries of the most important things, we may have expected the defendant to react in a number of ways: He could have fiercely objected, demanding his right to a fair trial. He could have asked the judge to please give him access to what was being said during his trial, emphasising that this information was very important to him. He could have turned to his lawyer and asked him what was going on, if this was the standard procedure at trials. Why is the defendant so passive? Is this disempowerment, and if so, where is this disempowerment coming from? The disempowerment may be related to a tension between the idealized world view and what the defendant experiences as pragmatic:

“It is the distinction between how the world really is supposed to be or should be on the one hand, and the social reality the way it can be seen through the pragmatics of everyday life on the other hand, which probably is the most important source of the adherence of the powerless and oppressed to the dominating world view” (Krohn-Hansen & Vike, 2000, my translation).

The defence attorney could also have chosen to say something to the judge or say something to his client. He could say that he agreed or disagreed with the instructions given by the judge. However, he too remained passive like his client. Why is the defence attorney passive in this sequence? Is this also an instance of disempowerment in the encounter with the state (embodied by the judge)? The prosecutor and the lay judges also remained passive during the sequence described above. Did they notice at all what was said? Did they think “oh, great, now the hearing will be very efficient?” Or did they think “huh, that’s not how it’s supposed to be?”

Break time

The infrastructure that enables power consists of people’s ideas of right and wrong, their ideas of social relations in general, the way they categorize social statuses, as well as their understanding of the cosmological order (cf. Krohn-Hansen & Vike, 2000). We do not have direct access to these things, we cannot look inside people’s heads to see their ideas and categories, yet we can observe behavior that can give indications of how they think and what they believe in. How do these factors come into play in this court case? Though we are not inside the heads of the actors, if we look at the interaction that follows, we may gain some understanding of the power and the infrastructure that enables power in this particular encounter: In this case, the first break was at 10:20. The judges left the courtroom and the defendant was taken into the court holding cell in the basement by the guards. The prosecutor left the room for coffee, and only the interpreter and the defence attorney remained in

the room with me. I turned on my phone and kept busy writing a text message.

Hanna, the interpreter, immediately turned to the defence attorney:

Hanna: What was that?

Defence attorney: She's like that. Some judges are just like that.

Hanna: Well, she didn't say anything, but if she tries to tell me I'm not allowed to interpret you have to object and say that you want your client to hear everything!

Defence attorney: Yea.

Hanna: And what was the thing about not interpreting the closing arguments. You have to say something about that at the start of your closing argument.

Defence attorney: Mm.

I understand break time in the courtroom as a backstage (cf. Goffman, 1959) arena where people frequently step out of their role, though the extent to which this takes place may vary greatly from one case to the next. In this case, Hanna stepped out of the seemingly invisible and neutral interpreter role that she has appeared to have been adhering to while the court has been in session. She is clearly frustrated and upset with what the judge has instructed her to do, and this leads to her giving orders to the defence attorney. An interpreter giving orders like this to another party in the case is in my experience highly unusual. In this dialogue, I understand the defence attorney as being rather unengaged with the issue. He seems to agree with Hanna, but he in no way communicates the same level of frustration as her.

A few minutes later, we see another backstage encounter when the prosecutor comes back into the courtroom. The interpreter is sitting in her chair at the table of the defence, doing something with her cell phone. The prosecutor comes up to the defence table and stands in front of the table and starts talking to the defence attorney:

Prosecutor: This is my first court case.

Defence attorney: Really? You're doing good. Don't be nervous.

Prosecutor: Thank you. Mm, I try not to show that I'm nervous.

Defence attorney: Seriously, with this judge all you have to do to get a conviction is to bring the defendant here and show him to the judge.

In this case, the prosecutor and the defence attorney are on opposing sides, but they still have much in common: They work in the justice system, they may have gone to the same university, have the same profession and may have common friends.

Frontstage, when the court is in session, they appear to the audience as being on opposing sides. However, when no one else is there except for invisible interpreters and an anthropology student probably presumed to be a law student, the community and bond between them is revealed. This was not always the case when I observed court cases, but it happened quite frequently. Perhaps this can help us to understand what was happening during the court case when the judge instructed the interpreter to only convey some of what was said to the defendant: One, we see a certain degree of loyalty among people with the same professional background, such as the prosecutor, the defence attorney and the judge. Two, the judge is in fact here the state, and no one wants to unnecessarily antagonize the state even if one may not have much respect for the person enacting the state, as when the defence attorney says that “with this judge all you have to do to get a conviction is to bring the defendant here and show him to the judge.”

Questioning the defendant

When the case started again after the break, defendant’s statement continued. Before the break, the prosecutor had finished with her questions. After the break, the defence attorney asked some questions, and then the judge asked the defendant some final questions before the defendant’s statement would be finished. At one point in the judge’s questioning of the defendant, the dialogue became very confusing and quite aggravated:

Judge: Spør ham om han visste at det ikke var lov å reise inn i Norge uten gyldig pass eller annet reisedokument.

Hanna: Did you know that it was illegal to enter Norway without valid passport or other travel document?

Defendant: Me have me passports and tickets and everything, me no understand.

Hanna: Jeg hadde pass og billetter og alt sammen, jeg forstår ikke.

Judge: Det er ikke det jeg spør om. Få han til å svare på spørsmålet! Spørsmålet er om han med overlegg overtrådte utlendingsloven, eller om han hevder at dette var noe han uaktsomt gjorde seg skyldig i. Retten har allerede hørt nok om dette falske passet, retten er ikke interessert i å høre mer om det.

Hanna: That is not what I am axin’. You have to answer the question! The question is whether you knowingly violated the immigration act, or whether you are claiming that this was something you did negligently. The court has already

heard enough about this fake passport, the court is not interested in hearing more about it.

Defendant: Me no understand what you axin'.

Hanna: Jeg forstår ikke hva du spør om.

Judge: Greit. Det er greit. Retten har hørt nok.

Hanna: Fine. That's fine. The court has heard enough.

Judge: Da kan dere sette dere.

Hanna: Then you may be seated.

The language of the court is complex and specialized. Sometimes even people with Norwegian as their mother tongue may have difficulties understanding what a lawyer or judge is asking of them. The same is clearly the case with people who are communicating through an interpreter because of an inadequate proficiency in Norwegian. In this instance, the judge was using rather complex and specialized legal language, with terminology such as valid (meaning not fake and not expired and not belonging to someone else), travel document (meaning documents equivalent with a passport), violate the immigration act (meaning to break immigration laws), negligent (meaning not on purpose, not intentional). Furthermore, the judge is talking in a judicial manner when she refers to herself as "the court," which may sound peculiar and confusing to a lay person not familiar with court jargon. In this case, the interpreter chose to give interpreted renditions in English which were generally close to the original Norwegian utterances in terms of terminology and style. However, my understanding is that the judge was expecting Hanna to interpret from "legalese" (the language of the judicial professions) into the way lay people speak. When the judge blurted out "that's not what I'm asking, make him answer the question!" I understand this as being something she was saying to the interpreter.

If we look at this interpreted encounter as a triad, a meeting between three persons, Hanna is in one way powerless in the triad because of her position as the "man in the middle" (cf. Anderson, 2002: 212) and the ambiguity of this middle position. In another way, Hanna is powerful because of the fact that "the interaction... would be impossible without [her] participation." The reason that the interaction would be impossible without the participation of the interpreter has two

main aspects: One reason is that the other parties can not (or do not want to) be bilingual. The second reason is that interpreters can be difficult to find/replace. The position thus has “the advantage of power inherent in all positions which control scarce resources” (Anderson, 2002: 212) or, the way I see it, the illusion of controlling a scarce resource. There is a widespread notion that there are few interpreters, yet many certified interpreters are struggling to find enough work (cf. Mortensen, 2001: 8). The idea that interpreters are a scarce resource is also prevalent in the study of communication and legal safeguards much referred to in this thesis: “The working group assumes that there is a substantial under-use of interpreters, first and foremost due to problems finding available interpreters” (Andenæs et al., 2000: 19). For this reason, judges and other embodiments of the state may be hesitant to get rid of interpreters they are not satisfied with, such as Hanna in this case.

The combination of these attributes of the interpreter’s position and the ambiguity of the role of the interpreter gives her “considerable latitude in defining [her] own behavior vis-à-vis his clients” (Anderson, 2002: 212). As in this case, we see that Hanna had enough power and latitude to behave in a way contrary to the instructions of the judge, in spite of the fact that the judge is the one in charge in the courtroom. Ultimately, the reason for the interpreter’s power and control in the situation is that she has the ability and opportunity to translate selectively. She may translate everything that is said by the others present in the encounter, as faithfully as she is able to, or she may decide not to do that. And, as pointed out by Anderson, the other actors in the encounter will be “unable to ascertain the difference unless [she] oversteps rather wide bounds” (Anderson, 2002: 213). As pointed out by the linguist Anne Birgitta Nilsen, what makes a multi-lingual court case special is that the court usually only has access to the interpreter’s rendition of the defendant’s statement, and not the original statement. This may have consequences for the defendant’s opportunities to influence the listeners, because the renditions given by the interpreter are dependant on the interpreter’s language proficiency and

interpreting skills (Nilsen, 2005: 95), and I would also add dependant on the ethical values and choices of the interpreter.

Ethical guidelines for interpreters are based on the idea of a symmetrical dialogue, where neither of the users of the interpreter are exercising power over another user. Ethical guidelines for interpreters express the requirement that the interpreter treat all of his users equally (Kermit, 2005: 11). Within this context, it is easy to sympathize with the predicament that Hanna finds herself in, where it seems as if whatever she does, she will not be able to adhere to the ethical guidelines for interpreters.

Before the court is adjourned

Let us explore further the implications of these qualities of the ethical guidelines for interpreters in an asymmetrical context such as that of this court case. At the end of the day, after several witnesses had been heard, came the time for closing arguments by the prosecutor and the defence attorney. After the closing arguments, defendants are always asked if there is anything they would like to add before the court is adjourned. So also in this case:

Judge: Er det noe tiltalte ønsker å bemerke før retten heves og dom skrives?³⁰

Hanna: Would you like to say something to the judges before the case is finished and the judges go to decide about the case?

Here, we see a big difference in style and contents between what is said in Norwegian by the judge and what is said in English by the interpreter. In the previous example, we saw that Hanna's renditions in English were close to the original Norwegian utterances. She has changed her strategy, from a very conduit-like understanding of the interpreter role to a more bridge-like interpreter role, as discussed in Chapter 5. So what has changed? Why is Hanna at this point changing the style and contents of the utterance, making the question considerably more clear to the defendant?

³⁰ My translation: Is there anything the defendant wishes to comment on before the court is adjourned and the sentence is written?

A starting point for understanding what is happening here is to look at the moral foundation that the interpreting profession is based on. Interpreting scholar Patric Kermit argues that the basic values of the interpreter profession consist of a principle of universal equal treatment, with a strong emphasis on the interpreter serving the individual regardless of which status, stereotypes or stigma the individual is otherwise awarded by others (2005: 12). I believe this moral foundation can explain why Hanna in this instance chose to elaborate and clarify the judge's question to the defendant in her interpreted rendition. However, if that is the case, why had Hanna not been doing this consistently throughout the case? I understand the reason for that to be that she was then adhering to other ethical principles of the interpreting profession in Norway, such as the obligation to render everything that is said, in the manner that it is said, in the other language. Let us explore this further:

One of the few anthropologists who have written in-depth about the power of the interpreter is Gerald D. Berreman. He discusses these very aspects of interpreting in his article from 1962 titled *Behind Many Masks*. Here, Berreman tells the story of how his field experience and the data generated changed drastically when his interpreter got sick and he had to recruit a new one. Berreman's reflections are valuable contributions to the discussion of the power of the interpreter. Originally, Berreman's interpreter was Sharma, a "young Brahmin of plains origin who had previously worked in a similar capacity for a large research project" (Berreman, 1962: 7). Then, when Sharma suddenly fell ill, Berreman hired Mohammed, a "middle-aged Muslim and a retired school teacher who had no familiarity with anthropological research" (Berreman, 1962: 10).

Neutrality and impartiality

In the article, Berreman compares and contrasts the two interpreters. Sharma was a Brahmin (Hindu of high caste), and thereby had to protect his status in interaction with people in the village. He established an image of himself as a "friendly, tactful and trustworthy young man" (Berreman, 1962: 10), and Berreman describes how his

interpreting is aiming to be a “cultural bridge,” as discussed in Chapter 5.

Mohammed, on the other hand, had no pressure to maintain a pure and uppity image among the people in the village, and was more conduit-like in his interpreting style. Berreman encountered the same situation that we have encountered in this case, though with two different interpreters. In our case, Hanna changes her strategy from being more like Mohammed to becoming more like Sharma, in effect going from conduit-near interpreting to more bridge-like interpreting. Berreman goes on to discuss the interpreter’s stake in the data gathered, this relates to the perpetual discussion of the interpreter’s neutrality and impartiality:

“Perhaps most importantly, [Mohammed] had no ego-involvement in the data. He was interested and objective in viewing the culture in which we were working whereas Sharma had been self-conscious and anxious to avoid giving an unflattering view of Hinduism and of village life to an American in this unorthodox (to him often shockingly so) example of a Hindu village” (Berreman, 1962: 10).

Similarly, we can say that Hanna at first had no personal involvement in this court case. She adhered to ethical guidelines that she had been instructed by the Norwegian state to follow. However, when something happened that upset the balance in her adherence to these guidelines, as when the judge instructed her to interpret only summaries of the most important things, Hanna became to an extent personally involved. Her personal involvement became visible when she during the first break gave instructions to the defence attorney about how he should handle the matter of interpreting on behalf of his client. Throughout the day, Hanna became more involved in the case, and for that reason she at the end of the day changed her interpreting strategy and chose to change the terminology and style of the utterance she was to interpret.

This shift in loyalty, from initially being loyal to the ethical guidelines given her by the state, to later becoming more loyal toward the least powerful participant in an asymmetrical encounter such as this one, has been discussed quite a bit in interpreting research. In his article on the “cultural turn” in studies of interpreting, interpreting scholar Michael Cronin discusses interpreting in colonial times. There

were then two main models for recruiting interpreters: The autonomous model is one where colonizers train their own people in the language of the place they have colonized. The risk here is that the people who are trained in the local language may “go native.” However, this was usually considered less of a risk than the other option, a heteronomous model where local interpreters are recruited and taught the imperial language (Cronin, 2002: 393). “It was found highly dangerous to employ the natives as interpreters, upon whose fidelity they could not depend” (Niranjana in Cronin, 2002: 393). This dilemma is the same experienced by Berreman and many other users of interpreters; how can we assure the neutrality and impartiality of the interpreter, how can we be sure that the interpreter remains invisible and never has any effect on the encounter. The relevance of the dilemma is clear in our court case where Hanna is interpreting.

Meta-power

Let us now look at the more structural aspects of Hanna’s court case. For the purposes of this discussion, I will introduce the concept of meta-power. Meta-power can be understood as decisions and responsibility in and for a situation where power relations are played out (power over power). This can also be called organizational power (cf. Wolf, 1994). If we look at Hanna’s court case, who decided Hanna should be the interpreter? Was it possible for anyone to overrule this decision? What were the factors taken into consideration when it was decided that Hanna should be called, and when and by whom was she accepted as the interpreter in this case?

There are two main aspects of this: responsibility and power. The first aspect is whose responsibility it was to find an interpreter for this court case, and what was the framework that this responsibility and decision-making took place within. In this case, Hanna told me that it was a secretary at the District Court who called her. The second aspect is who has the power to make general decisions about procedures for booking of interpreters, quality assurance of interpreters and interpreting, and so on. This is a much more difficult question to answer and the distribution of roles and

power here is a lot less clear cut than in the question of responsibility. It is important not to confuse these two aspects, as the secretary with the responsibility to find an interpreter for this case surely did not have the power to do that any way she may please.

This distinction between power and responsibility is discussed in-depth by Halvard Vike. He points out that several studies have shown changes in the public sector in Norway over the past twenty years; changes that have contributed to separating responsibility from power (Vike, 2001: 152). Vike discusses these changes and claims that men in positions of leadership high up in public administration have decision-making power, while women are largely responsible for setting the decisions made by these men into practice. "The most demanding and least paid work is done by women, [and] this work... is characterized by much less anatomy than in the past" (Vike, 2001: 145) The women in Vike's study express strong feelings of dissatisfaction with their responsibility for structural constraints being combined with the lack of decision-making power in these matters: "We have to take the shit for what others have decided. And when you speak up, you are disloyal" (female health care worker in Vike, 2001: 151, my translation). This combination of disempowerment and accountability toward the public can also be observed in matters of interpreting. I have encountered the dissatisfaction several times during my fieldwork. I have not talked with the secretary who called Hanna and asked her to interpret in this case. However, in a conversation I had with a child welfare worker, her frustration was clear:

You know, sometimes it really doesn't work. But the thing is we have to use the municipality [Oslo municipal interpreting agency] and then there is nothing we can do if it's not good. Maybe they [the interpreter] don't know Norwegian, or maybe they bring in their own opinions all the time, but they have decided that we have to use the municipality, and the municipality has decided we have to have this one [this interpreter]. And then you are the one who has to decide what to do and you know that you don't know what the parents said and you don't know what information they got (Nina, child welfare worker)

However, the situation in Norway is quite different in other arenas of the Norwegian state. In Oslo Police District, they have their own database of interpreters which

police officers use to contact interpreters for assignments with the police and also for remand hearings in the District Court. In a conversation with a police officer, he explained to me how he understands the workings of this register:

Hilde: Have you ever had any bad interpreters?

Police officer: Yes, but then I just, you just make a phone call to the register and say "this interpreter is bad" and then they make them blocked in the register.

Hilde: How do you find out that they are bad?

Police officer: Well, sometimes we can notice, but you know it's difficult because we don't know the language. Usually we hear about it from another interpreter – like one interpreter in the same language – if he has heard like that someone doesn't uphold duty of confidentiality.

Hilde: But if that happens you can call the register and tell them to delete that interpreter

Police officer: Yes. So I think that way we get quite good interpreters.

This police officer says that he deletes interpreters from the police interpreter register based on his own experiences with the interpreters, or on what other interpreters say to him. In this situation, if an interpreter is aware of the system, the interpreter would quite likely be petrified of becoming unpopular. Several of my informants have told me that they used to interpret a lot for the police, and then quite suddenly the police stopped contacting them. Here, the structures in place give individual representatives of the institution in question not only responsibility but also enormous power, and thereby the institution becomes even more clearly the most powerful party in any interpreted encounter. The Norwegian police are not the only ones with structures like this in place: The procedure for handling complaints in a US court are described as such: "If there were ever any complaints of the quality of their work, [the interpreters] were not called again" (Dunnigan & Downing, 1995: 95). I believe that if the system in the Norwegian court had been more like that of the police and the US court, Hanna would have been more reluctant to ignore the wishes of the judge in this case, for fear of not being called again. This is the opposite problem of the one pointed out by Vike. In other words, it can be problematic with separation of responsibility from power, and it can also be problematic if individuals have extensive responsibility and power.

Impression management

As we have seen in the discussion of Hanna's court case in this chapter, and also in discussions in the preceding chapters, the interpreter has substantial power in meetings between the Norwegian state and people who are not proficient in Norwegian. We must not disregard the possibility that people may want the power that lies in the role of the interpreter, especially in matters of great importance to them. In a book about psychiatric treatment of refugees, the question of interpreting is discussed. The authors write that if the therapist and the family have no common language, the choice is simple (clearly, they are dependant on using an interpreter). However, they claim that this question is more difficult if "for example the father speaks some Norwegian, and the mother does not speak Norwegian" (Langaard, Christie, & Holdhus, 1994: 145). The question is whether the therapist should insist on having an interpreter present if the father doesn't want it, stating that he can translate on behalf of his wife. In their discussion of this question, the authors conclude that:

It is important to take into consideration that self-esteem and feelings of empowerment are closely linked to language abilities. It can be felt as a violation that the therapist suggests that an interpreter be present. Therefore, sometimes the best thing to do can be to work without an interpreter... Other times it can be useful to vary between conversations with and without an interpreter" (Langaard et al., 1994: 145)

What are the consequences in such a case, if a husband is to translate "on behalf of his wife?" Looking back at Berreman's discussion of the influence of the high-caste Hindu interpreter on his interaction with his informants, we can only begin to imagine the kind of impression management and outright manipulation that could take place if a husband was to act as the interpreter for his wife. Basically, in such a situation, the husband has ultimate power to decide what information is to be given to his wife, how his wife should be portrayed and what thoughts, feelings, beliefs and opinions she is to communicate.

According to Goffman, impression management is a basic feature of social interaction, and is therefore obviously important to anthropologists.

Anthropologists' research is substantially affected by the impressions they make on the people they study, and when they are communicating through an interpreter this also goes for the impression management of that interpreter. "[The subjects'] impressions of [the ethnographer] will determine the kinds and validity of data to which he will be able to gain access and hence the degree of success of his work" (Berreman, 1962: 11). One major problem for those who use interpreters, in this case the anthropologist, is that they may not become aware of how an interpreter is manipulating impressions. In Berreman's case, he did not realize this until later when he changed interpreters and had access to information without the first interpreter's management (Berreman, 1962: 13). This is one possible way of reducing the power of the interpreter in meetings between Norwegian authorities and people who are not proficient in Norwegian as well: Either using different interpreters in different meetings, or having two interpreters who take turns interpreting. This is sometimes done in Norwegian courts, but rarely other places. It is interesting to ponder how Hanna's court case may have had a different trajectory if there had been two interpreters in the case, taking turns interpreting.

The perspective of violence

Finally, I want to offer a complementary or perhaps alternative explanation for the shift in behavior and loyalty that took place in Hanna's case. This is merely a suggestion for an alternative to Patric Kermit's argument about the moral foundations of the interpreting profession and my analysis of the influence this had on Hanna in this encounter.

If we look at the power exercised by the judge in this case as violence, we can seek to understand the actions of the interpreter based on the idea of a triangle of violence. In the triangle of violence (cf. Riches, 1986), there are perpetrators, victims and witnesses. If Hanna experiences some of the judge's actions as violence (such as the judge being aggressive and impatient, using complex legal terminology and language with a defendant who has only a rudimentary educational background),

she may experience herself to be a witness to this violence. In this case, we could then look at the judge as the perpetrator, the defendant as the victim, and the interpreter as a witness. This may explain why she at the end of the day steps out of the “invisible” interpreter role that she otherwise strives so toward. In connection with this, it is useful to bear in mind what was discussed in above about ethical guidelines for interpreters being based on the idea of a symmetrical dialogue, where neither of the users of the interpreter is exercising power over another user. As pointed out by Bruce Kapferer, violence is an important feature of state practices, and it is through these practices that the state in its imaginary and materiality has effects (2005: x). The effect of violence in interpreted encounters would be an interesting area of further study.

Summarizing: Interpreting and Power

There are several levels of power worth exploring in a discussion of interpreting and power. First, the individual interpreter has substantial power in each interpreted encounter. As has been mentioned, it is ultimately up to the interpreter to determine (with her willingness and ability) how much and what information is to be conveyed between the parties in the encounter. Second, the responsibility for recruiting interpreters, the power to determine how interpreters are to be recruited, the power to determine quality standards and requirements for interpreting are arenas where the state, enacted by individuals in various positions, has substantial power over people who are not proficient in Norwegian. In interpreting studies, much of the discussion of the role of the interpreter has been associated with dialogue interpreting in community-based settings, as opposed to conference interpreting, where “the constellation of interaction is typically characterized by unequal power relations and widely discrepant socio-cultural backgrounds between which the interpreter is charged to mediate” (F. Pöchhacker, 2004: 59). In this, anthropology and other social sciences can provide valuable insight into the field.

8. Conclusion

With the ambiguous role that the interpreter has in Oslo today, we see great flexibility in role prescription and role performance. Role performance is not only determined by interpreters themselves, but also by those who set the standards for interpreting and interpreters and those responsible for quality assurance. When those responsible for quality assurance are not clear about their expectations, the standards of interpreting services are highly variable. Furthermore, in many places there is no one in the encounter who feels responsible for quality assurance, and in many instances there is no one at all responsible for this. As we have seen, the special position of the interpreter in communication gives this person a great deal of power over the interaction that takes place. Therefore, those setting standards and developing structures for the provision of interpreting services also exercise substantial power. The interpreted encounters discussed in this thesis are between individuals (who are not proficient in Norwegian) and the Norwegian state. In these encounters, the individuals are those who will suffer the gravest and most immediate consequences if the communication breaks down in one way or another. Therefore, those setting standards and developing structures for the provision of interpreting services exercise substantial power over individuals who are not proficient in Norwegian, their lives and their futures.

With this, I conclude that there are multiple layers of power in interpreted encounters. The interpreter himself or herself has substantial power in the encounters. Interpreter users, and especially the public interpreter users embodying

the Norwegian state, have substantial power in interpreted encounters. And finally, the structural power inherent in the cultural presumptions in the state's public administration and administration of justice, is integral in the power relations in interpreted encounters. Ignoring perspectives of power in interpreted encounters conceals one of the essential qualities of these encounters. Though it is perhaps tempting to ignore the power of the interpreter, the result of such a situation can be that "using an interpreter gives an unfounded impression that everything is being done right" (Falck, 1987, my translation). In my data from interpreted encounters in Oslo, one can still get the impression that the Norwegian state (in its various embodiments) is content with this situation, and that the most important thing is to give an awe of justice and due process.

Some researchers are quite pessimistic when it comes to the use of interpreters, such as anthropologist Axel Borchgrevink:

When a conversation or an interview is carried out through an interpreter, the process of establishing rapport is invariably affected. Communication is hampered by the need to go through an extra link... Furthermore, the loss of direct contact between the anthropologist and the informant may make the communication process more formal, tending more towards a formal interview than a normal conversation (A. Borchgrevink, 2003: 110).

Though Borchgrevink is writing about interpreting in the context of anthropological research, his claims here can be read as universal. My data does not support these presumptions. I have seen interpreted encounters where the communication has not been hampered by the need to go through an extra link, and where direct contact has not been lost. However, there are countless instances when Borchgrevink's pessimistic view is an accurate description of what takes place in Oslo.

In this thesis, I have shown some tendencies in the prescription and performance of the interpreter role, and some tendencies in the ethical and structural discussions of interpreting and interpreters. However, this is not a quantitative study, and my data is too limited to say anything definite about the significance of age, gender, ethnicity or social class on interpreted encounters. R. Bruce W.

Anderson said in 1976 that further research on these issues was needed (2002: 214), and I concur with his position.

The road ahead

This thesis discusses interpreted encounters where “interpreters” are “people who make money from interpreting” (cf. Cardona, 1996: 12). Paid interpreters are not found in all arenas where the Norwegian state meets people who are not proficient in Norwegian. There is an under-use of interpreters within various sectors, among other places within the health and labor market sector (Andenæs et al., 2000: 17), and there are several arenas where the only option for people who need the services of an interpreter is to bring along their own friends, family, spouse or children. The discussion of using relatives as interpreters is also brought up in an article about interpreting in Italian hospitals. There, the authors write about how interpreted encounters often “fail due to the interpreters’ lack of terminology and training, emotional and psychological aspects” (Tomassini & Nicolini, 2005: 3). Then, they make the short remark that “even bilingual relatives may not be ready to tackle the complex task of interpreting and their language skills may be inadequate” (Tomassini & Nicolini, 2005: 3). To me, this is a very peculiar statement. When the authors say that even bilingual relatives may not tackle the task, I wonder who the authors are comparing with here. If anyone is not ready to interpret in a hospital, I would think that it would be the relatives of the sick person.

According to Andenæs, the problems related to the use of interpreters are caused partly by a lack of funds and partly the availability of interpreters (2000: 17). In relation to these issues, I believe we may expect an increasing demand for interpreting services. As Grete Berg has pointed out, the demand for sign language interpreters has increased as supply has increased. She suggests that this may support an assumption that there has previously been a hidden need, but that the users of interpreting services to a small extent demand the service until it is available

(2004: 40). This is closely related to the point above, about the use of family members and friends as interpreters.

When Sturla Falck published his report on interpreting in Norway in 1987 he was told that things are not this bad, and if they were when he did his research two years earlier, everything is certainly much different now, in 1987 (Falck, 2005). Feedback I have been given on my findings has also sometimes been that the interpreters in my study are particularly “bad” in more ways than one (ethically, technically, professionally). I have been told that things are different now, and that my data from back in year 2005 is no longer relevant. Anne Birgitta Nilsen’s Ph D Thesis, which was published during my fieldwork, was also given this reception by many stakeholders in the world of interpreting in Oslo. This may very well be the case with all of our studies. I have written very little about interpreted encounters where I did not know the languages involved and everything appeared to be going smoothly. The fact that complex and sometimes problematic interpreted encounters have a more prominent place in my analysis, is not something I wish to hide. Clearly, much has happened since the 1980s in the field of interpreting. However, I think one should not be so quick to dismiss the descriptions given in studies like these. The reactions I have received tell me that the situation I have described is not one that people see as desirable or even acceptable.

Originally, in the 1970s, interpreting for the public sector in Norway was the responsibility of the County Labor Office in Oslo and Akershus County. After many a move between areas and levels of public administration, the interpreting sector now finally came back to where it started; from 1 January 2006 being a responsibility of the new Ministry of Labor and Social Inclusion. The difference, however, may be that whereas before, labor was the cause of immigrants, labor is now considered the solution to the “problem of immigrants.” Immigrants have to learn the language, get to work, and then problems of integration and inclusion are solved. It will be interesting to see how this move from the Ministry of Local Government and Regional Development affects the interpreting field in Norway in the years to come.

Recommendations for the future

I wish to conclude this thesis with some food for thought for the reader. There are several studies of interpreting that have concluded with recommendations for the future. I am not going to venture into giving my own recommendations. Rather, I will briefly mention some of the recommendations that have been brought forth in previous studies and reports. My purpose with this is to give the reader some ideas of how things may change and be different with regard to interpreting in Norway.

The use of two interpreters was strongly recommended by Sturla Falck (1987: 175) and Britt Isabel Cardona (1996: 58-63) as the most reliable method of ensuring quality interpreting. Similarly, it has been suggested by the anthropologist Axel Borchgrevink in his article on the use of interpreters in anthropological research (2003: 112). This was also recommended by the working group on communication and due process from the Ministry of Justice, though only to be required for sign language interpreting (Jahr et al., 2005: 128).

The need for education and certification of interpreters has also been pointed out in many studies and reports (Andenæs et al., 2000: 16-17; A. Borchgrevink, 2003: 112; Cardona, 1996: 63; Skaaden, 2000: 50). Similarly, the need for training interpreter users (particularly the professionals, such as doctors, lawyers, police officers) has been pointed out (Cardona, 1996; Falck, 1987: 173). Anthropologist Axel Borchgrevink has also pointed this out, discussing how the way questions are asked can be a vital tool (2003: 113). He furthermore points out that “since many of the problems encountered when using interpreters can be mitigated through the use of fairly simple precautions, it is most unfortunate that there is so little open discussion on this” (A. Borchgrevink, 2003: 97).

Standardization has been recommended on several different levels. First of all, standardized tests of interpreters has been recommended as it will ensure a certain quality of all interpreters, and also a much more fair treatment of interpreters during recruitment (Cardona, 1996: 58-63; Larsen & Melby, 1997: 63). Standardization of

interpreter salaries has also been suggested, saying that it would contribute to improving the status and attraction of the profession (Larsen & Melby, 1997). Others have made the same suggestion, with the addition that the salaries should be differentiated according to the interpreter's qualifications (Andenæs et al., 2000: 16-17; Skaaden, 2000: 50).

Interpreting agencies, public and private ones, have often been discussed as keys to the future of providing quality interpreting services in Norway. It is generally recommended that public interpreting agencies be administered on a higher level than the municipal one, i.e. county or regional level (Andenæs et al., 2000: 16-17; Skaaden, 2000: 50). This would, in addition to enabling a higher quality of interpreting services being provided, reduce the risk of the interpreter knowing the people involved in the case (Thomsen & Larsen, 1994: 106). With regard to private interpreting agencies, it has been recommended that they be required to have a license to provide interpreting services where they are forced to quality assure their "products" better by testing and training (cf. Andenæs et al., 2000: 16-17; Skaaden, 2000: 50).

All of these are interesting recommendations. Some of them have been taken more or less to heart by the Norwegian state; two interpreters are sometimes used, there is some interpreter education, and a certain standardization of interpreter testing has taken place. The other recommendations have thus far been disregarded. My perspective on these recommendations is that much would be different if they were adhered to, and that though the field of interpreting certainly would not be problem free, interpreted encounters would be safer places for the Norwegian state to meet people who are not proficient in Norwegian.

In other words

Utterances are rendered by interpreters in interpreted encounters, *in other words*. These renditions may, *in other words*, be similar to, or different from, the original utterances. In Norway, interpreting and interpreters are often talked about as needs

of people who are not proficient in Norwegian. Interpreter users who regard themselves as members of the majority do not construct their self-image on an acknowledgement of their differentness, and thus they do not perceive the language barrier to be a problem that they have a share in. On the other hand, the interpreter user representing a marginalized group is often more willing to explain the interpreting need as something he exclusively is the cause of; "I am the one who does not understand Norwegian, I am the one who needs an interpreter" (Kermit, 2005: 12). This can help us understand some of the dynamics of interpreting and interpreted encounters in Norway, and also some of the confusion and complexity in this field, with regard to standards and practices. These differences in self-image can help us to understand how the state embodied in judges, doctors, police officers and case workers can distance itself from quality in the practice of interpreting. If we see the interpreter as something "the other" needs, it becomes easy to forget that interpreting is necessary for the state and the system to function. With these *other words*, I look forward to see where the future takes us in the complex field of interpreting and interpreted encounters in Norway.

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Appendix 1: Glossary

AID	Ministry of Labor and Social Inclusion (Arbeids- og inkluderingsdepartementet), responsible for interpreting in Norway
Consecutive interpreting	Speaker says something, interpreter renders afterwards (see also simultaneous interpreting)
Dialogue interpreting	Interpreting between two people in a dialogue (see also monologue interpreting)
IMDi	Norwegian Directorate of Integration and Diversity (Integrerings- og mangfoldsdirektoratet)
Interpreted encounter	Encounter where there is interpreting between two or more languages
Monologue interpreting	Interpreting a speech that one person is delivering (see also dialogue interpreting)
Norwegian Association of Interpreters	Tolkeforbundet (for interpreters of signed languages)
Norwegian Interpreting Association	Norsk tolkeforening (for interpreters of spoken languages)
Simultaneous interpreting	Interpreter interprets while the speaker is speaking (see also consecutive interpreting)
Soft-voice interpreting	Simultaneous interpreting without the aid of technical equipment, sometimes termed whispered interpreting or chouchoutage interpreting.
Tolkeportalen	Interpreting gateway (web based search engine of interpreters, operated by UDI)
ToSPoT	Bilingual written vocabulary test for potential interpreters
UDI	Norwegian Directorate of Immigration (Utlendingsdirektoratet)

Appendix 2: Ethical Guidelines for Interpreters

RETNINGSLINJER FOR GOD TOLKESKIKK

I Forskrifter om bevilling som statsautorisert tolk og tolkeprøven av 6. juni 1997, § 5 pålegges statsautoriserte tolker å utføre sin virksomhet i samsvar med god tolkeskikk.

Begrepet god tolkeskikk er en norm som forteller hvordan tolken skal oppføre seg og utføre sitt arbeid. Den er uttrykt i et sett av grunnleggende yrkesetiske retningslinjer som medvirker til å beskytte såvel tolkene som tolkebrukerne. Det er derfor av avgjørende betydning at statsautoriserte tolker retter seg etter denne yrkesetikken som pålegges av § 5.

Påvist brudd på de yrkesetiske regler for tolker kan gi grunnlag for tilbakekalling av autorisasjonsbevilling (jf nevnte forskrifter § 3).

Følgende retningslinjer for god tolkeskikk gjelder først og fremst for tolker som utfører virksomheten på grunnlag av en statsautorisasjon. Bestemmelsene bør imidlertid være retningsgivende for alle som påtar seg tolkeoppdrag, uansett om oppdragsgiveren er en offentlig myndighet, næringslivet eller en privat person.

YRKESETISKE REGLER FOR TOLKER

1. Kvalifikasjoner og forberedelser til tolkeoppdrag

§ 1. Tolken skal ikke påta seg oppdrag uten å ha de nødvendige kvalifikasjoner. Tolken skal forberede seg nøye til sine oppdrag.

Nøyaktighet i tolkingen er av største viktighet, bl a med tanke på rettssikkerhet.

Før tolken påtar seg et oppdrag, skal han/hun derfor undersøke mest mulig omkring faglig innhold i oppdraget for å kunne vurdere om man er kompetent.

Trofast overført tolking krever skikkelige forberedelser foran hvert oppdrag, samt det å holde tolkeferdigheten ved like ved jevn praksis og faglig oppdatering og videreutvikling.

Dersom tolken etter rimelige forberedelser ikke anser seg kvalifisert språklig, fagterminologisk, tolketeknisk eller på annen måte, må han/hun avstå fra oppdraget. Tolken plikter også under pågående tolking å opplyse partene dersom oppdraget overstiger hans/hennes kompetanse, og han/hun må deretter trekke seg fra oppdraget.

2. Inhabilitet

§ 2. Tolken skal ikke påta seg oppdrag hvor han/hun er inhabil.

Tolken må så langt mulig få oppgitt tolkebrukernes navn allerede på forhånd for å vurdere spørsmålet om inhabilitet. Tolken har plikt til å informere partene når han/hun er inhabil,

det vil si er f eks

- part i saken
- i slekt med noen av partene
- gift eller forlovet med noen av partene
- verge eller kurator for en part

eller - om han/hun har handlet i saken for en av partene

- dersom utfallet av saken kan ha praktisk eller økonomisk virkning for ham/henne.

Tolken er altså pålagt å melde fra dersom han/hun vil komme i et inhabilitetsforhold som omfattes av Forvaltningslovens § 6, første eller annet ledd. Det vil da være opp til partene om de likevel vil anvende tolken for oppdraget.

3. Nøytralitet og upartiskhet

§ 3. Tolken skal være upartisk og ikke tillate at egne holdninger eller meninger påvirker arbeidet.

En tolk skal ikke engasjere seg til fordel for den ene eller den andre parten i samtalen. Tolken må forholde seg nøytralt til saken som tolkingen dreier seg om, og ikke la sine oppfatninger av eller meninger om samtalepartene eller det som blir sagt, komme til syne eller påvirke tolkingen.

Tolken har ikke ansvar for innholdet i det som skal tolkes. Det ansvaret hører til den som snakker. Tolkens oppgave består kun i å tolke det som blir sagt av samtalepartene, uten å vurdere eller bedømme budskapetets moral eller sannhet. Tolken skal ikke gjøre oppmerksom på selvmotsigelser eller unøyaktigheter som kommer til uttrykk, men tolke dem.

4. Tolke alt

§ 4. Tolken skal tolke innholdet i alt som sies, intet fortie, intet tillegge, intet endre.

Det som sies skal oversettes nøyaktig, og uten noen form for endring. Dette betyr at tolken ikke utelater fag- eller stilaspekter og ikke føyer til egne tillegg, men foretar mest mulig like valg som den som snakker når det gjelder informasjon og uttrykk.

Når det forekommer ord og uttrykk som det er umulig eller vanskelig å overføre, må tolken be den som bruker uttrykket omformulere det eller gi en nærmere redegjørelse for innholdet.

Dersom tolken senere finner ut at noe er tolket feil eller utelatt under tolkingen - og dette har den minste betydning - bør partene informeres umiddelbart.

5. Taushetsplikt

§ 5. Tolken har taushetsplikt.

Taushetsplikt er en plikt til å tie om bestemte forhold og en plikt til å hindre at uvedkommende har mulighet til å skaffe seg innsyn i disse forholdene.

Tolkens oppgave er å formidle presist innholdet i det som kommer til uttrykk i en kommunikasjonssituasjon mellom to personer som ikke snakker samme språk. Oppgaven er ufravikelig bundet til tillit. Tolkens tilstedeværelse som tredjemann skal ikke begrense muligheten til en fortrolig samtale mellom partene som møtes.

Det norske lovverket inneholder ikke spesifikke bestemmelser om tolkens oppgave og taushetsplikt. Det er derfor nødvendig å se på bestemmelsene for yrkesgrupper som tolkens arbeid er knyttet til, og sammenholde disse med kravet om absolutt taushetsplikt i tolkenes yrkesetiske regler for tolkeorganisasjoner i utlandet, bl a i Finland og Australia. Den *forvaltningsmessige taushetsplikten*, som gjennom bestemmelsene i forvaltningsloven gjøres gjeldende for alle som utfører tjeneste for et forvaltningsorgan, omfatter nemlig i h t Ot.prp. nr. 3 (1976-77) også sakkyndige og andre som utfører enkeltstående oppdrag for det offentlige, dvs. også tolkene. I sitt arbeid vil tolken i tillegg ofte bli berørt av bestemmelsene om taushetsplikt i flere *særlover*. Når tolken bistår helsepersonell, psykologer o l i deres kommunikasjon med fremmedspråklige klienter, er tolken dessuten i lovens forstand deres "medhjelper". Tolken er da undergitt den samme *yrkesmessige taushetsplikt* som gjelder for den enkelte yrkesgruppe som tolken bistår i deres profesjon.

Tolkens forvaltningsmessige taushetsplikt

I lov om behandlingsmåten i forvaltningssaker står bestemmelsene om taushetsplikten som skal gjøres gjeldende for tolken, i § 13, første og tredje ledd.

§ 13, første ledd lyder:

"Enhver som utfører tjeneste eller arbeid for et forvaltningsorgan, plikter å hindre at andre får adgang eller kjennskap til det han i forbindelse med tjenesten får vite om:

- 1) noens personlige forhold, eller
- 2) tekniske innretninger og fremgangsmåter samt drifts- eller forretningsforhold som det vil være av konkurransemessig betydning å hemmeligholde av hensyn til den som opplysningen angår."

§ 13, tredje ledd lyder:

"Taushetsplikten gjelder også etter at vedkommende har avsluttet tjenesten eller arbeidet. Han kan heller ikke utnytte opplysninger som nevnt i denne paragraf i sin egen virksomhet eller tjeneste eller arbeid for andre."

Bestemmelse i 3. ledd omfatter i praksis enhver utnyttelse i vinnings hensikt av de opplysninger eller kontakter vedkommende har fått som tolk. (Jf Tolkens yrkesetiske regler § 6.)

Taushetsplikten omfatter også alle dokumentene som tolken har tilgang til for å forberede seg til oppgaven eller som skal oversettes muntlig under tolkingen (§ 13 c.). Under bruk skal disse oppbevares på en betryggende måte og etter bruk skal de leveres tilbake. Tolkens notater som er skrevet under tolkingen, skal makuleres i partenes påsyn når tolkingen er avsluttet for å hindre mistanke om at opplysningene føres ut.

Bestemmelsene i forvaltningsloven om at enkelte opplysninger er unntatt fra taushetsplikten kan ikke gjøres gjeldende for tolker. Disse skal gjelde for den som under samtalen representerer forvaltningsorganet: saksbehandleren, tjenestemannen som innhenter opplysninger og som skal behandle saken videre.

§ 13 a. og b inneholder slike bestemmelser om begrensninger i taushetsplikten i forvaltningssaker. For tolkens taushetsplikt kan ikke disse begrensningene gjøres gjeldende. I

henhold til tolkens yrkesetiske regler (§ 7) skal tolken ikke ha andre oppgaver under tolkingen. Tolken har mao ikke til oppgave å ivareta partenes interesser eller fremme forvaltningsorganets formål. Tolken skal kun tolke, slik at språket ikke er til hinder for at partene i samtalen selv kan ivareta sine interesser.

Punkt a omhandler begrensninger i taushetsplikten når det ikke er behov for beskyttelse. Imidlertid er tolken alltid bundet av sin taushetsplikt, bl a fordi tolken ikke har "fått" opplysningene, bare overført dem til den virkelige mottaker, og kan heller ikke aktivt bruke dem eller spre dem uten å krenke eller svekke den tilliten tolken til enhver tid må kunne nyte. Tolken må også ellers være varsom med å omtale opplysninger som er allminnelig tilgjengelige (f eks fra aviser), da det at han/hun kjenner til disse kan av enkelte knyttes til det at man arbeider som tolk.

Punkt b omhandler begrensninger av taushetsplikten ut fra private eller offentlige interesser. Heller ikke disse begrensningene kan gjøres gjeldende for tolkens taushetsplikt, da tolken ikke har til oppgave å formidle opplysninger om en klients forhold fra en etat til en annen. Det kan for det første besørgeres av klienten selv. Utover det er det en oppgave som forvaltningens representant skal utføre i samsvar med de lover, forskrifter og instruksjoner som regulerer etatens arbeid.

Som følge herav må alle henvendelser om saken henvises til partene.

Tolkens taushetsplikt og bestemmelsene i særlovene

Tolken vil ofte bli involvert i situasjoner som krever særlig hensyn til klientens integritet. Under slike oppdrag vil tolkenes strenge taushetsplikt i deres yrkesetiske reglene (§5) også underbygges av særlovene. I henhold til loven kommer tolken da under de samme skjerpede bestemmelsene som gjelder de respektive yrker. De mest aktuelle er fastsatt i

- lov om sosiale tjenester § 8-8
- lov om barneverntjenester § 6-7
- lov om leger § 31, jf § 34, annet ledd
- lov om psykologer § 6, første og annet ledd
- lov om fysioterapeuter § 8
- lov om tannleger § 31, jf § 34, annet ledd
- lov om helsepersonell § 5, første og annet ledd.

Felles for disse bestemmelsene er at de pålegger en

å iakttå taushet om det som blir betrodd dem under utøving av deres virksomhet eller som de herunder får rede på om folks privatliv og sykdomsforhold. Samme taushetsplikt har også helsepersonells medhjelpere.

Rekken av yrkesgrupper som er pålagt slik yrkesmessig taushetsplikt, og som tolken i sitt arbeid vil kunne komme til å bistå, er i virkeligheten mye lengre.

Taushetsplikt og tolken som vitne

Tolken skal vanligvis ikke brukes som vitne.

Retten må ikke ta imot forklaring fra et vitne som dermed må krenke sin lovbestemt taushetsplikt. Dersom taushetsplikten er knyttet til tjenester eller arbeid for stat eller kommune, må departementet gi samtykke. Retten kan imidlertid ved en kjennelse sette dette samtykke til side (straffeprosessloven § 118).

Retten må ikke ta imot forklaring av følgende yrkesgrupper om noe som er betrodd dem i deres stillinger uten samtykke av den som har krav på hemmelighold: prester i statskirken, prester eller forstandere i registrerte trossamfunn, advokater, forsvarere i straffesaker, meklingsmenn i ekteskapssaker, leger, psykologer, apotekere, jordmødre, eller sykepleiere (straffeprosessloven § 119).

Det samme gjelder *underordnede og medhjelpere* som i sin stilling er kommet til kunnskap om det som er betrodd de nevnte yrkesgrupper.

Forbudet faller bort når forklaringen trengs for å forebygge at noen uskyldig blir straffet.

I en samtale mellom to personer uten tolk, kan den ene etter samtykke fra den andre vitne om det som ble sagt eller det som skjedde. Tolken derimot har taushetsplikt overfor begge parter, og må da ha samtykke fra begge for å kunne vitne om noe som hendte mellom dem.

Av hensyn til tolken som har krav på integritet og absolutt tillit fra begge parter, må tolken skjermes fra å vitne når saken kan tilstrekkelig bevises av andre vitner.

Det er viktig å være oppmerksom på at under etterforskning kan en ikke gi forklaring til politi og påtalemyndigheten dersom forklaringen krenker taushetsplikten som en har etter lov, forskrift eller instruks (straffeprosessloven § 230). Det er imidlertid et unntak: alle må anmelde eller på annen måte avverge straffbare handlinger hvor f eks menneskers liv eller helse kan være alvorlig i fare (straffeprosessloven § 139). Det er naturlig å vente at den av partene som representerer forvaltningsorganet, vil ta affære, dersom slike opplysninger har kommet opp under tolkingen.

Straffeforføyninger ved brudd mot taushetspliktsbestemmelser

Tolkens brudd mot taushetsplikten, som omfatter praktisk talt alt som er sagt under tolkingen, kan medføre straffeansvar etter straffelovens § 121 og/eller § 144, første ledd.

Ved brudd mot taushetspliktsbestemmelser kan tolken straffes med bøter eller med fengsel.

Ut fra yrkesetiske synspunkter er ethvert glipp kritikkverdig. En tolk skal derfor være ytterst varsom for ikke å røpe noe som han/hun har fått vite i forbindelse med tolkeoppdrag. Dette gjelder såvel positive, gledelige som negative, triste opplysninger.

6. Integritet

§ 6. Tolken må ikke i vinnings eller annen hensikt misbruke informasjon som han/hun har fått kjennskap til gjennom tolking.

Å arbeide som tolk innebærer i seg selv potensiale for makt og innflytelse. Tolken må aldri utnytte sin posisjon eller de opplysningene som han/hun får kjennskap til gjennom tolking, for å skaffe seg personlig fordel eller økonomisk fortjeneste.

7. Tolkens oppgave

§ 7. Tolken skal ikke utføre andre oppgaver enn å tolke under tolkeoppdraget.

Tolkens nøytrale stilling gjør at han/hun ikke kan utføre andre oppgaver under tolkeoppdraget enn å tolke. Tolken skal ikke svare på spørsmål om noen av partenes forhold, eller tale noen parts sak, ikke heller opptre som fullmektig. Tolken skal ikke gjøre oppmerksom på forhold han/hun mener bør utdypes av hensyn til sakens opplysning, eller om saksforholdet forøvrig.

Fordi tolkesituasjonen i seg selv krever stor grad av konsentrasjon, kan ikke tolken f.eks. være sekretær eller ordstyrer i et møte, fylle ut skjemaer o.l.

Tolken har ingen funksjon som kulturinformant eller kulturformidler under tolkingen, og skal således ikke komme med "ekspertuttalelser" om forhold som det kan ventes at tolken har spesielle kunnskaper om, for eksempel forhold i et annet land. Dersom samtalepartene stiller tolken spørsmål om dette eller andre saksforhold, må tolken oversette spørsmål til samtaleparten, slik at parten selv kan svare. Et svar fra tolken kan bli oppfattet som om tolken tar part i saken, og dermed svekke tilliten til tolken. Dessuten kan en feilaktig opplysning fra tolkens side få uheldige konsekvenser for saken.

8. Forsvarlig tolking

§ 8. Tolken skal si fra når tolking ikke kan skje på en forsvarlig måte.

Tolken har ansvar for å forsikre seg om at de faglige og praktiske forhold ved oppdraget ligger til rette for at tolking kan utføres på en forsvarlig måte. Det bør være f.eks. tilfredsstillende lytteforhold, passe lange tolkeøkter, hensiktsmessig plassering, et tilstrekkelig antall tolker for oppdraget o.l.

9. Skriftlige oversettelser

§ 9. En statsautorisert tolk som utfører skriftlige oversettelser har ikke adgang til å bruke betegnelsen i forbindelse med bekreftelse av riktigheten av en oversettelse av et dokument, hverken på selve oversettelsen eller i et dokument med referanse til oversettelsen.

Forskjellen mellom en tolk og en oversetter er ikke alltid klar for allmennheten. Bruk av betegnelsen statsautorisert tolk i forbindelse med skriftlige oversettelser kan misforstås slik at oppdragsgivere og andre tror at den skriftlige oversettelsen har blitt utført av noen hvis kompetanse på dette området har blitt utprøvd av samfunnet. Risikoen for misforståelse blir enda større dersom betegnelsen oversettes til et annet språk.

En statsautorisert tolk skal ikke bruke betegnelsen på en måte som kan gi inntrykk av en dokumentert oversetterkompetanse. Ved eventuelt skriftlige oppdrag bør han/hun informere oppdragsgivere om at autorisasjonen som tolk gjelder kun muntlig kommunikasjon.

Appendix 3: Languages, Gender and Ethnicity

Data from the National Register of Interpreters, March 2, 2006.

	Total	Men	Women	Norwegian name	Non-Norwegian name	% Women	% Norwegian
All languages	348	159	189	45	303	54	13
Albanian	14	12	2		14	14	0
Amharic	10	6	4		10	40	0
Arabic	29	21	8		29	28	0
Armenian	1		1		1	100	0
Azeri	3	1	2		3	67	0
Badini	2	1	1		2	50	0
Bengali	1	1			1	0	0
BCS	12	5	7	3	9	58	25
Bulgarian	1		1		1	100	0
Chechnyan	2		2		2	100	0
Chinese (Mandarin)	8		8		8	100	0
Czech	1		1	1		100	100
Dari	6	4	2		6	33	0
English	15	2	13	11	4	87	73
Estonian	3		3		3	100	0
Finnish	2		2		2	100	0
French	17	6	11	8	9	65	47
Georgian	1		1		1	100	0
German	6	1	5	1	5	83	17
Greek	1		1		1	100	0
Hindi	1	1			1	0	0

	Total	Men	Women	Norwegian name	Non-Norwegian name	% Women	% Norwegian
Hungarian	3		3		3	100	0
Italian	3	1	2	1	2	67	33
Kurdish (Sorani)	23	18	5		23	22	0
Kurdish (Kurmanji)	1	1			1	0	0
Latvian	1		1		1	100	0
Lithuanian	5	1	4		5	80	0
Mongolian	1		1		1	100	0
Nepalese	1	1			1	0	0
Oromo	3	2	1		3	33	0
Panjabi	3	2	1		3	33	0
Pashto	2	1	1		2	50	0
Persian	21	15	6		21	29	0
Polish	9		9		9	100	0
Portugese	7	5	2	4	3	29	57
Rumanian	7	3	4	1	6	57	14
Russian	48	4	44	3	45	92	6
Somali	14	13	1		14	7	0
Spanish	21	5	16	9	12	76	43
Swahili	2	2			2	0	0
Tamil	5	3	2		5	40	0
Thai	1		1		1	100	0
Tigrinya	3	2	1		3	33	0
Turkish	12	8	4	2	10	33	17
Urdu	7	6	1		7	14	0
Vietnamese	9	5	4	1	8	44	11