Language and Domain: Applications for the Courtroom Interpreter
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The courtroom vernacular of English (legalese) differs from secular English in many of the same ways that foreign languages differ. Legalese has important variations in lexicon, syntax, and discourse. These variations require the American Sign Language interpreters in the courtroom to understand the unique nature of legalese. Understanding the context in which the language lives and the requirement for precision that ultimately directs the development of the language guide the interpreter to an accurate, fully-developed interpretation.

Understanding the Lexicon and Syntax

Legalese is best described as a sub-language or "domain" of English; they share a common vocabulary and syntax. Unfortunately for the interpreter, this common vocabulary and syntax cause the majority of errors and miscues during translation. These errors are caused by the interpreter's lack of experience in the legal domain. Bringing a legal dictionary to the courtroom, while helpful, is not enough to prevent interpreting mistakes for the simple reason that word meanings change drastically from one domain to the next. Both of the following two noun phrases, for example, use *wash* as a noun that means a liquid used to wash something:

A hydrochloric acid wash
A polypeptide wash

The surface syntax does not reveal the underlying conceptual relations. Knowledge of the domain – biochemistry – is required to understand that hydrochloric acid is a *component* of the liquid and polypeptides are *washed by* the liquid. The same can be said for the legal interpreter: She may make errors in translation based not on her knowledge of the language use, but on her ignorance of the language's domain.

The interpreter must also take care to select the appropriate word sense. Technical words, like *parole,* are conceptually limited in variation; but a common word, *service*, exists

in multiple domains. The interpreter has to distinguish between service in a restaurant, a vehicle service, a church service, and service of legal documents. Word sense can be difficult to determine because different senses of the word may occur in the same syntactic patterns.

> A) Jane supported her roof with a beam.
> B) Jane supported her husband with alimony.
> C) Jane supported the judge's decision.
> D) Jane supported the attorney by filing his motion for him.

These all contain the same underlying concept of Jane bolstering a thing, but only one (c) would correctly use the sign commonly glossed as *support*. The sign *help* would be used in (d), *paid* would be used for (b) and (a) requires the construct *set-up wood pole for-for prevent collapse* to be completely accurate. Different uses of a word may be expressed with the same lexical and syntactic patterns in one language, but the translation to another language may require different words in different patterns.

Words often do not have counterparts in other languages simply because the concept is not a part of the culture using the language. For example, *betray* has no conceptual ASL equivalent. Even related concepts like *spy*, *traitor*, and *turncoat* are without a translation because they are all variations on a theme that simply does not exist in ASL. Explanations can be made, but maintaining the integrity of the speaker's intent is difficult when the interpretation may not produce the desired resonance. The likelihood of there being no equivalent concept in the target language increases proportionally to the complexity of the domain.

Discourse

The legalese style of discourse is limited by the lexicon and the syntax, which exist to define the concepts that must be expressed during legal proceedings. The limits are a result of lexical and syntactical parameters which exert pressure on the discourse, resulting in a strictly formal style. The level of formality is an essential element and adhering to this register of speech and routine can prove difficult for an interpreter to follow when she is confronted with routine problems of translation.

Formality is required to maintain order and equality. A strict code of conduct not only inspires respect in the participants, but also ensures that each proceeding is carried out in exactly the same way. This prevents anomalies in the proceedings that could be perceived as favoritism or discrimination. The formality of the situation is difficult to reproduce in ASL, which is a visual/gestural language that makes use of iconic signs and mimed gestures. Many signs, like *eat* or *drink*, are iconic in nature and readily identifiable by individuals who do not use the language. The interpreter may stumble when forced to confront sexual signs or slang terms that are also readily identifiable. Production of these signs does not reflect the formal, often euphemistic, word choices of legal language and may serve to disrupt the proceedings. ASL does not contain many euphemisms: The nature of the language demands that a "spade is called a spade". This limits the interpreter's strategies when dealing with signs of a delicate nature and she should work with the client to develop alternate sign choices that may be used to avoid disrupting the proceedings and adhere to the formal discourse style.

Trouble with Trios

Despite understanding the lexicon, syntax, and discourse style of legalese, the interpreter will stumble if she does not understand the guiding principle in the development of the language. Precision is an essential element of jurisprudence. Imprecise laws or courtroom procedures can and will lead to inconsistencies in treatment of individual citizens. Since the American public has determined equality and justice to be the golden standard of treatment, it is only natural to see a language developed for legal use that narrowly defines words rather than deals with bulky, imprecise concepts.

The dangers of imprecision are easily illustrated by the simple example sentence "One and one make two." Obviously this sentence omits a necessary limitation: One thing and itself make one thing. So we ought to say, "One thing and another thing make two things." This must mean that the togetherness of one thing with another thing becomes a group of two things. At this stage several difficulties become apparent. The things that have been grouped must have been properly put together to create that group. The grouping of a spark and gunpowder produces an explosion, which is not the same as having two things together in a group. Thus we should say, "The proper sort of togetherness of one thing and another thing produces the sort of group which we call two things."

The other difficulty that arises is one of placement: Anything placed in another situation changes in nature. The statement "One and one make two" assumes that changes in the shift of circumstance are unimportant. Language is never independent of the circumstances under which it is used. The concepts expressed by a language are determined by the environment, activities, and culture of the people who use the language. This example also illuminates the difficulties in reproducing the necessary precision of legalese during interpretation.

The best strategy for an interpreter to use when approaching the courtroom or legal documents is to treat legalese as a third language. Consecutive interpretation may be required instead of simultaneous when the language becomes too dense to adequately parse the concepts. The interpreter's initial learning of vocabulary, reviewing pertinent documents, and study of the language must be combined with a thorough understanding of the courtroom culture.

About the Author: Andrea K. Smith has been providing professional freelance interpreting services since 2000. She has published several articles on interpreting and language in various journals. This article first appeared in the 2004 fall quarterly edition of *Language Trade*. Andrea currently resides in Washington D.C with her fiancé and cat.