

Othering the “other” in court: Threats to self-presentation during interpreter assisted hearings

Torun Elsrud

This paper is based on an ethnographic research project studying interaction processes and rituals; the interplay between speech and social interaction during interpreted hearings in Swedish District Court cases on domestic violence, where opponents have Middle Eastern, Muslim backgrounds. It is argued that a combination of linguistic changes performed by an interpreter – subtractions, additions and content alterations – during interpreted hearings can cause situations of emotional drainage and contagion, leading to further ”othering” of parties that already are culturally and linguistically ”othered”, both inside and outside the courtroom context. Ultimately, their loss of control over self-presentation is a matter of unequal power distribution and a potential threat to the principle of legal security. Thus, the view of the interpreter as merely a context-bound supportive drummer at the back of the orchestra is challenged and related to social order and stratification processes on an abstract societal level.

Keywords: court interpreting, interaction rituals, emotional energy, othering, self-presentation

“You don’t tell the truth at all.”

At first glance, this statement, recorded during a Swedish court hearing, is not particularly surprising given that the nature of court cases is based on the idea that actors are guilty or innocent, trustworthy or untrustworthy. This may, at times, lead to rather emotional moments and to conversations and hearings that bear little resemblance to the objectivity upon which the outcome of court cases is expected to rest. Nevertheless, it is a surprising statement since it is not uttered by any of the involved parties, or by members of the court trying to make their client look good or bad, but by a court interpreter adding linguistic extras while interpreting the prosecutor’s questions into a language spoken by the witness. This spoken incident quite obviously propagated itself within the court context, from verbal speech to body language and almost tangible emotions, making observers in court aware of the negative turn the hearing was taking, yet without knowing what was being said between the interpreter and the witness.

The observation was made during a research project initially focused not on interpretation processes but on expressed notions and ideas about gender, culture and ethnicity in court cases where one or both parties had Middle Eastern¹ and Muslim backgrounds. However, it soon became uncomfortably clear that interpretation activities were not just liminal phenomena present in court in order to provide various actors with more or less verbatim translations, turning any language into legally tenable evidence. In the cited conversation, the interpreter has become an independent actor as he accuses the witness of lying and while doing so wrongfully pretends he is interpreting the prosecutor’s claim. A bilingual listener would be aware of the fact that, in this case, the interpreter is adding whole sentences to the courtroom conversation but the precise

reason for engaging interpreters is that most people present in court are not bilingual. They will not know about the accusation taking place in the verbal interaction between the interpreter and the witness, which could have added to an understanding of why this hearing turned more tangibly emotional the longer it lasted.

Having observed several interpreted hearings turning antagonistic or emotional in ways I could not understand, these became the subject of a bilingual analysis by means of a bilingual assistant with interpreter background, revealing a variety of ways in which statements became skewed and altered. The purpose of this text is to explore some of these alteration processes and, to show how they are delicately interconnected to the overall social interaction, and emotional swings in court. It will be argued that courtroom interpretation practises are unavoidably related to individuals' control over self-presentation and, subsequently, to power distribution and subordination in a court context.

Earlier research in Sweden (Nordström, Gustafsson & Fioretos, 2011; Torstensson, 2010; Wadensjö, 1992) as well as governmental initiatives (Ennab, Hjelmskog, Lindblom & Nur, 1999; Kammarkollegiet, 2010) to raise awareness about these issues, clarify that interpretation practice remains an urgent matter in a Swedish court context. Internationally, a number of scholars have provided knowledge about the dangers and shortcomings of interpretation, in courtroom settings as well as in police interrogations or health care (e.g. Angermeyer, 2005; Berk-Seligson, 2002; Hale, 2004, 2006; Inghilleri, 2003; Komter, 2005; Morris, 1995; Nakane, 2009; Nida, 1964).

In that respect, this article is no exception to earlier findings as it explores problems of language and linguistic exchange in the courtroom. However, it also incorporates a court ethnographic approach, including courtroom observations and

analyses of the social context in which linguistic practice take place, leading to findings where interpretation events – alterations of content and meaning – can be recontextualized. Thus, while exploring the differences between what is said in the source language and what is said in the interpretation to a target language, the article also addresses the interrelatedness between spoken discourse and social interaction. Such interrelatedness becomes particularly noticeable at times of troublesome events of interpretation, often caused by the interpreter moving from a copying mode to a script writer mode, consciously or unconsciously taking charge over the linguistic agenda. It will be argued that court interpretation practice is in a reciprocal relationship with courtroom emotions and issues of trustworthiness. For witnesses, plaintiffs or defendants self-presentation is vital to provide the court with a favourable or trustworthy version of events. However, when words and sentences are converted back and forth between languages, control of this self-presentation is lost and placed in the hand of an interpreter.

Court interpretation processes are neither easily done, nor unproblematic. One of the challenges to interpreters is to find the proper words for a verbatim translation within a moment's time (Berk-Seligson, 2002, p. 65; Torstensson, 2010, p. 70). In the spur of the moment, the interpreter must also choose between a formal or dynamic equivalence (see also Nida, 1964). The interpreter tries to stay as close to the source language (i.e. the speaker) as possible by striving towards a formal equivalence, making sure the speaker's language structure is maintained as much as possible. As languages are structurally different, this may lead to a distortion of the speaker's intended message. On the other hand, choosing a dynamic equivalence the interpreter's focus will be on the receiving end, trying to

present an interpretation that is as close as possible to the speech structure of the target language in order to make sure that the message is “substantially the same” (Nida, 1964, p. 159). Both ways, the interpretation will lose clarity and logical content to either of the linguistic receivers.

According to Berk-Seligson (2002), the translation process can “transform” the courtroom to the extent that it has an impact on the judicial proceeding in subtle, dramatic and obvious ways (p. 1; see also Angermeyer, 2005; Hale, 2004, 2006; Morris, 1995; Nida, 1964). Regardless of the interpretative competence of the interpreter, much can go wrong. Following the belief that vocabulary alone is the number one linguistic problem for an interpreter, and its subsequent lack of awareness of the pragmatic uses of language, perhaps the most common unnoticed problem is the “skewing of a speaker’s intended meaning” (Berk-Seligson, 2002, p. 2; see also Nida, 1964). Such skewing leads to utterances appearing more harsh and antagonistic than the original utterance, or softer and more cooperative. This article extends the problematization of such skewing by suggesting that consequences reach well beyond alterations of single utterances and into the emotional fabric of the courtroom in its entirety. It argues that the loss of vital parts of self-presentation, which befalls a speaker whose voice and arguments are altered by a middleman, creates a kind of enhanced otherness to people who are already at risk of being othered in relation to both Swedish culture and the judicial system.

1 A multimodal approach

The strength of an ethnographic approach to court proceedings is that it catches different meaning-bearing perspectives and

practices, or different layers of meaning, referred to by linguists as multimodality. Matoesian (2010) argues:

Focusing on just words neglects the role of multimodal activities in legal proceedings – how both language and embodied conduct mutually contextualize one another in a reciprocal dialectic – and leaves the study of forensic linguistics with an incomplete understanding of legal discourse. (p. 541)

Critical moments in the courtroom – as when a balanced hearing suddenly turns antagonistic – can be more thoroughly explored using such a multimodal approach. It may unveil troublesome power processes in the courtroom, which in the best of cases may just change the way court participants regard a particular witness, and in the worst of cases may have a bearing on the outcome of a court case.

I have used a combination of methodological designs, inspired by scholars focusing on the relationship between text and social practice, between utterances and acts, and between communication at a context-situated level and discursively positioned norms (see Barker & Galasiński, 2001; Fairclough, 1992; Matoesian, 2010; Oberhuber & Krzyżanowski, 2008; van Dijk, 1995, 1997; Wodak & Krzyżanowski, 2008; Wodak & Meyer, 2009). Language, manifested in text or speech, is always situated in a context and articulated in interaction, in routines and practices. In turn, these routines and practices serve to reproduce institutional logics, not to mention ideological ones. Critical discourse analysis and ethnographic observations can be combined for a number of reasons ranging from doing observations just to establish contact with the field, to “participation in the field over an extended period” while continuously collecting data, analyzing and theorizing (Oberhuber & Krzyżanowski, 2008, p. 186).

In this project, I have used observations to provide ideas about what material to submit to discourse analysis as well as to observe the interaction in its own right, as a type of “social speech”. Above all, though, the observations have been used to contextualize written and spoken material and to get a complex understanding of the social processes that have led to specific statements and emotions. The approach has been, first and foremost, symbolic interactionistic. Inspired by Goffman (1959, 1967, 1981) and Collins (2004), I have approached the social interaction in court as “interaction rituals”, events of symbolic exchange of notions and ideas, displayed through a variety of languages; various body expressions and signals, tone of voice, silences and content of talk. Interpreted hearings are a significant part of the social interaction taking place in hearings with people who do not speak the language of the court.

Out of necessity, as these hearings so profoundly affected observed interaction and the emotional atmosphere in the courtroom, I have approached linguistic detail during interpreted hearings as keys to understanding not only the language spoken but also the emotional swings, as well as the distribution of power, in the courtroom. This approach is in line with Collins (2004) arguments that interaction rituals are emotional matters, interaction instances where participants either gain emotional energy or experience emotional drain. While emotional energy is empowering, drain is oppressive and a sign of an individual having lost control over her self-presentation.

As mentioned, the project behind the article was originally designed to seek and analyse negotiations of ethnicity, culture and gender in court cases related to domestic violence where parties have “Middle Eastern” background. Nevertheless, observations soon pinpointed interpreter assisted hearings as an urgent issue to attend to, as several of the observed witness

hearings appeared to cause emotional stress and uneasiness in the courtroom. Court members exchanged glances, voice modes altered, and witnesses turned more and more quiet and even tried to leave the stand. Puzzled by these emotional shifts, I engaged a bilingual assistant² to go through the interpreted witness hearings.

The assistant did what a court interpreter can rarely do; he listened carefully and repeatedly to each statement, rewinding the recording as many times as he needed to in order to as meticulously as possible interpret each word, each phrase. If uncertain, he could return to the material another day or choose to enhance his performance by checking with a proper dictionary. When he was tired, he could take a rest. Rewinding the recorded hearings repeatedly, or checking the dictionary in a calm and quiet atmosphere, have been privileges for the project assistant, but hardly for a courtroom interpreter having to come up with the proper interpretation in the spur of the moment. In court, the interpreter has little time to consider options. Importantly, it is not the competence of the interpreter being put into question here, but the prevailing idea that an interpreter is like a photocopy machine “who without any personal engagement is duplicating in the corresponding form of another language what is said in the primary parties’ originals” (Wadensjö, 1992, p. 54).

Statements and interpretations have been thoroughly scrutinized and examined for lexical and grammatical changes, which might cause skewing or slippage of meaning or changes to the content of the conversations in court. Identified lexical and grammatical changes have subsequently been cross-examined against observation notes, to recontextualize interpreted utterances and gain an understanding of just what

was said (or not said) during an observed mood swing, or a hearing turning obviously antagonistic.

The findings come from approximately ten interpreter assisted hearings. The project has been approved by an ethical board with some precautions. In order to avoid identification of court cases, the paper does not include a description of case details, case location and dates or the identity of languages other than Swedish. I am aware of the shortcomings such an approach may render, where the withholding of certain potentially identifying information may also lead to losses of nuanced and argument supporting data. There is no straightforward solution to this ordeal, other than carrying out data collection and analysis with considerable caution and continuous considerations whether or not specific details may be harmful to groups/individuals. In addition, it sometimes calls for the abandoning of relevant arguments, in order to protect the integrity of individuals.

In order not to reveal identities of other languages, I have excluded these non-Swedish language statements in the following section. Instead, I have used the comments by the “project interpreter” (bilingual assistant) who lifts issues of concordances and discrepancies between the interpretations and their sources. I have placed *project interpreter* comments in separate frames to increase readability and to avoid a mix-up with court interpreter comments.

Structurally, this article now moves over to presenting empirical findings and my interpretations in three sections. The first one deals with linguistic *additions, subtractions and content exchange* in order to display the nature and presence of various changes to verbal content and the power these have to alter the meaning. This section provides a background to the two subsequent sections *from dialog to interrogation, from*

compliance to resistance and development of an antagonistic hearing, where empirical examples become increasingly positioned within the courtroom context as they give rise to various signs of failed communication and emotional drainage.

2 Additions, subtractions and content exchange

Additions, subtractions and content exchange often co-operate in the skewing process in a variety of constellations. Nevertheless, the following attempts to address one skewing practice at a time, beginning with *additions* made by an interpreter:

Prosecutor: Did X often have bruises on her body?

Interpreter to court: With respect for you as a prosecutor, and I mean absolutely not you personally, but it is totally, that is, the things that they say and tell, that's nonsense. They're just talking nonsense, these people. In that case, someone in the world must..., would have seen her some time, that she has bruises on herself, or had been burned by boiling oil, or something. Some doctor, some neighbour, somebody, somebody.

Project interpreter comment: Defendant's actual answer: *"No, that which she says [refers to prosecutor], with all respect for what she says, but it is all lies. I don't mean her, but all that they have told her are lies and fabrications. Who would do something like that? Doctors would know, neighbours would know, the children". "Bruises" or having been "burned by boiling oil" are not mentioned by the defendant, but are added by the interpreter.*

An incident of abuse involving cooking oil was an issue during this trial. The translation provided in the courtroom at this moment suggests that this boiling oil incident – denied by the defence at various other times during the court case – is on the defendant’s mind, when, rather, it appears to be on the mind of the interpreter. The addition of “*boiling oil*” to witness statements that do not contain boiling oil appears at least six times in translated hearings.³ On some occasions, it appeared “out of the blue” while, on the others, the interpreter added “*boiling*” if a witness mentioned oil. While it is likely that the oil was boiling or near boiling as it was argued that it resulted in burn injuries, it was not mentioned as such by the prosecutor or witnesses but repeatedly brought into the speech agenda by the interpreter. Most likely unintended by the interpreter, it added drama to the story.⁴

Another example of lexical additions increasing dramatic effects involved a repeated addition of “*pull[ing] her hair*”, said to have taken place during an assault, which was not mentioned by the witness, but was repeatedly placed in his speech act by the interpreter. To another witness’ claim that “*he was hitting her*”, the concept “*again*” was added, making the assault sound like a recurrent act which indeed was the prosecutor’s argument, but not this particular witness’.

Addition of lexical information such as those above frequently happened and may be a sign of various spontaneous well-intentions on the interpreter’s behalf. Possibly, the boiling oil, or the grabbing by the hair, are linguistic artefacts from earlier in the trial, or even from pre-trial documents where these expressions existed. It may also, more or less unconsciously, have been added to clarify a statement or to create coherence between different statements and perhaps even hearings.

Nevertheless, material is added that gets a life of its own, feeding conversation with a surplus of details and meaning.

Subtractions, or *omissions*, are also common to many of the hearings. Not surprisingly, they often appear to result in significant information becoming lost in the interpretation process.

Prosecutor: Did you, yourself, see that Y hit X on this occasion?

Interpreter to court: Yes, I saw. Their balcony was right nearby. So I saw it, but the entrance has a code lock so I couldn't enter to...in some way...maybe help, but I couldn't get in.

Project interpreter comment: The witness says: *"Yes, their balcony was open and their entrance was coded so I couldn't get in to help her, to prevent him from beating. I also asked why he had beaten her."* The interpreter fails to include *"to prevent him from beating"* as well as *"also asked why he had beaten her"*.

If the last omission containing the witness' questioning of the defendant had been included, it might have provided the court with the idea of further questioning about this incident, but instead the hearing moved on to other matters. Several similar omissions which probably would have lead to more extensive questioning, had they been voiced, occurred during the hearings. Some of them brought additional information about the victim's state of fear. A number of omissions contained information about efforts, by witnesses, to help the victim. One witness' story of having interfered physically was never told to the court.

Nor did a witness who tried to talk the victim into seeking help, manage to get her story past the interpreter. Although this repeated disregard of witnesses' attempts to help may not have had a bearing on the verdict of the case, it provided the court with a crippled understanding of the social group to which the witness belonged.

Additions and subtractions rarely appear in distilled versions but often cooperate within the same statement, adding a difference to the overall mediation of the whole message:

Prosecutor: Can you give me an explanation as to why a woman, unknown to you, say this, when you have never spit at X?

Interpreter to court: Yes, I can say this last part, then we can take a break [note; the interpreter is firstly speaking on his own behalf as he addresses the court]. No, I don't know this woman. I don't know why she has said that and it is...I'm as surprised as you are. I don't know.

Project interpreter comment: Defendant says: *"I don't know this woman, have not seen her, she has not visited us. If she states this, let her come and tell about what time it was, and what place it happened at. She has not visited us. She is not speaking the same language as us, X can't tell her. Where did she see this? Let her speak."* Interpreter omits *"have not seen her, she has not visited us. If she states this, let her come and tell about what time it was, and what place it happened at. She has not visited us. She is not speaking the same language as us, X can't tell her. Where did she see this? Let her speak."*, and adds *"I'm as surprised as you are. I don't know."*

There is an obvious lack of concord between the witness statement and its interpretation, produced by an interpreter in need of a break. Indeed, only one of the sentences appears to have been translated. A major part of the witness' statement was omitted in front of an unknowing court, and two sentences were added, resulting in a story where what appears to be relevant arguments were left out, and a rather remarkable attribution concerning the prosecutor's state of surprise took their place. Often these types of changes of content remained difficult to detect in courtroom social interaction, but this particular incident had also been contextualized in the observation notes, page 5:

“I am also thinking about the role of the interpreter. He has to be alert each and every second during the trial. Already today, the first day, you can see that it was almost too much. He sometimes seemed taken and had to stop in the middle of a hearing, to ask for a break. He often drank from the glass, and I imagine that it was a reflex to keep up the concentration.”

This observation points at the embeddedness of speech in overall social interaction. The observed tiredness of the interpreter did, in fact, lead to a skewing of meaning that may have influenced the way court members received and interpreted interaction.

Sometimes alterations are not caused by additions or omissions but *content exchange*. In one hearing, assault is converted to murder:

Prosecutor: There are claims from several people in the investigation that you should have *stabbed* a former wife in Z-land [country]. Is this information correct?

Interpreter interpreting to defendant: Some people have claimed that before you married Y [wife's name] you had another wife who you, according to information,

did you bring a knife or dagger...don't know.... and *kill* her? Is that true or not?

Interpreter interpreting back to court: Never in my life.

Project interpreter comment: Interpreter adds “*before you married Y*” and “*is this true or not?*”. Prosecutor’s “*stabbed*” is changed to “*killed*”.

There is a remarkable qualitative difference between stabbing someone and killing someone, making the defendant answering to a question not posed. Another example of content exchange common to many hearings happens when the “*homeland*” or “*place of birth*” mentioned by the prosecutor is replaced by “*our country*”. Possibly, this alteration takes place as an implicit message of cultural or linguistic togetherness, signalling both unification and familiarity between interpreter and witness. In the meantime, it stresses the difference between “us” and “them” while reinforcing the idea that linguistic others are foreign guests in the courtroom.

Although adding, subtracting or exchanging content may not always result in direct and obvious communication failures or mood swings, it often changed the linguistic content of the studied hearings. Also, it is likely that recurrent interpreter additions of boiling oil, or subtractions of witnesses efforts to stop abuse, may have changed the way the court, the audience and the present media representatives viewed the involved parties and the cultural group to which they were said to belong. Undoubtedly, it is of vital importance to the involved parties whose self-presentation and version of events are changed. However, the incidents above went past without explicit signs of emotional shifts. This may be the result of the actors not being

aware of the alterations, but it can also be a sign of successful face-saving techniques when one senses problems but does not know what is happening. Losing emotional control in court may not be considered desirable and is most likely avoided for as long as possible. More obvious emotional shifts evolved in relation to meaning altering practises which changed the tone in addition to content.

3 From dialog to interrogation, from compliance to resistance

Linguistic changes can make cooperative, gentle utterances appear strict and cohesive. While these often stem from the alterations of meaning and content discussed above, there are yet other phenomena contributing to their progression.

On several occasions, subtractions from the prosecutor's questions washed the politeness out of the statement – as when an interpreter omitted a whole clause, such as “*could you please tell us*” or “*that I thought I should ask you about*” – making them direct and order-giving. Berk-Seligson (2002, p. 192) speaks about failures to account for polite clauses, as contributing to a much more “interrogative” tone than was intended by the speaker, subsequently making the interaction ritual appear harsh and hierarchical.

Other times the interpreter added orders, such as “*is this true or not*”, or a “*tell us*”, as if the witness needed to be poked or forced in order to answer. These, together with the failure to interpret polite sections, can change a hearing from a dialogical style to interrogation style. A related negative outcome occurs in the opposite direction, from witness compliance to resistance, when a witness or defendant answers to a prosecutor or to defence attorneys.

Prosecutor: Have I understood you properly, that Y has not, after he moved to Middletown, proposed to you?

Interpreter to court: No, but now I'm starting to get a bit irritated, now I'm becoming sad. I have children and I don't get what you are saying, what you are up to.

Project interpreter comment: Witness says *“What marriage, that is not true, I have children and he has a wife. How could this be possible?”* Interpreter has added *“[n]o, but now I'm starting to get a bit irritated, now I'm becoming sad”* and *“I don't get what you are saying, what you are up to.”*

Prosecutor: I'm not being judgmental about this. But this information is in the [police] interrogation with you and that is why I would like for you to answer yes or no to this question.

Interpreter to witness: He/she [neutral pronoun in second language] says “I'm not thinking about you having children, husband or not”, he/she says “but it's written here so answer me, has he proposed or not”.

Project interpreter comment: Interpreter adds *“I'm not thinking about you having children, husband or not”, “he/she says ‘but it's written here’”* while omitting the prosecutor's *“I'm not being judgmental about this”*. The tone becomes increasingly harsher when the prosecutor's *“that is why I would like for you to answer yes or no to this question”* is translated into *“so answer me, has he proposed or not”*.

Interpreter to court: He has not proposed.

Judge: Then, let's leave it.

There are a number of interpretations in this sequence that make the witness' answers appear more resisting and hostile than the original statements. First of all, there is a clear *personalization* made of the witness' argument, where her original statement – *"how can this be possible?"* – addressed indirectly to the court, and no one in particular is replaced by the direct and quite annoyed response; *"I don't get what you are saying, what you are up to"* addressed to a personalized "you". Secondly, the addition made by the interpreter; *"I'm starting to get a bit irritated, now I'm becoming sad"* positioned the witness in an irritated and offensive mood, not predicated by the witness original statement. Emotional drama was created by the addition of an utterance. It is likely that the prosecutor had sensed the animosity as she rephrased in a polite way, by telling the witness she was not judgmental. However, this was not passed on to the witness. Eventually, the judge stepped in to end the questioning. In notes from this particular hearing, I have written:

The atmosphere in this hearing is very different from the previous one. The woman is upset, and court members appear both more reserved and more dominant. Body language, with raised eyebrows and exchanges of looks between various actors, is obvious. I don't understand the interpretation, but it interferes with the whole courtroom atmosphere (observation notes, p. 14).

In notes from the same day, I also recount a conversation I had with a fluently bilingual witness who had also been present during the hearing. She was upset with the interpretation process, claiming this witness was unfavourably represented, which supports my own experience from just "reading" emotions and body language at this hearing. The young witness also said that it was not the first time she saw this happening to an older woman on the witness stand. Her referral to the witness' age

and gender draws attention to the fact that this particular interpreter was a relatively younger male, but cannot be fairly treated in this restricted material.

Another phenomenon that is common to many of the hearings appears in the above sequence. Instead of carrying on with consecutive interpretation in first person the interpreter switches to third person accounts, leaving one of the ground rules of court interpreting. A change from first person to third, appears when an interpreter leaves the "copying mode", often referred to as the "conduit model", and instead begins to describe what others have said, as in the case above where the interpreter suddenly starts telling the witness what the prosecutor wants to know rather than repeating the prosecutor's sentences. In Kammarkollegiet's *God Tolksed [Proper Interpretation Praxis]* (2010), providing instructions to Swedish interpreters, it is stated that "[t]he interpreter renders what was said in the first person (I-form)" (p. 5). The first person approach is not only chosen because a translation should be as close to its source as possible, but also because it prevents the interpreter from becoming an independent party in the conversation, which could challenge his or her neutral position (see also Berk-Seligson, 2002; Norström, Gustafsson & Fioretos, 2011).

During witness and defendant hearings, alterations from first to third person took place quite frequently. In the longest hearing lasting just over two hours it occurred 40 times, and in a short 17 minute hearing third person addressing was used eight times. In these cases, the interpreter became less of an interpreter and more of an autonomous narrator and mediator as he starts talking *about* the prosecutor and not *as* the prosecutor.

First to third person alterations can be a sign of various circumstances. In a recent study of interpreters in a Swedish

immigration context, interpreters describe how they sometimes have resorted to third person modes almost unconsciously, when original messages have appeared too embarrassing or humiliating to present in first person (Norström, Gustafsson & Fioretos, 2011). By switching to third person, such as “*he wants to know why...*”, the interpreter puts a distance between him- or herself and the original message, spontaneously declaring that she or he is not supporting the statement. Berk-Seligson (2002), on the other hand, finds that third person modes are commonly used in connection to what can be described as antagonistic hearings; that is hearings that evolve into animosity between witness/defendant and the interrogator. This antagonism may be caused by a hostile witness or an insensitive court representative, but can also involve the interpreter himself. Below I provide an example of such an antagonistic development in which the interpreter participates quite actively.

4 Development of an antagonistic hearing

Focusing on one hearing in particular, I will make visible the step by step build-up of antagonism and obvious emotional shifts, leading to a rather obvious lack of control over self-presentation on the witness’ behalf. The hearing provides a comprehensive image of the joint forces of various types of interpretation slippages and their consequences for social interaction. It did not take place in the actual courtroom but was carried out with the witness “present” on a large screen through a video conference link which may have influenced the comfortableness of all actors involved. However, similar escalators of antagonism were observed at other interpreted hearings taking place within a courtroom context.

Initially, lexical slippages causing skewed meaning appeared to be minor. Again, it is the incident involving oil that was addressed in court:

Prosecutor: What do you mean..., that it was all okay, and she had no problems, when she said that her husband had poured oil on her?

Interpreter to witness: But how can you say that she has said that her husband has poured boiling oil on her and burnt her body and now you say that she didn't have any problems, how can this happen?

Project interpreter comment: The prosecutor does not mention "*boiling*" oil, nor "*burnt her body*". The interpreter initiates with "*but how can you say that*" which differs from the prosecutors "*how do you mean*" and adds "*how can this happen?*" at the end.

Leaving the additions or "*boiling*" and "*burnt her body*" aside, there is a distinct change of tone in this interpretation, starting with the addition "[*B*ut" and ending with a prodding, slightly reproachful, addition. While the prosecutor appeared to provide the witness with a chance to reflect and rephrase without appearing "guilty" or misleading, the interpretation projected more blame and lack of trust. This may, in turn, result in the witness not being able to answer without accepting the rather negative view of her, communicated through the interpretation. The harshness increased as the hearing moved on:

Prosecutor: Uh. But tell us then, what types of abuse and threats that Z [prosecutor by mistake uses the witness' name instead of the plaintiff's] told about... or that X told you about.

Interpreter to witness: Okay, you say that you don't deny, but that talk on the phone, where you say she has said that her husband had been mean to her and hit her, what did she say? Tell us.

Project interpreter comment: Interpreter changes the sentence completely making the translation sounding harsher than the prosecutor's original.

It is not just additions skewing meaning here – such as “*you say you don't deny*” or “*she said that her husband had been mean to her and hit her*” – but there are syntactic features operating, as when the prosecutor's more open and less coercive question “*tell us then what types of threats...*” initiating the sentence, was exchanged for a more coercive command, ending the whole statement with a “[*t*]ell us”.

During this particular hearing, it appeared as if the prosecutor was trying to use a battery of questions that could be described as less coercive, such as “[*c*]an you tell us what happened?” or so called “wh-questions” making use of words such as who, why or what as in “what was it like” suitable for open-ended questions and descriptive answers (see Berk-Seligson, 2002, p. 23). It was possibly done in a reaction similar to mine, where I noted the emotional shift through tones and body language. On a number of occasions, these relatively open questions were turned into more coercive and constraining questions in the interpretation process, suggesting that a spiralling escalation of linguistic misinterpretation was taking place through the interrelatedness between the interrogator's tendency to soothe the witness and the interpreter's subsequent tendency to daunt her. The hearing continued:

Prosecutor: At page 629 in the police interrogation with you, you have said that you have seen injuries on X and it is in the fifth section from the top. “Z [name of the witness] is asked again to tell about the occasions where she has seen injuries on X. Z mentions an occasion when she came to visit in April.”

Interpreter to witness: He/she [meaning the prosecutor] says that it doesn’t match up once again, what you have said in the police hearing and what you say now, where they asked you and then you said “yes, when I asked X she showed me her body, and I saw burn marks”.

Project interpreter comment: Interpreter changes to third person and adds: “*He/she says that it doesn’t match up once again, what you have said in the police hearing and what you say now*”.

The interpreter stepped out of the first person address and become an independent narrator. At this point, he was far from the ideal image of an impartial translation machine as he took on “attorney-like functions” when he added a rather accusing claim basically informing the witness that she is caught with repeated lies. This accusation may have significant effects on the situation, not the least since a witness may experience that even the translator has taken sides against her. In observation notes from this hearing, I have written;

The atmosphere appears to be turning for the worse minute by minute during this hearing. It is obvious the woman feels provoked and on defence. (p. 26)

Accusation-like remarks continued on several occasions during the hearing, where complete sentences were added to the prosecutor statements, such as the following; “*again you say something different. When you, in the police interrogation, were asked about(...)*”, “*you don’t tell the truth at all*”, “*here you also say*

something in the police interrogation that does not match what you say now", and *"since it doesn't match what you have said earlier"*. Repeatedly added, these may have multiple effects. Firstly, they make the prosecutor sound more interrogative and less sensitive than she appears in her original language. Secondly, they may result in an offended, scared, or hostile, witness. This, in turn, may lead to a witness cutting back on descriptions and detailed information suggesting that simple changes to the story give rise to further changes – both emotional and linguistic as the conversation moves on – exemplifying, in a condensed way, what Collins has described as "interaction ritual chains" (Collins, 2004)⁵. Indeed, the witness' answers became shorter and more abbreviated as the hearing continued, moving to what is sometimes described as a fragmented answering style, normally leading to less trustworthiness in court (Berk-Seligson 2002, pp. 20-21). Thus, a reluctant witness may automatically result in her being regarded as less trustworthy by the court.

The following example comes from a stage of the hearing where antagonism was clearly escalating, where witness' answers appeared shorter and shorter and where the additives by the interpreter appeared to get sharper.

Interpreter to court: No, I don't know what you are getting at, really. You ask me a bunch of things. And besides...How can I know about the situation for their children? I am sick, and I want you to stop.

Project interpreter comment: She says *"How can I know, I wasn't their neighbour, I don't know, I am sick and I don't have the strength to talk"*. She says neither *"I don't know what you are getting at, really"*, nor *"I want you to stop"*.

There is a noticeable difference between “*I don’t have the strength to talk*” (original) and “*I want you to stop*” (interpretation). In addition, she did not say “*I don’t know what you are getting at*” which is a fairly argumentative, if not hostile, statement. A little later the tension in the room where the witness is located became obvious despite the distance created through the video conference system. The witness was distressed and according to the interpreter she claimed:

Interpreter to court: Yes, I will not answer any further questions.

Project interpreter comment: She says “*No further questions, I am ill, I must see a doctor*”. Neither “*I am ill*” nor “*I must see a doctor*” are interpreted. It is very obvious that Z wants to end and leave the hearing.

At this point the witness, by the looks of her and her movements, was not well. She was bending forward and moving back and forth on her chair (observation notes, p. 25). While previously having mentioned that she was sick, the witness was now openly addressing this issue and was repeatedly asking to stop in order to see a doctor. However, this was not mediated to the court by the interpreter. Instead, her begging to receive treatment for her illness appears to have been presented as defiant assertiveness. Nevertheless, her distress was noted by other members in court, who most likely understood the situation through the woman’s body language. When it was his turn, the defense attorney said:

Defense attorney: And I can reassure you that there will only be a few questions.

Interpreter to witness: He has some questions

Project interpreter comment: The reassurance that there will only be a few questions is not included in the interpretation.

Defense attorney: First I would like to ask...[he is then interrupted by the interpreter who has reacted to an interrupting statement by the witness]

Interpreter to court: No, I'm not answering any questions.

Project interpreter comment: She interrupts by saying "*I am done*". A voice can be heard in the background [the officials at the hearing location, my comment], saying "*no, you cannot leave*" and something else. Then the interpreter says "*you cannot leave, you have to stay. He says you have to sit*". The witness answers "*but I must see a doctor, see a doctor*". The conversation is not translated to court.

Defense attorney: I only have a couple of short questions, then you may leave.

Project interpreter comment: This is not repeated to the witness. Interpreter remains silent.

In the first interpretation in this sequence, the lawyer's reassurance was omitted and his emphasis on the questions only being a few was altered by some. A few seconds later, the

witness disrupted the lawyer which is a violation of the rules not normally appreciated in a court room. Meanwhile, in the office at the other end of the video conference link the situation was problematic. The witness wanted to leave, and on the video screen it appeared as if she made an effort to stand up. She was told by officials there that she must stay which was confirmed by the interpreter who said; “*you must stay*”, and “[*h*]e says you have to sit” while the witness’ begging to see a doctor was not interpreted to the court. Instead, the full event was translated to “*I’m not answering any questions*”. The woman appeared to surrender. The hearing only lasted for a little while longer, and she answered briefly and reluctantly, with her head bent forward, eyes facing down at the table in front of her.

This hearing is an obvious example of what Collins has conceptualized as emotional drainage. These appear when actors in interaction rituals lack reciprocity and mutual understanding. To begin with, formal and mandatory relationships that often characterize the interaction during trials create poor conditions for reciprocity. The ideal of interaction rituals being “naturally charged up with emotional entrainment” (Collins 2004:53) is not likely to occur during court hearings. Nevertheless, relationships, even in formal and/or mandatory settings, can become more or less successful. Flygare (2008:205) writes about “healing relationships” where reciprocity and entrainment can be strengthened (see also Lalander & Johansson 2013), thus increasing the positive emotional energy which could make witnesses feeling more comfortable and willing to communicate.

The antagonistic hearing discussed above appears to have evolved into the opposite – into an atrophic relationship characterized by emotional drainage through a lack of reciprocity and trust. When an interpreter – entangled or not in a “spur of the moment”, spontaneous interaction ritual – accuses a

witness of telling lies he is engaging in an act of blaming, a rather effective domination technique in various forms of power struggles. Withholding information, as when lawyers reassure or witnesses request to end to see a doctor, is another example of domination and power exertion activity on interaction ritual level. The consequences of the above noted interaction – or lack thereof – between a witness and her interpreter is that the witness loses much of her control over self-presentation.

While successful self-presentation is of vital importance to all parties in a courtroom occupied by issues of guilt or innocence, this is a particularly delicate matter in relation to courtroom interpreting and to court cases where parties may lack, social as well as cultural and linguistic capital. The remainder of this text will discuss these issues and their complications.

5 Conclusion – othering through emotional drainage

From a sociological viewpoint, asymmetrical power relations are at the core of courtroom interaction. Court rooms, hearings and court interpretations are by no means neutral and objective arenas or situations. A day in court is influenced by various regulating factors besides judicial rules and laws; ideology, culturally sanctioned norms and values, interaction rituals and elusive matters such as faith and trust, all influencing the distribution of power in the court context.

Needless to say, both interaction and the outcome of a court case are linked to a command of legal discourse, providing the judicial system with methods for power exertion and social control. Legal discourse, sometimes referred to as Legalese (Berk-Seligson, 2002, p. 14), is a powerful weapon during contextualized social interaction, providing opponents with more or less extended arsenals of utterances that are useful for

“social manipulation and seduction” in order to strengthen one's arguments (Wagner & Cheng, 2011, p. 1; see also Conley & O’Barr, 1998/2005; Coulthard & Johnson, 2007; Fairclough, 1989/2001). It is usually strictly ritualized and formalized, a linguistic foundation for a “culture of law”. It comes with a complete set of rights and obligations; when you may speak, who you may direct your speech to, who you may ask questions, in what order speakers should appear and so forth. A good command of this language improves your chances of gaining the audience’s attention and an atmosphere of trustworthiness.

Representatives of the general public – as opposed to people with judicial training or experience – entering the courtroom are often facing a situation of uncertainty, a time-space where they lack the skills and routinized behaviour that may help them navigate in ways that support their case, either as witnesses, plaintiffs or defendants. They lack command of Legalese and court rituals. They have to count on the court system supplying them with linguistic and interactionistic aids – such as lawyers, prosecutors and court assistants – to help them in their efforts to behave according to proper rules of conduct and to provide the court with successful self-presentations. As lay people in a highly specialized field of action, they are to a certain extent the “other”⁶ of those holding powerful positions in the courtroom, such as lawyers and representatives of court and prosecuting authorities. This positions them as knowledgeably inferior to judicial representatives, rituals and language.

The degree of “otherness” in relation to courtroom procedures depends on a number of factors. A prestigious education and a good command of the spoken language may provide a witness or party with cultural capital (Bourdieu 1986) expressed as high status and trustworthiness or the confidence needed to engage in court rituals in a face-saving way. Likewise,

social capital, manifested through suitable networks of influence and support, may provide a party with the best legal representative available, as may economic capital. Many of the participants in the studied hearings had not been in Sweden long enough to learn Swedish. They came from poor, rural areas and some of them could not read or write. As relatively newly arrived, they lacked experience of a lifetime of living in Swedish society, the codes, norms, rules and mental guidelines which many Swedes internalize quite unknowingly during various socialization processes. They lacked knowledge about rules and structures of Swedish authorities in general and the court system in particular. It can be assumed their social, cultural and economic capital did not provide them with a favourable position as they entered into the judicial system.

In addition, it can be argued that they faced yet another level of “othering” in relation to court case rituals in a Swedish courtroom. There are many indications that people with Middle Eastern and Muslim backgrounds are stereotypically categorized and addressed as fundamentally different to a taken for granted Swedishness, resulting in discriminatory action having been found in a variety of settings. Studies have shown that people with Muslim backgrounds file a majority of complaints to the Equality Ombudsman in Sweden (Hakim 2005), are discriminated against on the Swedish housing market (Ahmed & Hammarstedt 2008), are portrayed as different, unrestrained, criminal and exotic in Swedish media representations (for instance Brune 2004; Elsrud 2008; Hultén 2009) and face discriminatory action based on informal codes and attitudes at various levels of the justice system (Brå 2008; see also du Rée 2006; Sarnecki 2006; Diesen et al 2005). The latter may be linked to Torstensson’s study (2010) of attitudes towards foreign accents in Sweden in which he finds that while “general

Western European predominantly Christian countries have a positive stereotyping bias (...) Eastern European and predominantly Muslim countries receive a negative stereotyping bias” (see also du R  s 2006). Hence, many people with Middle Eastern Muslim backgrounds enter court as the “others” of judicial linguistic and ritualized practice as well as Swedish culture in general.

In addition, those who lack command of the Swedish language face yet another position of “otherness”, which draws attention to the rarely debated and questioned assumption that the “social and cultural location of the court is monolingual” (Inghilleri 2003, pp. 252-253). The language of the nation-home is given legal superiority to other languages. It is the Swedish translation that counts as legal material, upon which to judge and sentence. Norms of monolingualism make this seem natural. However, from a research point of view it is only natural as long as researchers take the idea of nation-states and nationalism for granted (Billig, 1995/2011, pp. 49-50). In consequence, languages requiring interpreter assisted hearings become languages of “otherness”, languages of hierarchical inferiority.

As this project has provided plenty examples of, monolingual assumptions impact “on the care of attention paid to precise meanings expressed in languages other than the official language of the court, and the status given to the cultural knowledge required to unpack those meanings in such a way as to ensure as far as possible that sufficient understanding and justified outcomes are achieved” (Inghilleri 2003, p. 252; see also Corsellis, 1995; White, 1990). From this perspective, the interpreter occupies a rather delicate position as an actor who embodies and legitimizes a monolingual ideology while ensuring those being linguistically “othered” a proper interpretation and a fair trial. Thus, interpreters are crucial to the

principle of legal security where members of society are to be guaranteed a fair trial.

As clarified, interpreter activities may be far from neutral, norm-less and straight-forward. An interpreter can change both content and meaning, in addition to contributing to an emotional drama in the courtroom, which is far from the court's ideal of a neutral and objective procedure of establishing guilt or innocence. A proper interpretation is an essential aid for a witness, plaintiff or defendant to provide the court with a successful story and image of self, and if needed, to challenge potential stereotypes and notions about people with Muslim and Middle Eastern background.

Collins (2004), Goffman (1959, 1967, 1981), Flygare (2008) and other scholars with a symbolic interactionist approach have supplied valuable tools for drawing attention to the interrelatedness between talk, overall interaction and emotions in the courtroom, and to what happens when interpretative acts fail. An ethnographic approach can identify and visualize the interplay between spoken discourse and the context within which it is spoken. Single words, phrases, additions, omissions and alterations embed themselves into the very fabric of contextualized social interaction, giving rise to body signals, emotional shifts, trust, lack of trust, reassurances or resignation. A woman, like in the antagonistic hearing above, being summoned to a court case held in a language she does not understand, encountering a stressed and tired interpreter who accuses her of lies and fails to interpret her call for a doctor, is likely to experience strong emotional stress. She is trying a variety of face-saving techniques to protect herself from feelings of guilt and shame being projected onto her, ranging from emotionally charged counter attacks to emotionally drained silence.

Drainage should not, however, be mistaken for lack of emotional work. Coping with an emotionally drained situation is indeed emotionally exhausting (Hochschild 1983). It eventually appears to leave her with no other choice but to refuse to talk. She may also be aware of the negative images of Muslims in Sweden, knowing that any weaknesses to her self-presentation may feed into pre-existing assumptions, rendering her reactions as inappropriately emotional or strange.

Her face saving work, in this case presenting itself through the interpreter as defiant resistance, is then transferred to the overall interaction in the courtroom, illustrating Collins' (2004) interaction ritual chain in its most elementary form, where the chain of emotional reactions is actually visible within a given time-space. Other actors in the room feel the emotional turmoil and react to it by changing approach, creating a more a less vicious circle of emotional responses and unbalances. In this way, emotional energy work becomes contagious as it pulls all actors into the emotional negotiation. However, the emotional event does not stay within the boundaries of the courtroom. Emotions, across various situations, are crucial items "in the micro-to-micro linkage that concatenates into macro patterns" (Collins, 2004, p. 105). They produce and reproduce social order and stratification by embodying and realizing norms and values in social interaction, while simultaneously providing more material for discourses and ideologies to digest. The inappropriate act in court becomes additional evidence for society's pre-existing biases.

Most likely, there are less problematic interpreted hearings in Swedish courts than found in this project, as there are worse. According to Torstensson (2010, p. 69) nine per cent of 130 000 civil and criminal court cases in Swedish District Courts require help from interpreters. Thus, the outcome of more than 10 000

court cases each year is to a certain extent based on the work of an interpreter. Berk-Seligson (2002) argues that faulty interpretations have consequences far beyond issues of trust in the “here and now” courtroom interaction, potentially leading to faulty verdicts. In addition, Rycroft (2011, p. 214) provides examples of malfunctioning interpretation services leading to further convictions and adding unnecessary figures to immigrant crime statistics. It has not been within the scope, or competence, of this project to speculate in what consequences misinterpretations and emotional breakdowns may have had to the courts’ final judgements in these cases, or in any others. However, the empirical material does nothing to contradict claims about the courtroom interpretation as a potential threat to the principle of legal security and to case justice.

The actual interpretation process in court – that is the exchange of information between the witness/defendant/plaintiff and their interpreters in a foreign language – does not have a bearing on the official, judicial procedure. It is a means to reach an end, in this case the interpreter’s translation into Swedish, which is subsequently used, by the court, to form an understanding of the case in question. What is said in the non-Swedish language is not double checked or transcribed by the court, potentially adding to the regular body of evidence used to reach a verdict. As time consuming as this may be, it would strengthen the voice of the non-Swedish speaking immigrants and protect the principle of legal security. Theoretically, the principle of Free Assessment of Evidence (Chapter 35, §1 Code of Judicial Procedure [rättegångsbalken in Swedish]) permits an appeal based on claims to faulty interpretations. In practice, however, bilingual knowledge and a lot of efforts are needed to identify, prove and problematize interpretations, in addition to preparing an appeal on these grounds.

Acknowledgements

For assistance and continuous support, I wish to thank assistant Karwan Tahir, professors Philip Lalander, Stig-Arne Nohrstedt and Lory Dance in particular. I also would like to the Media research group at Linnaeus University, the Centre for Middle Eastern Studies at Lund University and the research platform Social Vulnerability and Social Work (SUSA) at Malmö University for providing assistance, continuous support and comments on earlier drafts.

This work was financially supported by the Barometern Foundation, Kalmar, Sweden, the faculty of Social Sciences and the Concurrences Centre for Colonial and Postcolonial studies, both at Linnaeus University, Sweden, and The Swedish Foundation for Humanities and Social Sciences (Riksbankens Jubileumsfond).

References

- Ahmed, A. & Hammarstedt, M. (2008). Discrimination in the rental housing market: A field experiment on the Internet. *Journal of Urban Economics*, 64, 362-372.
- Angermeyer, P. S. (2005). Who is 'you'? Polite forms of address and ambiguous participant roles in court interpreting. *Target*, 17(2), 203-226.
- Barker, C. & Galasiński D. (2001). *Cultural studies and discourse analysis*. London: Sage.
- Bar-Tal, D. (1997). Formation and change of ethnic and national stereotypes: An integrative model. *International Journal of Intercultural Relations*, 21, 491-523.
- Becker, H. (1963/1973). *Outsiders*. New York: The Free Press.
- Berk-Seligson, S. (2002). *The bilingual courtroom: Court interpreters in the judicial process*. Chicago: University of Chicago Press.

- Billig, M. (1995/2011). *Banal Nationalism*. London: Sage.
- Bourdieu, P. (1986). Forms of capital. In J.G Richardson (Ed.) *Handbook of Theory and Research for the Sociology of Education* (pp. 241-258). London: Greenwood Press.
- Brune, Y. (2004). *Nyheter från gränsen: Tre studier i journalistik om "invandrare", flyktingar och rasistiskt våld*. [News from the boundaries: Three studies of journalism related to immigrants, refugees and racial violence]. Gothenburg: Gothenburg University, Department of Journalism & Mass Communication.
- Brå [The Swedish National Council for Crime Prevention] (2008). *Diskriminering i rättsprocessen: om missgynnande av personer med utländsk bakgrund*. [Discrimination in the legal process: on discrimination against people with foreign background]. Report 2008:4.
- Collins, R. (2004). *Interaction Ritual Chains*. Princeton, NJ: Princeton University Press.
- Conley, J. M. & O'Barr, W. M. (1998/2005). *Just words: Law, language and power*. Chicago, IL: University of Chicago Press.
- Corsellis, A. (1995). *Non-English Speakers and the English legal system*. Cambridge: The institute of Criminology, University of Cambridge.
- Coulthard, M. & Johnson, A. (2007). *An introduction to forensic linguistics*. London: Routledge.
- Diesen, C., Lernestedt, C., Lindholm, T., & Pettersson, T. (2005). *Likhet inför lagen*. [Equality before the law]. Stockholm: Natur & Kultur.
- Douglas, M (1991). *Purity and danger: An analysis of concepts of pollution and taboo*. London: Routledge.
- du Rées, H. (2006). Åklagares och advokaters syn på likabehandling i domstolen [Prosecutors' and lawyers'

- views on equal treatment in court]. In J. Sarnecki (Ed.), *Är rättvisan rättvis? Tio perspektiv på diskriminering av etniska och religiösa minoriteter inom rättssystemet* (pp.257-282). [Is justice fair? Ten perspectives on discrimination of ethnic and religious minorities within the judicial system]. SOU 2006:30. Stockholm: The Swedish Government.
- Elsrud, T. (2008). Othering through genderization in the regional press. Constructing brutal others out of immigrants in rural Sweden. *European Journal of Cultural Studies*, 11, 423 - 446.
- Ennab, A. Hjelmskog, S. Lindblom, C. & Omar, N. (1999). *Tillgång till tolk – en samhällsservice* [Access to interpreters – A social service]. Norrköping: Integrationsverket [Swedish Integration Board]
- Fairclough, N. (1992). *Discourse and social change*. Cambridge: Polity Press.
- Fairclough, N. (1989/2001). *Language and power*. London: Longman.
- Flygare, E. (2008). Läkande relationer som interaktionsritualer: Om emotionella band vid återhämtningen från svåra psykiska störningar. [Healing relationships as interaction rituals: On emotional ties during recovery from severe mental disorders.] In Å. Wettergren, B. Starrin & G. Lindgren (Eds.), *Det sociala livets emotionella grunder* (pp. 187-211). [English translation: The Emotional Foundations of Social Life] Malmö Liber.
- Goffman, E. (1959). *The presentation of self in everyday life*. New York: Anchor Books.
- Goffman, E. (1967). *Interaction ritual. Essays on face to face behavior*. New York: Anchor Books.

- Goffman, E. (1981). *Forms of talk*. Philadelphia: University of Pennsylvania Press.
- Hakim, M. (2005). DO-anmälningar och etnisk bakgrund. [Interpretation: Complaints to the Equality Ombudsman and ethnic background]. In *Rasism och främlingsfientlighet i Sverige. Rapporter och delstudier om rasism och främlingsfientlighet i Sverige 2004* (pp. 156-190). [Racism and xenophobia in Sweden. Reports and sub-studies on racism and xenophobia in Sweden 2004]. Integrationsverkets rapportserie [Swedish Integration Board's report series] 2005:02. Norrköping: Integrationsverket.
- Hale, S. (2004). *The discourse of court Interpreting*. Amsterdam: John Benjamins.
- Hale, S. (2006). Themes and methodological issues in court interpreting research. *Linguistica Antverpiensia*, 5, 205-228.
- Hall, S. (1997). The spectacle of the 'other'. In S. Hall (Ed.), *Representation: cultural representation and signifying practices* (pp. 223-279). London: Sage.
- Hochschild, A. R. (1983). *The managed heart. Commercialization of human feeling*. Berkeley: University of California Press.
- Hultén, G. (2009). *Journalistik och mångfald*. [Journalism and diversity]. Lund: Studentlitteratur.
- Inghilleri, M. (2003). Habitus, field and discourse. Interpreting as a socially situated activity. *Target 15*(2), 243-268.
- Kammarkollegiet [Legal, Financial and Administrative Services Agency] (2010). *God tolksed. Vägledning för auktoriserade tolkar* [Proper interpretation praxis. Guidance for authorized interpreters]. Retrieved April 26, 2013 from

http://www.kammarkollegiet.se/sites/default/files/god_tolk_sed.pdf

- Komter, M. (2005). Understanding problems in an interpreter-mediated police interrogation. In S. L. Burns (Ed.), *Ethnographies of Law and Social Control (Sociology of Crime and Deviance)* 6, 203-224.
- Lalander, P. & Johansson, T. (2013). *Vardagslivets sociologi*. [The social psychology of everyday life]. Malmö: Liber.
- Matoesian, G. (2010). Multimodality and forensic linguistics. In M. Coulthard & A. Johnson (Eds.), *The Routledge handbook of forensic linguistics* (pp. 541-558). London: Routledge.
- Morris, R. (1995). The moral dilemmas of court interpreting. *The Translator*, 1(1), 25-46.
- Nakane, I. (2009). The myth of an 'invisible mediator': An Australian case study of English-Japanese police interpreting. *PORTAL* 2(1). Retrieved August 29, 2012 from <http://epress.lib.uts.edu.au/journals/index.php/portal/article/view/825>
- Nida, E. A. (1964). *Toward a science of translating*. Leiden: Brill.
- Norström, E., Gustafsson, K., & Fioretos, I. (2011). *Tolken – en kulturell mellanhand bakom stängda dörrar. Tolken betydelse för rättssäkerhet och integration, med särskild inriktning på mottagandet av ensamkommande barn och unga*. [The interpreter – a cultural intermediary behind closed doors. Interpreter significance in relation to the principle of legal security and integration, with particular focus on the reception of unaccompanied asylum-seeking children and youngsters]. Lund: Department of cultural sciences, Lund University.

- Oberhuber, F. & Krzyzanowski, M. (2008). Discourse analysis and ethnography. In R. Wodak & M. Krzyzanowski (Eds.), *Qualitative discourse analysis in the social sciences* (pp. 282-203). Basingstoke: Palgrave Macmillan.
- Rycroft, R. (2011). Hidden penalties faced by non-English speakers in the UK criminal justice system. An interpreting perspective. In A. Wagner & L. Cheng (Eds.), *Exploring courtroom discourse. The language of power and control* (pp. 209-225). Farnham, Surrey: Ashgate.
- Said, E. (1978). *Orientalism*. New York: Vintage Books.
- Sarnecki, J (Ed.) (2006). *Är rättvisan rättvis? Tio perspektiv på diskriminering av etniska och religiösa minoriteter inom rättssystemet* [English translation: Is justice fair? Ten perspectives on discrimination of ethnic and religious minorities within the judicial system], SOU 2006:30. Stockholm: The Swedish Government.
- Torstensson, N. (2010). *Judging the immigrant: Accents and attitudes*. Dissertation. Umeå Department of Language Studies, Umeå University.
- Van Dijk, T., (ed.) (1997). *Discourse and social interaction*. London: Sage.
- Van Dijk, T. (1995). Discourse analysis as ideology analysis. In C. Schäffner & A. Wenden (Eds.), *Language and Peace* (pp. 17-33). Aldershot: Dartmouth Publishing.
- Wadensjö, C. (1992). *Interpreting as interaction – On dialogue interpreting in immigration hearings and medical encounters*. Dissertation, Linköping Studies in Arts and Science 83, Linköping: Linköping University, Department of Communication Studies.
- Wagner, A. & Cheng, L. (Eds.) (2011). *Exploring courtroom discourse. The language of power and control*. Farnham, Surrey: Ashgate.

- White, J. (1990). *Justice as translation: An essay in cultural and legal criticism*. Chicago: University of Chicago Press.
- Wodak, R. & Krzyżanowski, M., (Eds.) (2008). *Qualitative discourse analysis in the social sciences*. Basingstoke: Palgrave Macmillan.
- Wodak, R. & Meyer, M. (2009) *Methods of critical discourse analysis*. London: Sage.

Torun Elsrud received her Ph.D. in Sociology from Lund University, Sweden, in 2004 and is a senior lecturer in media and communication studies and journalism at Linnaeus University, while holding a temporary research position at SUSAs (research platform for Social Exposedness and Social Work), Malmö University. Her research interests include courtroom interaction, identity construction and representation, media representations, intersectionality issues and ethnographic methods. Email: torun.elsrud@lnu.se.

¹ There is an implicit Eurocentrism underpinning the Middle East concept, but as it is the concept normally used to encompass the targeted area, it is used here in the absence of other suitable concepts.

² At the time, the assistant was a student at master level. He had several years of experience as a professional interpreter, called in during legal procedures as well as during health related bilingual assignments.

³ This sequence also contains an omission or subtraction from the original statement, leading to a weakening of some of the arguments while making others sound more immature and perhaps even devious. However, other examples of subtractions will be presented below.

⁴ This drama was soon picked up by news agencies, which, following this particular hearing, used boiling oil and hot oil in headings and article introductions. However, it cannot be guaranteed that it was the interpreter's addition being reproduced, or if journalists had found the concept in pre-trial documents. Either way, it is an interesting observation. The media treatment

of this and other cases is being analysed in this project and will be addressed in future articles.

⁵ Collins uses the term to describe the way individual experiences of social encounters evolve emotionally as new reminiscent experiences are encountered over time. I use the term in a condensed manner, pointing at the emotional build-up taking place based on ongoing interaction, where in this case the build-up appears to be reciprocal, between at least two actors.

⁶ I am using the concept of the other or otherness in a rather basic fashion here, to describe the positioning of an out-group in relation to a more powerful in-group with the preferential right to define what is right and wrong (Bar-Tal, 1997). However, this does not exclude the more common use of the concept as a term to describe groups of people who have been differentiated – often from a taken-for-granted national "us" – through processes of stigmatizing social and cultural construction (Hall, 1997; Said, 1978). While the act of othering is based on myths and ideas about differences and not on real differences, the discriminatory consequences for those being othered are often real. Thus, I am using the term to describe an outsider position related to various established groups, and not as a state of true inferiority or powerlessness. It has not been feasible within the project to interview the people being dependent upon interpreters to mediate their story. Subsequently, their voice and their agency remain unstudied in this report. Referring to them as "othered" says nothing about their ability to participate or make use of situations, nor does it describe their state of mind. Othering processes are usually initiated by external forces, as cognitive "labels of understanding" placed on societal "strangers" in a derogatory manner, which then serve the function of societal scapegoats (c. f. Becker, 1963/1973; Douglas, 1991).