Establishment of the Institution of Social Service Interpreting: Conditions, Problems and Prospects

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Abstract

This article considers social service interpreting as a special type of interpreting and differentiates the notions for denoting this type. The main task is to reveal principal conditions for the establishment of an effective institution of social service interpreting and problems, the resolution of which provides society with access to social service interpreting. Analysis of the role and tasks of community interpreter is based on the surveys of Estonian Police and Border Guard Board. Such specifics of this type of interpreting as professional, social status, psychological and linguistic asymmetry are the focus of this article.

1. Introduction

Social service interpreting (hereinafter referred to as SSI) as a special type of professional interpreting started in the 1970s. “Community interpreting enables people who are not fluent speakers of the official language(s) of the country to communicate with the providers of public services so as to facilitate full and equal access to legal, health, education, government, and social services” (Carr et al., 1997). A person is provided with SSI on a free basis; it is usually funded by either a state department or local government.

For people not speaking an official language the access to a social service is guaranteed by international conventions, among which “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”, “European Charter for Regional or Minority Languages”, “European Social Charter”

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and others. Besides, in October 2010, the EU Directive on the right to interpreting and translation in criminal proceedings was adopted (Directive 2010/64/EU).

Most countries abide by basic human rights, including the right of equal access to public services (education, healthcare, legal protection) regardless of the legal status of people and their proficiency in the official language.

Countries have faced a necessity to provide people with language support for accessing public services in different periods of time, and due to some reasons, they have responded differently to this problem. Nowadays we can speak about countries that ignore SSI; those who provide ad hoc interpreting, limited with general language policy; and countries that have an effective system of training and accreditation of social service interpreters (Ozolins, 2000, p. 21). Sweden, Netherlands, Australia, Canada, Great Britain and the USA have the longest tradition of SSI.

We can assume that the distribution of countries according to the given classes will undergo – or are undergoing – significant changes due to the reasons above. It takes time to intensify the establishment of effective SSI institutions where they did not exist before or were poor developed.

This article aims to indicate basic conditions for the establishment of the effective institution of SSI, and problems, the resolution of which will lead to its establishment. It must be observed that this article does not pursue the goal of telling the history of SSI development, describe practices of different countries where SSI institutions are fully-fledged, and compare SSI in different countries. Attention should be drawn to aspects that are very important for providing a proper language access to public service. “Proper” means at the level on which people who are proficient in language have equal opportunities.

We will refer to Estonian experience, although it does not mean that the data are relevant only for this country. It is one of the countries where SSI institution is in statu nascendi.

2. Conditions Analysis

2.1. Legal basis

Nowadays, the amount (and quality) of services of SSI varies in different countries. On the one hand, it is determined by a need for such services; on the other hand, it is related to current legislation: if in the country there is legislation that provides all the members of society with access to public services, the demand for SSI is very high, and it creates the necessary prerequisites for its intensive development. If there is no proper legal basis (they exist only “on paper”), SSI is not provided, even if there are temporary or habitual residents who need SSI.

The first prerequisite for the establishment of SSI institution is a proper legislation.

Therefore, a state legally regulates:

- the degree of acquisition and application of law (government, local government, or an individual organization);
- obligatory provision of language assistance (from “mandatory” to “upon a motion” or “if applicable”);
- people to whom language assistance is guaranteed: all people on the territory of the country (national and/or ethnic minorities), only refugees, only international tourists, have to address their request to state agencies, etc.;
- a range of public services, access to which is guaranteed by law.

For example, in Estonia SSI is provided on a regular basis in the legal sphere. Staff interpreters work in courts of two instances, in the national court and the court of cassation, in the Police and Border Guard Board (hereinafter referred to as PBGB), in the public prosecutor’s office, in the Tax and Customs Board. Their duties encompass provision of either interpreting or written translation. If necessary (in case of rare languages), non-staff personnel are involved.

Among Estonian laws regulating language assistance there are the “Language Act”, “Criminal Procedure Code”, “Code of Administrative Court Procedure”, “Law on International Security”, and “International refugee law”. In the “Law on foreigners” regulating entry and stay on the territory of Estonia, rights of foreign nationals regarding living and working, provision of language assistance is not specifically mentioned; there are only references to the legal acts above. In healthcare SSI is not at all provided or provided by non-professionals. If a medical institution needs an interpreter, they arrange it on their own, finding a person among the stuff who is proficient in the language, thus,
not paying for interpreting *ad hoc*. In the sphere of education in Estonia this type of social service is not provided. Moreover, the given data prove that most Estonian state institutions do not consider the provision of language assistance to a person as their duty. Thus, the amount of provided SSI is determined on the legislative level.

Legal awareness in a particular state is of great importance for the establishment and functioning of SSI institution. Legal awareness is understood as:

- firstly, attitude to the law. It is known that the distance between a person and a law in different counties in different periods of time is determined differently, and is realized in different social and legal patterns: from the pattern with a maximum imposition of laws and rules of social interaction within which a person considers oneself as a legal entity, to the pattern with a maximum distance within which the law is regarded separately from everyday life, ethics of everyday relationships, and is perceived as “someone else’s imposed will” which you should obey only in case of a real risk of being punished. Between these poles some more models can be defined, each of which determines the “strictness” of law enforcement. With regard to SSI, it is connected with the quality of services provided by an institution;

- secondly, awareness and acknowledgment of the rights of people who are not fluent speakers of the official language, and tolerance toward them. These elements are important for social support of the SSI institution as well as for public servants who according to their duties work with people speaking other languages;

- thirdly, awareness of residents (citizens and non-citizens) of proper laws. The results of an express-survey show that most of the residents of Estonia (either Estonians or national minorities) are not aware of how, where and for whom language access to public services is provided. We asked the same question to Russian people (the number of respondents is less, so the results are only of symptomatic character) and nobody could answer. The problem is not in wrong answers (not corresponding to the current law), but in people’s unawareness. A survey in Sweden showed other results. On the one hand, awareness of rights allows people to demand their realization (or, on the contrary, not to claim any demands based on their “own understanding”). On the other hand, what is also important, awareness is a necessary prequisite for the establishment of mechanisms of social control. This fact is also important for the consolidation of the SSI position in social practice and is reflected in either the amount or quality of provided services.

Thus, a proper legal basis is the principle for SSI development. It determines the need of language assistance provision and an amount of interpreting services: spheres, people having the right to an interpreter, mandatory. Establishment of the SSI institution and determination of the services provided by it depend on residents’ legal awareness. It is obvious that laws and will for their enforcement are not sufficient for the establishment of the SSI institution. These are only conditions for it to appear.

2.2. **Organisational conditions**

The next set of problems is related to the process of organization of SSI. A principal condition for interpreting is an interpreter on whose competence the quality of the services greatly depends. The practice of SSI is usually spontaneous: at first, in the court, in law enforcement bodies, medical institutions, social sphere, when there appear a need in interpreters; then, people, usually non-professionals, are found, and they start performing the functions of interpreter. On the basis of this there a sort of tradition is developing. The specifics of the work of a social service interpreter and list of requirements are determined not only by the state practice as a whole, but also by the experience of every particular organization. An awareness of specifics of social service interpreting is of great importance for the development of the professional institution of SSI.

Numerous research devoted to SSI in different countries has pointed out the necessity of unified practice in relation to the role of interpreter and his/her functions (Mikkelson, 1996; Roberts, 1994; Niska, 2002; 2004). It is no accident that the roles and tasks of a social service interpreter are one of the problems observed in special literature, and the points of view widely vary.
A social service interpreter serves only as a language mediator that literally reproduces the said from one language into another, staying neutral and being “invisible” (Berk-Seligson, 1990:10).

The other authors define the role of social service interpreter not only as a neutral “translator”:

- Barsky (1996) declared that “interpreters … have to be allowed to work as intercultural agents rather than translation devices”.
- “The interpreter’s role in “co-ordinated talk” (Wadensjö, 1992) was represented by the issues of self-initiated clarification with the client and alerting the parties to any misunderstanding in their conversation” (Pöchhacker, 1999: 53).
- Caimcross (1989) thought that “an interpreter is a cultural mediator as well as client ‘representative and advocate’”.
- Putsch (1985) also noticed that an Interpreter may act as an ombudsman or counselor.

Unity (within one system) of functions of social service interpreter is a very important factor that enables the creation of a code of conduct for social service interpreters. Unified rules, which can be characterized as “proper practice of interpreting”, allow the resolution of a series of problems which are faced either by social service interpreters or representatives of the institution where the dialogue takes place, or the very person needing an interpreter’s assistance. This code would be not only a guide for practicing interpreters, but also would enable the interpreting community to have a more meaningful dialog with organizations interested in interpreting.

Naturally, the particular role of an interpreter is determined by a set of the most typical situations of his/her activity, the prevailing category of people and organizations of SSI interested in an interpreter’s assistance in different countries regulating the labour activity of the social service interpreter. However, the results of the research in SSI and PBGB prove that such conditions are not sufficient.

2.3. Data Collection

In 2010 a large-scale survey of police interpreters and investigators was conducted to reveal the current state of interpreting in PBGB (Karu, 2011; Karu, 2012). One of the tasks was to determine the degree of unity of views on role, functions, skills, ethnical principles of the interpreter within two groups:

- staff interpreters of PBGB,
- investigators experienced in working with social service interpreters, and also comparison of the views of these two groups.

The results showed that there is no consensus not only between professional groups, but also within one professional group the understanding of interpreting is varied.

The results of the surveys can be taken as an example. It was said previously that usually the role of interpreter is regulated by the state or particular organization. In legal acts of Estonia the roles and duties of the interpreter are defined as follows: he/she is a neutral language mediator that pledges to translate “everything concerning the management accurately and fully” (Kriminaalmenetluse seadustik). The rights and duties of the staff police interpreter are thoroughly recorded in “Job description of the PBGB interpreter”. In accordance with this document an interpreter is obliged to be neutral and unbiased. An interpreter is prohibited from commenting, advising and expressing his/her own opinion.

As for the “invisibility” of the interpreter: One of the main rules of teaching to the interpreting is “invisibility” of the interpreter. Do you follow this principle in your job? Only 42% of respondents answer affirmatively. Consequently, the majority (58%) think or do differently.

The survey also showed significant differences of opinion between PBGB interpreters and investigators experienced in work with interpreters on the duties and authority of the interpreter. Only 5% of policemen know that there are written documents setting out the rules to follow for police interpreters. 84% do not know whether such a document exists or not, and 11% are sure that there are no such rules (Karu, 2010; Karu, Romantšik, 2013).
2.4. Results and discussion

The results of the survey, firstly, contradict the principles of neutrality and fairness described in “Job description”; secondly, there is evidence of an absence of unified opinion on the job of interpreter, which we wanted to show by this example. We think that a unified code for the social service interpreter would reduce such contradictions and enable to introduce a uniform resolution of the main problems of interpreting such as adequacy and accuracy. It would solve the problem with a variety of language means to convey these or those thoughts.

It is not reasonable to focus on the consideration of different views on adequacy and accuracy. It is important to point out that a choice of the role of social service interpreter directly influences the solution of the problem of adequacy and accuracy of translation. Such theses as “social service interpreter should provide clarity of the message of one participant of the dialogue to another” or “requirement of adequacy and accuracy put on SSI is higher of the requirement put on conference-translation” (Hale, 2007) and are not applicable to SSI at all. They are reasonable only in the context of a particular role of the interpreter. Niska (2004), for example, sharing the opinion on the role of social service interpreter as a neutral mediator, writes that his/her duty is “do not hide, do not add, do not change anything”, while the conference-interpreter has the right to paraphrase or to shorten authentic text, keeping all pieces of information, though.

All the aforementioned evidence shows that evaluation of adequacy and accuracy of translation depends on the functions and roles of the interpreter. The problem of adequacy and accuracy arise in front of the interpreter in terms of specifics of the communicative act that he serves to provide (Karu, & Romantšik, 2013). At the same time, we highlight such peculiarities of social service interpreting as professional, of social status, psychological and linguistic asymmetry. The customers of social service interpreting are people with different levels of education and language proficiency, besides they are in different emotional and psychological states. Frequently, background knowledge of the situation in question enables the interpreter to “restore” the sense of the speech, but will he/she propose his own interpretation of what he/she has heard, try to reproduce the text in original variant or refuse to convey the thought choosing this or that means – all that depends on his/her comprehension of his/her role.

Possibly, the roles and functions of interpreter can vary depending on the situation, however, it is clear that a situation in which the interpreter has to choose his/her rule of conduct in the SSI situation is not desirable. Such a situation harms not only the people who need the interpreting, but the interpreters themselves due to the disappearance of evaluation criteria of the quality of interpreting. The impossibility of evaluating the quality of interpreting undermines necessary competition in the market of corresponding services and leaves the interpreter unprotected in front of critics (for example, in front of an official sharing other ideas, with whom he/she works). This, in turn, can result in breakdowns in communication and conflicts.

It is only a part of the problem arising under the absence of an adopted (and recorded in written form) code of interpreters.

The job description, mentioned as the job description of PBGB interpreters, seems to perform the function of the code. It is impossible due to the general character of the job description. It does not provide any algorithms of conduct in particular situations. The job description is insufficient and ambiguous for resolution of problems concerning the role and authority of interpreter. So, in job descriptions, as well as in other legal acts, it is proved that an interpreter should translate “everything concerning the management accurately and fully”. It presupposes that an interpreter in not only entitled but also must not solve the problems concerning the management. A job description is relevant within one particular institution. Another organization can have its own job description or does not have it at all. Finally, it means that language access, guaranteed by law, is provided differently in different organizations. It plays a very important role in the determination of specifics of social service interpreting. A job description should, on the one hand, have supported unified interpreting standards and, on the other hand, ensure protection of interpreters. Such job descriptions are often not sufficient to solve any problems.

3. Conclusion

To sum up, the conducted research allows us to speak about the necessity of forming professional self-awareness of the social service interpreter which is defined as clear understanding of the work, its specifics (in relation to other
types of language mediation), definite professional standards, respect to the work and readiness to demand this respect from others (including public servants with whom the interpreter works). A professional association of social service interpreters, certification system, professional training system and Code of social service interpreting developed by working interpreters and translation theorists under the auspices of state representatives can be the tools of formation of professional self-awareness as well as mechanisms of control. Besides, it is important to take into consideration legal norms regulating the mediation of the interpreter in a dialogue between a person and the state, and the experience of working interpreters and public servants. Only a certain set of working languages enables the training of professional social service interpreters.

The SSI institution will be more effective if it is an efficient mechanism of interaction between the interpreter and institution interested in his/her services. In this case, the interpreter is not only responsible for the quality of services provided by the institution. There are three parties involved in interpreting: the person that requires interpreting – the interpreter – the public servant. If one of them is not able to run the process of “language assistance”, communication is either difficult or broken. As a result, the information is considerably distorted or changed. The public servant should have at least basic knowledge about SSI and understand what the risk of involving non-professional interpreters is. Moreover, work with a qualified interpreter would be more effective if a state representative knew what the specifics of SSI and interpreting in general are, what problems the social service interpreter faces, and what the basic principles of SSI ethics are.

Thus, establishment is needed of an effective system of SSI which presupposes professional training for the interpreters, and also special training of public servants facing the necessity of involving social service interpreter (Karu, 2012). A series of conditions should be observed to establish efficient SSI institution: from a proper legal to consideration legal norms regulatin g the mediation of the interpreter in a dialogue between a person and the state, and the experience of working interpreters and public servants. Only a certain set of working languages enables the training of professional social service interpreters.

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References

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