Power And Privilege: An Exploration Of Decision-Making Of Interpreters

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ABSTRACT

This article presents the findings of a study conducted with Deaf and hearing American Sign Language (ASL) interpreters from Canada and the United States who interpret legal discourse and legal interactions. This qualitative research study was designed to explore constructs of power and power dynamics that emerge in interpreted interactions. Sixteen interpreters, with at least fifteen years of experience in legal interpreting participated in an on-line survey; nine also participated in focus groups. This study found intersections among power and privilege, interpreters' sense of agency, their conceptualization of the task of interpreting, and their training. Participants reported situations where the power dynamics between Deaf and hearing interpreting teams did not support effective interpretation and ultimately had a negative impact on the interaction. How interpreters conceptualize the task of interpreting appears to be a key factor in producing successful interpreted interactions where power is mediated via interpretation. Participants offered examples of how conceptualization of the task of interpreting by various participants in an interpreted interaction (e.g. self, team partner, consumers) impacts their decision-making in several ways: qualification for an assignment; how they function as a Deaf-hearing team; and, what strategies they use to create meaning-based interpretation. This study highlights that the interpreter's own awareness of power and privilege is a crucial pre-requisite to support active decision-making that facilitates effective interpretation. This study has implications for interpreter educators and interpreters, and while the focus is on interpreting in legal settings, results are applicable across settings.

INTRODUCTION

Deaf and hearing people who do not share a language rely on the work of signed language interpreters in all sorts of settings on a daily basis, in similar ways to individuals who do not share the same spoken language work with spoken language interpreters. Since interpretation is a largely invisible cognitive process for an interpreter, discussion of and reflection on interpreting decisions and work is one way to examine how an interpreter carries out their work. While all interpreted interactions have consequences associated with the interpreter's linguistic, interactional, and ethical decisions, events that involve legal discourse can have particularly serious consequences if interpreters make decisions that do not support effective and ethical interpretation. Interpreting legal discourse and working in legal interactions is an area that is rife with power imbalances, e.g., between different actors in the legal system, lacking or carrying institutional power due to their roles in the process; between Deaf and hearing participants; between interpreters seeking preparatory information and attorneys guarding that information;

etc. The construct of power as it relates to interpreting, especially as it relates to decision-making, has, notwithstanding this, been relatively unreported in the literature about signed and spoken language interpreters.

This study focused on legal discourse and legal settings in a broad sense, including matters beyond police and court interactions. While the emphasis is on legal interactions and the issues that arise in those settings, the framework and the findings relate to interpreters working in any setting, regardless of the language pairs. Additionally, the perspectives of the Deaf interpreters in this study require serious consideration from all interpreters, novice and experienced, Deaf and hearing. We believe the findings apply to both spoken and signed language interpreters and to all settings in which interpreters work. Interpreting is interpreting, and the results revealed in this data set are important ones for the profession to consider.

In this paper, we report on the major findings of how interpreters discussed the constructs of power and power dynamics as they appear in the work they do as interpreters. Our focus includes the intersection of the interpreters' awareness of their decision-making and how they prepare and execute their work. An intersectional framework enriches understandings of social phenomena and systems of power (Collins 1998, 2012). Collins (1998, 2004) defines power as a phenomenon that intersects the relationship between those who are granted privilege by virtue of social institutional systems and those without those same privileges. Mason & Ren assert that institutional power resides in organizations, governments, and other authorities. Further, Lorde (1984/2007) states "[t]here are many kinds of power, used and unused, acknowledged or otherwise…." (p. 339). All of these constructs have particular relevance for interpreters, especially interpreters working in legal settings. In what ways do interpreters navigate institutional systems in order to perform their work? Are they aware of, and do they acknowledge, the power that they have by virtue of being interpreters who have access to linguistic and cultural knowledge and resources unavailable to other participants in a given interaction? In what ways do they use this power? These questions are explored below.

LITERATURE REVIEW

In order to situate this research we reviewed the literature primarily in the field of interpreting concerning the construct of power and interpreting in legal settings, conceptualization of the task of interpreting, decision-making and reflective practice, and training for interpreters in specialized settings.

POWER AND INTERPRETATION IN LEGAL SETTINGS

In legal interactions, institutional and linguistic power is preserved through language and protocols used by personnel in the judicial system (Berk-Seligson, 1990, 2002; Fenton, 1997). Power may be a dominating force to control or monopolize, but it is also a strategy or technique used to function within a network of relationships (Mason & Ren, 2012). For example, the process of framing and asking questions used by attorneys and judges holds linguistic control over defendants and witnesses (Berk-Seligson, 2002). Hale (2004) and Jacobsen (2010) both state that because the attorney has the power to ask questions, they can frame and control the content of evidence. This same construct applies to legal interactions across a broad spectrum of

settings as interpreted settings are often framed around question and answer discourse strategies (O'Barr, 1982; Morris, 1989).

Mason and Ren (2012) cite Anderson (1976) as one of the earliest writers raising the notion that the interpreter has power in an interpreted interaction. Anderson (1976) asserts that the interpreter is in the middle, and therefore has inherent power to control scarce resources. Mason and Ren (2012) explicate Anderson's notion of scarce resources, saying that while "interpreters often lack institutional power, they may be equipped with power within the exchange as a result of their bilingual and bicultural expertise" (p. 233). This interactional power that interpreters hold is employed through "various verbal and non-verbal strategies to negotiate, coordinate, check, and balance power relations. This [power] can be specifically manifested in interpreters' social action as co-interlocutors, empowerment figures, or in the adoption of a non-neutral stance" (Mason & Ren, 2012, p. 233)."

The concepts of interactional power and institutional power are "…inextricably bound up with considerations of *community* and *identity*." (Mason & Ren, 2012, p. 241). Community and identity are especially significant for signed language interpreters who may be Deaf or who hold close relationships with members of the Deaf community and who may align themselves with the community members on any number of issues. This can create tension in a legal interaction when the interpreter perceives an imbalance of power or an injustice and may consciously or unconsciously choose to alter an interaction via their linguistic, cultural, and/or ethical choices.

Fowler, Ng & Coulthard (2013) state that the interpreter's mere presence can interrupt the expected normal professional practice of a legal interaction and propel professionals to exert their power over the interpreter. This perception of interpretation by those holding system power led to "cutting down of the interpreter's role to that of a machine" (Fenton, 1997, p. 30). The 'conduit' interpreter is expected to remain invisible and powerless (Mason & Ren, 2012). However, there are numerous studies that reveal that the interpreter is anything but invisible and powerless (Angelelli, 2004a; Davidson 2000, 2001; Metzger, 1999; Ren, 2010; Roy, 1999; Russell, 2002). Mason and Ren (2012) remind us that while interpreters ensure communication is accessible to all parties, they can also serve to maintain, reinforce, and/or alter the power dynamics in an interaction. Merlini and Favaron's (2003) study examining power management as a skill that is learned and practiced by health care interpreters in the context of social interaction highlighted this power of interpreters. They found that interpreters in that setting managed the power dynamic in order to obtain a favorable outcome for the participants.

Hale (2001) cites a number of ways the legal system attempts to mitigate the influence and power of the interpreter in interactions: by denying professional recognition, by not understanding the interpreting process and the complexity of the cognitive task being performed, by not understanding the inherent difficulty of finding exact equivalents across languages, by not providing adequate remuneration, by refusing access to background case material, and by not allowing for adequate breaks, team support, and basic work requirements, such as water, a chair, and notepads. "The high linguistic, cultural and interpreting skills that are necessary for a legal interpreter are underestimated and undervalued by the law" (Fenton, 1997, p. 31). This approach misleadingly operationalizes the task of the interpreter, as well as creates untenable working conditions.

CONCEPTUALIZATION OF THE TASK OF INTERPRETING

Interpreting is a socially situated activity (Inghilleri, 2003, 2005; Angelelli, 2004a, 2004b, 2010) that is highly complex and cognitively demanding (Pöchhacker, 2004; Roy, 1999; Seleskovitch, 1978; Wadensjö, 1998). Conceptualization of the task refers to how an interpreter understands the nature and character of highly complex and cognitively demanding work, what that work requires of the interpreter (prior to, during, and after the interpreted interaction), and how it is accomplished.

In any given event, context shapes the interactional and linguistic choices made by its participants (Mishler, 1979. Furthermore, interlocutors actively co-construct meaning with one another throughout the event (Schegloff, 1982; Goodwin, 1986; Schiffrin, 2003; Mishler, 1979; Janzen & Shaffer, 2008). Interpreted interactions occur within a particular context where the interlocutors and interpreters actively work at co-constructing the meaning that the interpreter conveys within that context (Wilcox & Shaffer, 2005). In addition to the interpreter considering context and co-construction of meaning, the interpreter must consider their own understanding of and use of power and their sense of accountability as they perform their professional role in the interpreted situation (Mason & Ren, 2012; Kermit, Mjean, & Olsen, 2011).

Researchers point to preparation as a key aspect of how interpreters see their work. Russell (2008) reports that interpreters typically talk with attorneys about logistical matters concerning an upcoming trial instead of about the content, context, and particulars of the trial-at-hand. As Brunson (2007) found "interpreters had little knowledge of the person's case, and the individuals considered the interpreter ineffective because he or she 'didn't know what I was talking about'" (p. 88). Roberson, Russell, & Shaw (2011) stress that interpretation in legal settings must include the effective use of Deaf/hearing interpreter teams and consecutive interpreting. Interpreters must have requisite knowledge and skills to understand when use of these practices will best facilitate access to communication. They also suggest that interpreters work together in teams to support and monitor the interpreting process in order to provide the most accurate work.

Dreyfus and Dreyfus (1986) address five stages of task mastery. They suggest that novices, regardless of the discipline being practiced, show little or no judgment and may have little involvement with the results stemming from their decisions, while professionals with more advanced stages of mastery are consciously engaged in making decisions and recognize the demands of the task easily.

DECISION-MAKING

Numerous studies have drawn attention to the complex nature of the decision-making that characterizes effective interpreting practices (Berk-Seligson, 1990/2002; Dean & Pollard, 2005; Hale, 2001, 2004; Kolb & Pöchhacker, 2008; Russell, 2008; Wadensjö, 1998; Witter-Merithew & Nicodemus, 2012). The dominant themes that have emerged across many studies include the notion that interpreters must see themselves as active participants, versus conduits, in the discourse event (Wilcox & Shaffer, 2005), in order to understand the ways in which their decisions (linguistically and ethically) will impact an interpreted interaction. Further, Shaw (2000) and Russell (2008) explore the ways in which interpreters prepare for the work,

individually and within teams. Active preparation, not simply knowing the details of the assignment, but cognitively and strategically preparing for the linguistic and interactional features of the event and considering whether they are qualified to perform the expected task, can ensure the interpretation is the most effective it can be in a given situation. Russell (2002) exposed the ways in which teams of interpreters can negatively impact a legal event when they do not effectively share the work and make decisions that are in the best interests of the consumers, resulting in increased linguistic errors and decreasing consumers' confidence about a given interpreter's competence and ethical decision-making. Napier and Barker's (2004) work on conscious and unconscious omissions showed the impact of an interpreter's decisions on the discourse event.

Witter-Merithew and Nicodemus (2012) emphasizes that the concept of relational autonomy must be applied to the work in order to understand the importance of the interpreter's decisions, and to foster an ability to create effective relationships. She also emphasizes exercising relational autonomy as a way of managing power imbalances that exist in interpreting work. Witter-Merithew and Nicodemus (2012) suggest that relational autonomy requires then contributes to informed and transparent decision-making.

TRAINING

Roberson, Russell, & Shaw (2012), Brunson (2007), Witter-Merithew & Johnson (2005), and Bontempo and Napier (2007) all report findings that signed language interpreters are not sufficiently skilled and trained for effective general practice, "let alone possess[ing] the abilities required for specialized areas" (Roberson, Russell, & Shaw, 2012, p. 54). Roberson, Russell and Shaw (2012), reporting data from over 1800 respondents, called for a specialized training sequence for interpreters working in legal interactions. Witter-Merithew and Nicodemus (2012) also argue that interpreters working in specialized settings, including legal settings, must have access to training that is situationally relevant. In 2014, the NCIEC[1] created a curriculum focused on effective Deaf-hearing teams working in legal interactions as one approach to deal with this pressing need for training in this area of specialization.

In summary, review of the literature revealed no empirical studies of American Sign Language (ASL) interpreters that examined the issues related to power in legal interpreting. It is important to explore these concepts to determine whether interpreters have awareness of the power dimension within their work and how this awareness or lack thereof either supports or detracts from effective interpreting.

METHODOLOGY

The objective of this study was to explore the experience of seasoned interpreters working in legal settings, surveying individuals who are well situated to discuss and reflect upon their work,

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[1] National Consortium of Interpreter Education Centers (NCIEC), The National Consortium of Interpreter Education Centers aims to expand and enhance the effectiveness of the interpreting workforce through education and professional development services and resources offered regionally and nationally. For further information see http://www.interpretereducation.org

their decisions, and decision-making processes. The following research questions framed the study:

1. In what ways do experienced legal interpreters demonstrate awareness of power in their work with legal discourse and/or in legal settings?

2. What decisions do interpreters make that contribute positive or negatively to the power relationships within an interpreted interaction?

3. What aspects of the context do interpreters view as influencing factors in their professional decisions?

4. What are the experiences of Deaf and hearing interpreters working in team situations in legal settings?

We undertook a mixed-methods study that included Deaf and hearing ASL-English interpreters from Canada and the U.S. We used a purposive sample to select experienced interpreters who work in legal settings in order to understand the perspectives and decision-making processes that may contribute to the power dynamics in this specialized area. This includes interactions that have a legal component or consequence including the following: in-court and court related events; law enforcement interactions, social work, school, employment, medical interviews and meetings; lawyer-client interactions; etc. We used interpretative phenomenological analysis (IPA) to understand particular phenomenon in a particular context (Smith, Flowers, & Larkin, 2009).

PARTICIPANTS

The participants were selected through purposive sampling, in order to have "information-rich cases whose study will illuminate the questions under study" (Patton, 2002, p. 231). To allow for in-depth exploration of themes, IPA requires a reasonable and small pool of study participants (Smith, Flowers, & Larkin, 2009). We selected 16 potential participants who met the following criteria:

1. Nationally known and credentialed Deaf and hearing interpreters

2. At least 15 years of experience working in a variety of legal settings in Canada or the U.S.

Participants were recruited via electronic mail and at the time were provided a description of the research project and informed consent forms. The on-line survey had 16 respondents (100% of those invited), which included seven Deaf and nine hearing participants, 50% of whom grew up in a family with Deaf family members, and 12 females and four males. Data on participant demographics showed the majority of participants had over 20 years of interpreting experience and over 15 years of interpreting in legal settings. Fifteen interpreters chose to participate in focus groups. However, because of scheduling and technical difficulties, nine of the 15 actually participated in focus groups. Focus group participant demographics included two Deaf and two hearing Canadians, one Deaf and four hearing Americans, three people of color, and five who grew up using ASL either because they are Deaf or because they had Deaf parents,

siblings, or other Deaf extended family members.

ETHICAL CONSIDERATIONS

The Institutional Review Board at both of the researchers' affiliated institutions granted ethics approval for the study. All participants submitted signed informed consent forms, as well as agreed to be recorded at the beginning of each focus group. Each participant elected to consent to their image being shown for purposes of presentations so that their own discourse and language can be seen. For the purpose of printed publication, we use translations of participant comments.

DATA COLLECTION

After completing the on-line survey, three focus groups were established to allow participants to offer detailed, first-person accounts of their experiences (Smith, Flowers, & Larkin, 2009). Groups met remotely using Fuze videoconferencing software. This internet-based videoconferencing software allowed all participants to see one another at the same time with each participant appearing in a video screen image[2]. The participants and the researchers were located at various locations across Canada and the U.S. Groups met by country, and both researchers were present for all focus groups. The groups were comprised of four, three, and two participants. The first two groups began with additional participants who were not able to complete the focus group due to technical problems. All focus groups were conducted in ASL. Focus group questions sought to explore decision-making and perspectives on power and privilege of interpreters in interpreted interactions. The same eight questions were asked in all three focus groups (see Appendix 1). Participants had the questions ahead of time, and the questions functioned as prompts for discussion in the groups.

DATA ANALYSIS

In keeping with IPA principles, the researchers reviewed the focus groups to be familiar with the data set. Analysis of qualitative data is a cyclical and reflexive activity requiring data-led, systematic analysis (Coffey & Atkinson, 1996). This methodology is used to "discover important patterns, themes, and interrelationships [which] begins by exploring, then confirming [, and] is guided by analytical principles rather than rules" (Patton, 2002, p. 41).

We first noted preliminary comments regarding descriptive, linguistic, and conceptual issues. Descriptive comments were those that concerned the content of the discussion and understanding the issues demonstrated by the participants. Linguistic comments focused on the participants' language use, for example, repetition, emphasis markers, and humor. Conceptual comments dealt with creating a global understanding of the participants' experience. After this initial viewing of the videotapes, we returned to the data to categorize the themes that emerged, with the intent of reducing the volume of detail while supporting the complexity of the analysis (Hilton, Jones, Harmon, & Cropper, 2012; Smith, et al, 2009). This process was repeated a minimum of three times prior to moving the analysis to an interpretative level.

We then created coding categories that reflected the themes, drawing on qualitative

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[2] For more information see www.fuze.com.

approaches to analyze the data. The principal researchers and two graduate research assistants coded the data in ELAN[3], a linguistic software program that allows for time aligned annotations, multiple tiers, and use of multiple videos. We imported the filmed data into ELAN and directly linked the video to annotations. These themes were then clustered, resulting in the final structure of the themes (Smith, et al, 2009). We searched for theme and sub-theme related occurrences using ELAN and MS Word. We then counted the number of these occurrences, compared this with the overall occurrences, and calculated them per participant to arrive at frequency counts (i.e., number of specific theme-related terms/total number of theme related items). Finally, we contrasted the patterns in the data across all three focus groups. The principal researchers also created translations of the examples used to exemplify the emerging themes.

RESULTS

The major themes that emerged in this study include power and privilege, interpreter's sense of agency/use of agentive practices, interpreter's lack of agency, conceptualization of the task of interpreting, and training. Within each of these broad themes, several sub-themes arose. All themes and sub-themes emerged in all focus groups. Table 1 shows the frequency of the major themes occurring in the data set.

Table 1

Top Five Major Themes

Theme	Frequency	Percentage
Power and Privilege	383	32.7 %
Conceptualization of the Task of Interpreting	340	29.1 %
Interpreter's Sense of Agency	268	22.9 %
Interpreter's Lack of Sense of Agency	71	6.1 %
Training	108	9.2 %
Total	1,170	100 %

POWER AND PRIVILEGE

The theme of power and privilege was the most frequent major theme as it emerged in 32.7% of the data set. Table 2 shows the frequency of the sub-themes within the broader category of power and privilege. The most frequently arising sub-theme is related to the interpreter's awareness of their own power in terms of the power ascribed through the role as a professional interpreter and the choices available to them (25.5%). The second most cited sub-theme was closely related to this in that the interpreters were also aware of actions available to them to use that power within

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[3] For further information of ELAN, see https://tla.mpi.nl/tools/tla-tools/elan/.

the role of the interpreter (20.1%). Other sub-themes include the interpreter's awareness of system-power (15.8%), which included knowing the roles performed by various participants in a legal interaction (13.1%), understanding the power inherent in the system, and/or knowing how to use the system in order to achieve a positive outcome. A finer level of this awareness of system power was the awareness held by the interpreter of the participants' power, which can be ascribed through a role and/or knowledge. Another sub-theme was exercise of power by hearing interpreters that strips power from Deaf interpreters working in Deaf-hearing teams (12.9%). A final sub-theme was decision-making and actions that potentially misuse power (12.6%), which included decisions that exert interpreter power in ways that are inappropriate or impact participants in negative ways.

Frequently, the data revealed examples that highlight the intersections among concepts of power, privilege, and interpreters' sense of agency, conceptualization of the task of interpreting, and training.

Table 2

Power and Privilege Sub-Themes

Sub-Theme	Frequency	Percentage
Aware of own power	95	25.5 %
Decisions and actions that potentially use power appropriate to role	75	20.1 %
Aware of system power	59	15.8 %
Aware of participant power	49	13.1 %
Aware of power that strips power from Deaf interpreters	48	12.9 %
Decisions and actions that potentially misuse power	47	12.6 %
Total	373	100 %

Differences in perspectives

Based on the data, there are distinct differences between those who demonstrated self-reflectiveness and awareness of power constructs and those who did not. Participants identified self-reflection regarding power issues and power structures as professional traits required by practitioners working in legal environments. Five out of nine respondents reported that they engaged in regular self-reflection about their work, including prior to, during, and at the conclusion of a given interpreted interaction. Participants who identified themselves as reflective practitioners also demonstrated depth in the examples they shared. Four other participants appeared to have inconsistent and less structured ways of reflecting on their work. This may be a consequence of training as the four participants who had fewer self-reflective comments also had the least amount of formal training for this specialization. An example of this self-reflection

(and as we discuss later agency and conceptualization of the task) is visible in this quote:

> *"I am constantly assessing whether I am the right interpreter for this job – just because I am certified doesn't mean I am a fit. I want feedback from my team after each assignment on what I did well and what I need to improve on…"*

By contrast, the following quote shows a lack of self-reflection (as well as lack of agency and how the task is conceptualized):

> *"I go, do my work and leave – there really is nothing I can do differently to influence the police or the courts…"*

There were also interesting differences between Deaf and hearing participants, especially in the area of power and privilege. For example, while one Deaf interpreter and one hearing interpreter with similar formal training and experience levels recognized and could reflect on power constructs effectively (62 and 64 comments), other Deaf and hearing participants with less training had far fewer examples of power construction (between 10 and 13 comments). One Deaf interpreter with limited training had over 80 comments of where they recognized power dynamics at play in their work and had few tangible strategies to deal with the challenges in professional ways that were within the scope of the interpreter's role.

Two hearing participants, who had completed all of the formal training available and are certified for legal settings, struggled to move beyond "textbook" type of answers, which may be a matter of lack of experience and/or the need for experienced mentors to point out issues of power and privilege in the context of their interpreting and to model how to engage in self-reflection.

This major theme encapsulates the importance of the interpreter being aware of their own power and privilege, both as individuals and while functioning as interpreters. The participants provided numerous examples demonstrating that when interpreters are aware of their own power and privilege, as interpreters and as individuals, they are able to chose to make professional decisions that may impact the power dynamics in interactions in appropriate and positive ways. Alternatively, interpreters may consciously or unconsciously misuse their professional and/or personal power.

The data also reflects the power dynamics between some Deaf and hearing interpreters and the misuse of power on the part of the hearing interpreters.

> *"The hearing interpreter is the first person assigned, and then I [a Deaf interpreter] might get assigned to the job. The hearing interpreter often says they are fine and don't need me there. But they don't necessarily have the ability to assess their own skills for the job. … The hearing interpreter will get to the job and realize they do need me. Then I get a last minute call. Deaf interpreters are an afterthought."*

> *"When I arrived at court, and I was there intentionally early, the 4 hearing interpreters were already in a meeting with the lawyers. Neither I nor the other Deaf interpreter on the case were invited to join the meeting or brought up to speed on what was being discussed. … We were completely left out of the process [because of the hearing interpreters' actions]."*

In these quotes we see the ways that hearing interpreters are asserting their privilege and power in choosing not to include Deaf interpreters, which means they are acting as gatekeepers to the profession. The second quote demonstrates how hearing interpreters can block Deaf interpreters from participating equally in all aspects of the work, including preparation conversations. Both quotes illuminate the power dynamics at play and the ways in which interpreter decisions can impact collegial relationships and overall effectiveness of interpreting. Both quotes also illustrate how the actions on the part of the hearing interpreters are tied to how they see their task and what is required of them to meet the needs of a situation.

The data reveals some contrasting views between Deaf and hearing interpreters, specifically related to teamwork and their views of the task of interpreting:

> *"We need to get information from the attorneys and the Deaf person. But I hate when the hearing interpreter oversteps and asks the Deaf person for personal information. You have to know what to ask and not ask, and how to let the Deaf person give what information they want to give."*

> *"Hearing interpreters have told me they don't need a DI, and yet those hearing interpreters don't have the judgment to know when a DI is needed. I've been in situations where a DI is needed, but the hearing interpreter doesn't see it."*

> *"Deaf interpreters see power dynamics in everything we do – the hearing interpreters sometimes get it, but often don't. Do they understand their own privilege as a dominant society member?"*

These powerful statements highlight the issues of power and cross-cultural knowledge through the eyes of Deaf interpreters and show the potential for hearing interpreters to over-estimate their skills and knowledge, which some participants (both Deaf and hearing) perceived as misuse of privilege and power by hearing interpreters. The quotes also suggest that some hearing interpreters may not see the value of working with Deaf interpreters, and given that they are often the first point of contact on an assignment, the decision to include Deaf interpreters falls to him/her.

Awareness of system power, participant power, and misuse of power

The data show that interpreters identified decisions that reflected an awareness of system power and how their own knowledge can be used to create working conditions that support effective interpreting practices. The participants' decisions made are significantly influenced by the power of the legal system and the roles that participants in that system perform.

> *"If you understand the system and how power operates in the legal system, then you can navigate through the system to get what you need."*

> *"I know that I can ask that a case get moved on the docket if I have to be somewhere else. It is use of my power that I prefer not to use, but do use sometimes. It's nice of them to make an exception for me, but I think the Deaf person has a right to have the opportunity to fully experience the court proceedings."*

What is clear in these quotes is that interpreters recognize that they can use their professional power to influence events in a legal interaction, for example, by contacting an attorney in order to access preparation information, by negotiating working conditions that are desirable from hiring bodies, and by moving an interpreted interaction up on a docket list so that the interpreter can head off to another assignment. The second quote also demonstrated self-reflection on the consequence of a decision that can alter the experience for a Deaf participant and the ethics issues that arise. These quotes also speak to conceptualization of the task and sense of agency.

The following quote poignantly represents one example of the intersection of system power and personal/professional power:

> *"People have their pre-conceived notions of who I am when I enter the room, regardless of the fact that I am entering in a professional role. Because of that, I go into interpreting situations in a less than powerful position. I am black and because of how other people see me, I want to hold the same power that other professionals hold. ...So, I must present myself each time, as a consummate professional."*

This interpreter is conscious of power constructs and is demonstrating professional choices that situate professional power, displaying how they conceptualize the task of interpreting and their role. These intersections cut across the power dynamics of concepts of systemic power, power in the legal system, and one's own personal and/or professional power.

CONCEPTUALIZING THE TASK OF INTERPRETING

Conceptualization of the task refers to one's understanding of the cognitive and practical elements required to produce accurate interpretations. The interpretation must reflect and incorporate the context in which the interaction is occurring. The context of the event will shape the preparation, linguistic, and interpretation decisions made by the interpreter. Understanding interpreting as a meaning-based activity that presumes interlocutors are working together to create meaning implies that the interpreter's task is much more than word-sign equivalency and form-based transcoding (Wilcox & Shaffer, 2005).

Conceptualization of the task was the second most frequently coded major theme as it emerged in 29.1% of the data set. Table 3 demonstrates the frequency of the sub-themes within the broader category. The most frequently cited sub-theme centered on the interpreter's view of interpreting and how to provide effective meaning-based work in order to offer a culturally and linguistically effective interpretation, which includes how to understand the interaction goals (39.6%). The second most cited theme dealt with forming effective teams, with comments on strategies and direct interaction among the team that creates cohesive and accurate interpretation (18.7%). The third sub-theme that emerged focused on defining the qualifications (beyond certification) needed for the particular interpreted event, examining what it means to possess the skills, knowledge, and experience required for a specific assignment and how this can affect both teamwork and the team's ability to offer consistent meaning-based work (17.8%). This was followed by a sub-theme focused on preparing for the work, which included identifying strategies and choices available, and the impact on the interaction that results when an interpreter does not prepare (14.6%). Finally, education of consumers emerged, where interpreters identified how they recognize opportunities and the responsibility within their role when and how to educate consumers of the interpreting services (9.3%).

Table 3

Conceptualization of the Task of Interpreting Sub-Themes

Sub-Theme	Frequency	Percentage
Meaning-based interpreting strategies and understands interaction goals	127	39.6 %
Effective teams	60	18.7 %
Definitions of qualified and job requirements	57	17.78%
Preparation – required or not	47	14.6 %
Educating consumers	30	9.3 %
Total	321	100 %

Throughout the focus groups, the interpreters emphasized the importance of a variety of factors that contribute to more or less effective interpretations, including the following: determining whether they are qualified for a given assignment, requiring a specific and qualified team, needing preparation time with participants and materials, taking time to conduct preparation, and determining the mode of interpretation that will allow for the work to be accurate and effective. All of these can be understood as elements of the task of interpreting. The participants discussed the importance of establishing working conditions that allow for their choices and decisions that will positively impact their ability to interpret effectively.

However, the data showed the interpreters' perspectives varied on how and to what level they are able to achieve these working conditions. These variations appear to correlate to three

differences, namely: training, how the interpreter conceptualizes the task of interpreting, and how they exhibit agency. For example, an interpreter without sufficient training may accept an assignment without knowing and approving the team composition. This is influenced by how the interpreter views team work and whether they see that all members of the team are responsible for the entire interpretation, regardless of their role at any given time (actively producing the interpretation or being the monitor and support interpreter). In turn, understanding of the task and level of training impact the interpreters' sense of agency, or lack thereof.

The following quotes from participants speak to the sub-themes of preparation, specific job requirements of the legal interaction, and practices and strategies that support professional and successful team interpreting and effective overall interpretation:

> *"An essential part of doing this work is taking the time that is needed, and not letting myself be rushed. That time is to meet with the parties involved, meet with the other interpreters, and prepare with what resources that exist of that assignment. Respecting the integrity of the work is taking the time that it needs."*

> *"One determining factor is who I will be working (teaming) with. We have to be able to work together, or we can't do the job. This includes being able to give and receive feedback from one another, as well as what type of training we have."*

Both of these comments show interpreters demonstrating confidence, taking responsibility for their own work, and creating working contexts that support successful interpretation in light of how they understand the task of interpreting as a whole. Some of the hearing interpreters also revealed a heightened awareness of balancing professional power in a team by sharing power with their Deaf colleagues and using strategies that have the potential to shift legal system perceptions of Deaf people. As one participant said:

> *"I am easily intimidated [in a police situation] so I ask the Certified Deaf Interpreter to take the lead. This decision gives the Deaf interpreter the power and also serves to educate the police officers who can then see the Deaf interpreter as equal. This is a conscious decision of mine."*

Interpreters recognize that there are professional standards to be observed and prioritize their interpreting needs while accessing their professional power, as is shown in the following quotes:

> *"You have to be able to stand your ground. When you [the hearing interpreter] realize that you can not go forward without a Deaf interpreter working with you, you have to ensure that one is brought in."*

> *"It is important to interpret consecutively because that is best practice, but it is also important to use consecutive interpreting (CI) because it is the way to be accurate."*

The following quote stresses the importance of constantly being aware of one's beliefs and views about the work, the consumers for whom interpreters provide service, and the need to adjust practices based on new experiences and/or information.

"I worked a case with a well educated Deaf person who had a Master's degree   and who requested a Certified Deaf Interpreter (CDI) for the court proceedings. ... My first response was that there had been a mistake and I told the judge it was not my practice to interpret for someone like this. I realize how inappropriate I was to assume I could make the decision for this Deaf person. ... She said that she wanted a CDI because she wanted full access to the proceedings in her first language, ASL, and she did not want to have to deal with the code-switching the hearing interpreters would produce. I learned a valuable lesson that anyone can benefit from the services of a CDI. And that changed my way of thinking and my practice."

The issues highlighted in this section focus attention on the choices that interpreters have in incorporating experience and current research into their views of what it means to provide effective interpreting and then steps each interpreter can take to ensure they are able to deliver the service appropriately. The data showed these steps include turning down work based on self-reflection and preparation that exposes the job requirements. We note that this final quote brings attention to an interpreter's view of language and status afforded by holding a graduate degree. For this interpreter, self-reflection resulted in shifts in the interpreter's concepts of who may, and may choose to, use the services of a Deaf interpreter.

SENSE OF AGENCY

Awareness of one's professional and personal power and privilege is a self-reflective exercise that centers on one's sense of agency. By sense of agency we mean the subjective awareness that one is initiating, executing, and controlling one's own actions in the world. It reflects a sense of the interpreter being able to exhibit ownership and accountability as it pertains to their individual decisions and actions in the interpreted interaction. In this study, the participants' descriptions of their perspectives and actions indicated how a sense of agency or lack of agency allows them to conduct themselves with confidence, or alternatively, experience significant challenges.

The following quotes from participants reflect an awareness of their own power and privilege in interactions, demonstrate a sense of agency about the interpreting work in terms of forming positive relationships, and recognize the impact of the interpreter's decision-making:

"Over the years I have worked with many people [lawyers, judges, legal personnel] to educate them about interpreting and what is needed."

"How I present myself to the legal personnel shapes everything."

Table 4 shows the sub-themes that comprise an interpreter's sense of agency and agentive practice. "Individual as initiator" (36.2%) refers to the instances where the interpreter takes professionally appropriate action (e.g., choosing to prepare for an assignment and/or choosing to call a Deaf interpreter), while the sub-theme of "aware of choices and takes action" (31%) emerged through examples of interpreters thinking critically about their choices prior to taking action. These two sub-themes accounted for 67.2% of the data set within the theme of Sense of Agency. Two participants also made contributions to the discussion that were coded as demonstrating "textbook awareness of choices and possible outcomes" (2.2%), however in contrast to the sub-theme of "aware of choices," the interpreters could not offer tangible

examples of where they had applied their awareness to a decision, and/or there was very little depth in their responses.

> *"In that situation, I know in our training we talked about this. Probably the best decision would be to, I guess I could talk to the trial coordinator to see if preparation materials are available. But I have actually not done this in the 2 years I have worked for that country court. But what [the other focus group participant] just said is what I would do, I think."*

Two other sub-themes that were closely related referred to "creating positive professional relationships with consumers" (9%) and "creating positive professional relationships with colleagues working in the team" (7.8%). The final sub-theme in this area was coded as "willing to change practices" (13.8%), which was supported by examples of the interpreters examining their own beliefs about an experience, reflecting on training, and demonstrating a willingness to adopt something that would be more effective.

Table 4

Interpreters Sense of Agency and Agentive Practice Sub-Themes

Sub-Theme	Frequency	Percentage
Aware of choices & takes action	97	36.2
Individual as initiator	83	31
Willing to change practices	37	13.8
Creates positive relationship with consumers	24	9
Creates positive relationship with interpreter teams	21	7.8
Textbook awareness	6	2.2
Total	268	100

LACK OF SENSE OF AGENCY

Throughout the focus groups, a category of themes that represented a lack of agency or agentive practice emerged, as depicted in Table 5. This category had five sub-themes, the largest of which reflected a "lack of awareness of choices and decisions" (38%) that can be made by the interpreter and negatively affects the participants, the interpretation, and/or interaction. Two closely related sub-themes that accounted for 12.7% of the data were coded as "does not create positive professional relationships," broken down into relationship with consumers of the interpreting service (4.2%), and with co-workers/teams of interpreters (8.5%). The second largest sub-theme, "does not reflect on practices," constituted 33.8% of the data and included a

lack of examining one's own practices and beliefs about their interpreting work, about the training they have taken or need, and/or about their language use. Utterances in this category showed that the interpreter did not adopt a different action that would have been more effective, and/or upon reflecting on an experience, could not identify a better action that could have been taken. The final sub-theme was a "lack of initiative" on the part of the interpreter (15.5%), for example, choosing not to do any form of preparation for a court matter or not asking lawyers for preparation and contextual information that would help create an effective interpretation.

Table 5

Interpreters Lack of Sense of Agency and Lack of Agentive Practice Sub-Themes

Sub-Theme	Frequency	Percentage
Lacks awareness of choices & decisions that are possible	27	38.0
Does not reflect on practices	24	33.8
Individual lacks initiative	11	15.5
Does not create positive relationship with interpreter teams	6	8.5
Does not create positive relationship with consumers	3	4.2
Total	71	100

Participants showed a lack of agency that impacts the quality of interpretation in a legal setting. The following quotes demonstrate a sense of helplessness to impact the legal system in terms of obtaining preparation information and on hiring practices:

> *"Sometimes you can't do any preparation. No one gives you information. There are no documents. The police and the lawyers just keep putting you off. Sometimes the lawyer is willing to take a few minutes with you, but often not."*

> *"There are times when I have no say over what a court will or won't do. There's nothing I can do."*

This non-agentive approach to practice again may reflect a lack of training about strategies that interpreters can use, and/or unwillingness on the part of the interpreter to take action. Another participant reflected a view that knowing the community and courts may absolve an interpreter of her responsibility to actively prepare for each specific job.

> *"I've worked in my community for 20 years and I know the courts and the people and though sometimes I am surprised, most of the time I know what will happen [and I do not*

need to prepare]."

The above quote appears to reflect an attitude that there is nothing that can surprise this interpreter in their work, and that preparation for the assignment and/or reflection on whether they are the right interpreter for the assignment is not necessary. These examples of a lack of agency on the part of interpreters also highlight issues where these same interpreters may undermine professional practices, such as preparing for the work, working with Deaf interpreters, and/or requiring working conditions that support effective interpretation. These examples also reflect how the interpreters conceptualize the work they are undertaking.

TRAINING

The final theme that emerged in the data was that of training. Participants discussed the training they had and the need for more, both ongoing and specific types of training, in order to do the work in the specialized area of interpreting legal discourse and working in legal settings. The following quotes represent the need for training that addresses how interpreters conceptualize the task of interpreting and how that impacts the interpreted interactions.

The first quote overlaps with team interpreting practices and the misuse of power and the privilege of being hearing:

> *"I told the hearing interpreter I needed clarification on something. She refused to get clarification. Then I looked to the second hearing interpreter on the team and she also refused. They both said 'no' they wouldn't get the clarification. I could not believe they said 'no.'". On top of that, everyone in the courtroom was waiting on the interpretation. ... Do I have no say in the interpreting work?"*

The next quote addresses the power that rests with those who determine the hiring practices with agencies, which can include interpreter-owned businesses:

> *"I would like to see agencies implement policies to hire a Deaf/hearing team for all legal jobs. That way they would avoid having hearing interpreters who don't have an accurate assessment of their work, which would avoid [the hearing interpreter making] errors. This all goes back to who has the power to decide who is hired [the agency and/or the hearing interpreter].*

As indicated earlier, the focus group participants are from two countries that have had different paths to training. This resulted in some differences that relate to a lack of agency, lack of strategies, and lack of training in the area of legal interpreting. There were also differences that emerged in how the task of the interpreter was conceptualized. For example:

"I have withdrawn from a case when the interpreting team is not working out. I didn't like what is happening, so I just walked out."

"The courts decide who is qualified, so if you are on the list, that is it."

Table 6 depicts the training sub-themes. The most frequently cited theme was ethical decision-making, where participants identified the specific aspects that inform their ethical decision-making (63%). This was followed by the sub-theme of specialized knowledge and practices that are specific to legal discourse and legal events (23.1%). The third sub-theme focused on the need for continuous training, as a generalist interpreter, as an interpreter working within this specialization, and specifically working with Deaf/hearing teams within the specialization of legal interpreting (13.9 %).

The data demonstrate the interrelatedness and intersections among the major themes and often, more than one theme appeared in participants' comments. Based on the results and discussion, we move next to implications for practice and training.

Table 6

Training Sub-Themes

Sub-Theme	Frequency	Percentage
Ethical Decision-Making	68	63
Specialized knowledge & skills	25	23.1
Continuous training which includes generalist, specialist, and Deaf-hearing team training	15	13.9
Total	108	100%

IMPLICATIONS FOR PRACTICE AND CONTINUOUS TRAINING

This study identifies several implications for interpreters and interpreter educators working in the specialized area of legal discourse and within legal settings. The participant responses resulted in themes that suggest interpreters do acknowledge power constructs and their effects. The data also suggest that interpreters' decisions are driven by their awareness (or lack thereof) of power and power dynamics, their sense (or lack thereof) of agency, they way in which they understand and conceptualize and carry out their task of interpretation, and the type and amount of training and experience they have had. Across all of these themes, it is evident that building respectful and professional relationships among all participants supports effective interpreting and the cyclical and recursive nature of effective decision-making in the immediate and subsequent interactions.

In addition, with suitable training, interpreters can understand the tremendous power they have to affect people's lives through their decisions. It was clear that there are different paths to

training for this specialized setting and that professionals working in this area can benefit from continuous training that is built on a framework that explicitly includes examining power dynamics and decision-making, how the task of interpreting is conceptualized, and how agentive behavior can lead to effective and ethical choices. Training that informs how interpreters conceptualize the task of interpreting appears to be a key factor in the success of the interpreted interaction where power is mediated via interpretation.

Based on the participant responses, the following recommendations emerged:

1. Review the training and/or mentoring opportunities available for interpreters working with legal discourse and legal settings to ensure that concepts of power and privilege and awareness of these concepts are included as an explicit part of the training.
2. Review the training and/or mentoring opportunities available for interpreters to ensure that they have access to continuous training that focuses on the concepts of agency and how one conceptualizes the task of interpreting, and ensure that these are embedded in role-plays, case study analysis, and mentoring conversations.
3. Review the training and/or mentoring opportunities available for Deaf-hearing interpreter teams to ensure that concepts of power relations, audism, cross-cultural sensitivity, and strategies for building effective teams that do not strip power from Deaf interpreters are embedded in role-plays, case study analysis, and mentoring conversations.
4. Ensure that mentors and supervisors working with interpreters in a legal specialization track have a clear understanding of power dynamics, conceptualization of the task, and agentive practices so that they can effectively engage others in conversations and can model practices that acknowledge and demonstrate these concepts in a framework of ethical decision-making.
5. Address the training required for interpreters to build effective team relationships within the interpreting teams (Deaf-Deaf teams, Deaf-hearing teams, hearing-hearing teams), and with consumers of interpreting services so that they might create the most effective interpreting working conditions and impact the work in a positive manner.

LIMITATIONS AND FUTURE RESEARCH

This study was conducted with a small purposive sample of experienced interpreters working in legal contexts. The use of videoconferencing was challenging for the researchers and some participants who wished to participate but could not due to technical difficulties. The quality of video image impacted the participation level for some who were in the focus groups. The participants offered a variety of perspectives and experiences, and it would be interesting to see if these same constructs would emerge when conducting the study with a larger sample of interpreters. It would also be interesting to contrast these results with a study that gathers data from seasoned interpreters in another area of specialized practice. Finally, it would be interesting to conduct research with interpreters who work in a designated interpreting role with Deaf lawyers, where the power dynamics are shifted from Deaf consumer as "recipient of interpreting service" to "Deaf consumer as provider of professional services."

CONCLUSION

The participants in this study demonstrated an awareness of power dynamics and of how the constructs of power affect them as individual interpreters, as well as how they as interpreters affect the power dynamic in an interpreted exchange through their conscious and unconscious decisions. Across the various themes we see that how the interpreter consciously recognizes power also influences how they conceptualize the task of interpreting, especially in applying the interpreter's own professional power in order to make agentive and effective decisions. The study also revealed disturbing examples of the power dynamics between hearing and Deaf interpreters, and how inappropriate decisions can alter professional relationships among all participants.

A framework built on the major themes could serve as the possible basis of training, supervision, and mentorship for interpreters in general and training for working in legal specialization. From the data, the foundation of effective decisions seems to start with a strong understanding of power and privilege at two levels: societal and personal. From one's personal awareness of power and privilege, one can develop a sense of agency and understanding of power and privilege in interactions. This can be applied to how an interpreter understands what it means to provide effective and accurate interpretation in any context. Ultimately, this decision-making process is influenced by interpreter training as a generalist, and subsequently by specialized training for interpreting in legal settings. Further research that examines the impact of training interpreters for this specialization using these constructs would benefit the field.

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APPENDIX 1

Focus Group Questions

1. How do you determine if you are qualified for the assignment or not?

2. What working conditions do you establish and why?

   a. How do you prioritize these and what takes precedence or is a "bottom line"?

3. What preparation do you conduct and how do you decide on this?

4. How do you determine if an assignment requires one interpreter, or more than one interpreter? Is there a hierarchy in your considerations, and if so, what does that look like?

5. How do you determine if a team is to include Deaf interpreters?

6. How do you decide what interpreting mode to use and when?

   a. Do you discuss this with the participants, and if so, how and when?

7. How do you understand the concept of power as applied to interpreting in legal interactions?

   a. What decisions do you make that involve power prior to an interpreted interaction?

   b. What decisions do you make that involve power after an interpreted interaction?

8. What is role of the interpreter in addressing the inherent power imbalances in an interpreted interaction?

   a. What interpreting practices or decisions contribute to this power differential?