In order to preclude bias, as a matter of policy, we don’t ask someone to review a book who is mentioned in it, even as a bibliographic reference. However, we made an exception in the case of Holly Mikkelson because she is regarded as such an authority on Spanish<>English translation and interpreting that there is better than an even chance that she would be cited as a reference. Holly’s name is regarded as a gold standard, and a book that she describes as “seminal” surely would refer to her. Incidentally, Holly’s invaluable contributions to the translation field were recognized by ATA when she was awarded the Association’s highest honor, the Alexander Gode Medal, in 2011.

This seminal work has become a staple in court interpreting programs not just throughout the U.S. but worldwide. Originally published in 1991, the book’s second edition has an additional chapter with updated information on recent (as of 2002) developments in the field. One might think that this book is outdated, given that the most recent edition is 13 years old, but the vital issues raised in Berk-Seligson’s study are still relevant today. The court systems of the world have failed to keep pace with the growing demand for professional interpreters and, all too often, failed to learn the lessons of the past. The pragmatic features of language in the courtroom remain something that every court interpreter should be mindful of during each and every interpreting assignment. When Berk-Seligson published her initial research in 1987, she was the first linguist to examine the effect of interpreted testimony on jurors. Her publications set the stage for later studies by scholars such as Diana Eades, Michael Cooke, Azucena Rigney, and Sandra Hale.

Overview

Chapters 1-2: The book begins with a general discussion of the bilingual courtroom and the role of the interpreter, prefaced by the assertion that “For judges, attorneys, defendants, litigants, and witnesses alike, the presence of a foreign language interpreter transforms normal courtroom proceedings into bilingual events” (page 1). The first chapter concludes with a preview of what the reader will find in the rest of the book. Chapter 2 delves more deeply into the nature of legal language, more particularly the oral language spoken in court proceedings. The distinction between written language that is intended to be read to oneself, written language that is read aloud from a book or document, and oral language in spontaneous speech by courtroom actors (ranging across a wide gamut of registers) is critical for understanding the language of the courtroom. Berk-Seligson also points out the specific linguistic aspects of attorney questions, especially those intended to be “coercive” (pages 22-23), and notes how important it is to be aware of “powerful” and “powerless” speech (pages 24-25). These key features of legal language figure prominently in the discussion of interpreted testimony later in the book.

Chapters 3-5: In Chapter 3, Berk-Seligson covers the laws that require the provision of court interpreters, and Chapter 4 describes the fieldwork she conducted for the study whose results account for the bulk of this book. She describes the difficulties of collecting data in public court proceedings, in view of the fact that all parties had to give permission for recordings to be made and that the scheduling of interpreted proceedings is always unpredictable. In addition to observing and recording court pro-
ceedings, Berk-Seligson interviewed 18 interpreters about the nature of their work and their decision-making.

Chapter 5 examines the ethno-
graphy of the bilingual courtroom, highlighting the transformation noted at the outset of the book. Berk-
Seligson points out that interpreters are not nearly as invisible and unobtrusive as they are assumed to be, because attention is inadvertently or deliber-
ately drawn to the interpreter during the proceedings. More recent research has corroborated the notion of inter-
preter visibility, but Berk-Seligson was among the first scholars to question the legal community’s pretense that the interpreter is a fly on the wall who per-
forms the “simple” task of mecha-
nically reproducing messages verbatim.

Chapters 6-8: Chapter 6 begins the
heart of the book and presents the evi-
dence that makes this such a ground-
breaking work, as it analyzes actual interpreted testimony and the distortions that interpreters bring about unwittingly. Specifically, the author
presents a contrastive analysis of
Spanish and English verb forms to
examine how the use of passive and
active voices shifts blame.

In Chapter 7, Berk-Seligson dis-
cusses testimony styles, echoing earlier references to coercive questioning and powerless speech. She notes that the interpreters in her study had a tendency to lengthen answers when they inter-
preted them into English and to reduce the examining attorney’s control over the witness.

In Chapter 8, Berk-Seligson reports
on the results of a simulated jury trial in
which mock jurors evaluated different
versions of interpreted testimony. In
that study she found that interpreters’ alterations of testimony in the form of
politeness, hyperformality, hedging, the
use of the active or passive voice, and interruptions of attorneys’ questions all changed jurors’ perceptions of the intel-
ligence and credibility of either wit-
nesses or attorneys.

Chapters 9-10: Chapters 9 and 10
conclude the book with a report on
appeals based on incompetent, unqual-
ified, or negligent interpreters. There is
also a final chapter on developments in
the field that took place between the
book’s first and second editions (1991-
2002). Berk-Seligson highlights the
increased insights into the role of the
interpreter that have been gained as a
result of additional research, the
growth of certification and training
programs, and international perspec-
tives. To complete the picture, the
book includes six appendices:

1) A list of state laws on the right to
court interpreting.

2) The text of the Federal Court

3) A suggested written oath for inter-
preters to sign.

4) The code of conduct adopted by
judiciary interpreters in Texas.

5) Another code of conduct, this one
from New Jersey (which later
served as a model for many dif-
f erent states).

6) The transcripts of the recordings
that were heard by mock jurors
in the experiment conducted by
the author.

Overall Evaluation

Berk-Seligson made some pow-
eful points in this book that have
 sparked debate among interpreters and
legal professionals and inspired fur-
ther research in a number of fields. She
remarked that many of the prob-
lems identified in her study of inter-
preted proceedings stemmed from a
misunderstanding of the interpreter’s
role on the part of all courtroom
actors, including interpreters them-
selves, and from interpreters’
unawareness of the pragmatics of
courtroom discourse.

Because the message is so impor-
tant, the fact that the original chap-
ters of the 1991 edition were left
untouched in the 2002 edition is
insignificant. Unfortunately, even
since the publication of the second
dition in 2002, the situation has
remained much the same, as can be
seen in the updated version of
another key text in the field, Funda-
amentals of Court Interpretation.7

As the battle for recognition of the
profession and appropriate training for
aspiring court interpreters continues,
we must not lose sight of the critical
issues raised in Berk-Seligson’s trail-
blazing book. It should be on the
shelves of every university library and

Information and Contacts

Holly Mikkelson is an associate professor of translation and interpreting at the Graduate School of Translation
and Interpretation, Middlebury Institute of International Studies at Monterey. She is an ATA-certified
Spanish<>English translator and a state and federally certified court interpreter who has taught translation and
interpreting for over 35 years. In addition to co-authoring Fundamentals of Court Interpretation: Theory, Policy,
and Practice, she is the author of Introduction to Court Interpreting, as well as the Acebo interpreter training
manuals and numerous articles on translation and interpreting. She was awarded ATA’s Gode Medal in 2011.
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Have an idea for a dictionary you would like to see reviewed? Contact Peter A. Gergay, chair of ATA’s Dictionary Review Committee, at pgergay@aol.com.
Be required reading in every course on court interpreting.

Notes


