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Expectations regarding interpreters in Brazil in the light of pandemic-enforced technological change: A pilot study

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Abstract

This article examines stakeholder expectations of interpreters in the Brazilian legal system and how they may have changed with the shift to remote interpreting during the pandemic. The study explores stakeholder expectations of interpreters and the interplay of these expectations with the growth of remote interpreting. To do so, it builds on the growing awareness of the need to rethink the methods used to understand stakeholder expectations. The study is based on questionnaires administered to judges, prosecution, and defence lawyers, as well as interpreters themselves. These questionnaires explored their reactions to vignettes adapted from real-life experience and to specific questions, comparing the responses from both methods. The results revealed how remote interpreting has increased tensions between the perceived needs of interpreters and the perceived demands of those involved in the legal process. This article argues that interpreters' expectations hinge on the concept of *linguistic presence*, a concept with different meanings for language professionals and legal professionals. The discrepancy is especially pertinent given the growth of remote interpreting and how it may impact the *presence* of the interpreter.

Keywords: legal interpreting, interpreting in Brazil, interpreters' expectations, survey research, remote interpreting

1. Introduction

By the nature of their occupation, interpreters work with people of differing social, professional, and linguistic backgrounds. These differences in life experience, training, and priorities can lead to situations where the different parties in interpreted events hold different expectations of the interpreters. In interpreting in legal contexts, this may be all the more acute, given the substantial differences in power, familiarity with the context, and goals between the actors. This article explores these expectations, in terms of the effects of the pandemic on legal interpreting. As such, it contributes to the growing literature on remote interpreting, especially in legal settings, by exploring how the transition from in-person to remote affected stakeholder expectations of interpreters.

The research questions are “what do key stakeholders expect from interpreters in the Brazilian legal system?” and “how have these expectations changed following the shift to remote interpreting during the pandemic?” The stakeholders addressed in this study are legal professionals and interpreters. Starting with an exploration of the research on stakeholder expectations in interpreting in general and in legal interpreting in particular, followed by reflections on the effects of remote interpreting, the article explains the specific dynamics of expectations on legal interpreting in Brazil and the changes the pandemic has brought to this interpretation. A stakeholder survey in Brazil offers the opportunity to examine a familiar research question in a rarely examined national context, as research on interpreting of any kind in Brazil is still in its infancy.

The transition from in-person to remote interpreting, and the concomitant need for interpreters to improve communication with legal professionals and for all parties to improve their understanding of each other’s needs form the basis of the discussion of the theoretical and practical importance of the results (Section 2). Deliberately eschewing previous tools, due to ongoing concerns about their validity, we argue that this study illustrates important additional data that can be generated (Sections 3 and 5). The discussion and conclusion (Sections 5 and 6)

argue that the differing needs of legal professionals and interpreters have methodological importance for researchers wishing to understand stakeholder expectations, in addition to their importance for the interpreting profession in Brazil.

2. Literature review

2.1 Stakeholder expectations of interpreters

Translation and interpreting studies have produced systematic accounts of the literature on stakeholder expectations of interpreters (Kurz 1994; 2001; Pöchhacker 2005; Downie 2015). This article sets itself against the flow of such research, rather than within it. While there are great benefits to the systematic approaches to literature reviews (e.g., Page et al. 2021), the review of the literature in this article seeks to offer a “problematizing review” as described by Alvesson and Sandberg (2020). Such reviews seek to show the internal contradictions, gaps, and difficulties in a literature, with full awareness that selecting, analysing, classifying, and presenting literature are necessarily based on subjective criteria. To understand what those involved in the interpreting process view as important, researchers have used heterogeneous methods (Downie 2015, 24). They have approached varying actors, from officials in a professional association (Bühler 1986) to interpreting users (Kurz 1994). To elicit their views, surveys have followed different designs. They have asked respondents to rate the importance of a set number of pre-defined criteria (Bühler 1986), to list the three most important functions of interpreting and their three principal annoyances (Kopczyński 1994), or asked clients both what they expected of interpreters in general and how they expected interpreters to respond to specific issues that could arise at a particular event (Eraslan 2011). Other research designs have used experimental methods, including to investigate the relationship between interpreting and evaluation (e.g., Collados Aís 1998; Collados Aís, Fernández Sánchez & Gile 2003). Also interview-based studies (Meak 1990; Moser 1996) and mixed observational methods (Downie

2016) have attempted to enhance our knowledge on the expectations set on interpreting.

Among the variety, an issue with stakeholder expectations research seems to persist—the reliability of the tools used. Eraslan (2011, 67–71) evidenced the issue when finding that, while clients answered some survey questions in ways that suggested that interpreters should not intervene overtly in the event, they answered other questions in ways that suggested the opposite. The key issue seems to be that researchers cannot assume that all respondents understand the same criteria in the same way, neither in expectations research nor evaluation research (Downie 2015, 24). Differences in the interpretation of criteria are also evident in the work of Diriker (2004, 75–78), who used open-ended interviews. While all respondents said that interpreters should “convey the meaning of the speaker,” no two could agree on what this meant in practice. Diriker’s results suggest that there is ample space for individual respondents to understand the same criteria in different ways.

To tackle what they see as the overriding theoretical and methodological problem with criteria-based survey research, Mack and Cattaruzza (1995, 47) suggested both “better coordination in the carrying out of surveys” across studies, and “clearly defined and weighted quality components.” This is precisely the issue arising from our problematising review—the assumption of predefined criteria or standards that are not necessarily shared among respondents in older expectations research in interpreting studies. It may therefore be helpful to move towards methods that do not presume that criteria are already well-understood. Given the difference in professional backgrounds between the participants in legal interpreting research, the need to revisit existing data generation tools is an especially important consideration in this area. It is in this light that the next subsection will view research on expectations of legal interpreters.

2.2 Expectations of legal interpreters

Research on expectations of court interpreters has tended to concentrate on the complex idea of their *role*, that is, the set of responsibilities, expectations, and

functions attributed to interpreters. While Angelelli (2004) looked to compare interpreters' perceptions of their own role in conference, court, and medical settings, other researchers, such as Lee (2009), Kredens (2016), and Salaets and Balogh (2017) sought to compare the views of the work of interpreters held by different language and legal professionals.

Kredens' research used vignettes—short stories based on realistic issues to which the respondent is asked to give a reaction. These were shown to two different groups: legal professionals and interpreters. In this case, notwithstanding the researcher's view that "despite the markedly different professional cultures there are in fact few points of actual professional conflict" (2016, 65), differences between the responses from different groups can be identified. One such example is the question as to how interpreters should respond if someone offers additional information to the interpreter when a police interviewer is out of the room. In this case, legal professionals discussed the legal status of such information while interpreters focused on the logistical difficulties in informing anyone else (70–71).

Responses to other vignettes show other differences. For example, when asked whether an interpreter should notify someone if a police officer hinted that they were expecting a bribe to have a case dismissed, many different solutions were offered before a general agreement was reached that the interpreter should simply relay the propositional meaning of what the officer said (Kredens 2016, 72). Similarly, both legal and language professionals agreed that an interpreter should turn down the offer of a meeting with an attractive participant outside of the context of the case in a case in which they interpreted. Here, however, the reasons for this differed. Legal professionals tended to discuss the implications in terms of professional conduct, while language professionals tended to speak about the need for professional detachment (*ibid.*).

Kredens' research can fruitfully be compared to the work of Liu (2016), who reported that interpreters were aware of their perceptions of their work differing to those of the other participants in the interpreted events. Most notably, while legal interpreters consistently viewed their role as that of "communication facilitator" and "faithful renderer of original utterances" (292), these same interpreters reported that other participants tended to either wish them to

assist beyond work that they were comfortable delivering or to have a role that was extremely restricted.

The need to reflect on how different groups might respond to the same stimuli is also highlighted in the work of Martínez-Gómez. Based on piloting feedback (2015, 180), she had to modify her original survey plan, reducing it from 38 to 18 items due to time limitations, and substituting Likert scales with dichotomous items. The adjustments were essential for effectively capturing the perspectives of interpreting experts, non-professional interpreters, primary participants in interpreted meetings, and prison staff, demonstrating their varying needs and the necessity of adapting the instrument to different profiles. Along with methodological issues, Martínez-Gómez's work stressed how interpreters' assumed expectations on the part of users differed from users' actual behaviour, who prompt interpreters to "participate with their own voice" (2015, 189).

Powell et al. (2017) provide further insights along these lines. Their study used semi-structured interviews¹ with professionals involved in interviews¹ with children involved in sexual abuse cases. In their study, the professionals argued for greater cooperation between language and legal professionals, especially regarding the need to prepare interpreters for the demands of interpreting in such emotionally charged situations (94). They also underlined the need for specialised training on best practice in such situations (96–98). As well as providing an insight into the importance of linguistic decisions, respondents also commented on the possible effect of perceptions of the interpreter's own appearance. In situations where children are already uncomfortable, the interpreter's demeanour was given great importance (Powell et al. 2017, 97).

While it could be argued that such concerns are especially important in child interviews, their salience in this article goes beyond their immediate context. Where expectations research (see Section 2.1) has tended to concentrate on linguistic performance and discussions of expectations

¹ For a deeper insight into interpreting for minors see resources of Co-Minor I and II results, see (Salaets 2023).

of legal interpreters might focus on ethical concerns, Powell et al.'s work frames rapport between the participants in legal interpreting not only as an occurrence but as a need.²

Such rapport would seem especially important in the context of remote interpreting, which, as will be discussed later, has often been associated with increased difficulty in building rapport between the participants. Indeed, in a survey of legal and language professionals by Braun and Taylor (2012), lack of rapport was mentioned by interpreters (but not legal professionals) as a drawback of using remote interpreting (71). Rapport building also underlies the changes found in the work of Downie and Turner (2021), who report that an interpreter internship project led to police officers moving from viewing sign language interpreters as primarily being there due to the needs of deaf people to viewing them as being there “actively to help the police do their job” (2021, 243).

There appears to be underlying tension in research on expectations of legal interpreters. While there may be broad consensus as to behavioural norms, the specific legal contexts in which interpreters work and the perceived relationships between interpreters and other legal professionals seem to be important factors. This would seem to be especially important in a context like Brazil where, despite legislation, the profession of legal interpreting is yet to gain a strong professional standing. Without legislation to govern behaviour norms, it is more likely that differences in expectations will be greater. It is to the situation in Brazil therefore that this article will now turn.

2.3 The situation in Brazil

Brazil is a Civil Law country, and its legal system depends upon a systematic interpretation of written rules, approved by the legislature. Brazilian Criminal

² For Useful references on rapport management outside of legal interpreting can be found in Iglesias Fernández (2010) and Tannen (2007).

Justice is framed by the 1988 Constitution, which includes provisions on criminal and procedural matters, as well as international legal cooperation. Court translators and interpreters in the Brazilian Federal Courts are expected to enable accurate communication in the investigation and prosecution of federal crimes. However, there is no specialised training available for court translators and interpreters.

Access to legal interpreting is complicated by existing socioeconomic imbalances. The World Bank has noted that Brazil struggles to provide reliable and well-monitored public services and suffers from high levels of discrimination and social exclusion (World Bank 2018). Such structural issues are reflected in the variable availability of public defender services for less well-off defendants (Washington Office on Latin America 2016).

The situation is compounded by other factors. Nordin (2018) has argued that the lack of interpreter training in Brazil has an effect on the availability of interpreters, especially for work that is carried out remotely for the most urgent cases. The scarcity of training was confirmed by Gorovitz, Dias Carniero, and Martins (2023), whose proposed diploma course in linguistic and transcultural mediation aimed to promote the kinds of basic training they deemed necessary for professionalisation of interpreting in Brazil. During the pandemic-induced lockdowns, remote interpreting became the dominant way of providing what was already a service under strain.

Although the specifics of remote interpreting in Brazil remain largely unexplored, we will now discuss the particular demands of remote interpreting to frame our research on expectations.

2.4 Remote interpreting

Remote interpreting involves one or more of the participants in an interpreted event being geographically separate from the others and thus joining the meeting using technological means. Early tests in the European Union suggested that remote interpreting would be more stressful than working in-person (Mouzourakis 2006), even if longer-term studies found

that it was possible to at least partially overcome this with time (Ko 2006). There is general agreement that remote interpreting does present certain physiological constraints, with interpreters unable to fully select what they see (Moser-Mercer 2005, 733), reporting feelings of being distant from proceedings (Roziner & Shlesinger 2010), and difficulties in establishing rapport (Price et al. 2012, 6).

Difficulties inherent in remote interpreting are especially important in legal contexts given what is known about the role of the interpreter as the coordinator of talk in dialogue settings (Wadensjö 1998; Roy 2000). Indeed, in the pioneering work of Braun (2013, 211), coordinating turn taking was the area in which there was the greatest difference between remote legal interpreting and the same service provided in-person, with four times more issues in this area when interpreting was provided remotely. The results bear similarities with the more recent study by Licoppe and Veyrier (2020), in which they showed that remote interpreting robbed interpreters of implicit resources to signal turn taking, leading to longer turns, and hence decreased quality.

Ultimately, remote interpreting seems to qualitatively change the nature of the interpreting task in ways that are directly relevant to legal interpreting. While the technical and psychological aspects are of undoubted importance, in this article, we will concentrate on how the use of remote interpreting itself may have altered perspectives on the role of the interpreter in Brazil.

3. Data and methods

The importance and known difficulty of achieving rapport in remote legal interpreting suggested that it was important to explore the views of both legal professionals and interpreters. The methodological issues identified in Section 2.1, and the specific concerns of legal interpreting in Section 2.2 led to the adoption of a combined approach, using both Likert-style items and vignettes.

3.1 Participants

Purposive sampling was used to reach legal professionals who had already worked with interpreters and interpreters who had interpreted within the Brazilian legal system. In both cases, respondents were known to have worked before the pandemic and were still working during it. While this approach limits the generalizability of the results, it increases data quality by ensuring that respondents are speaking from experience, rather than responding with idealised views.

There were 12 participants who answered the questionnaire: a federal judge; six legal professionals (a general federal attorney; a public prosecutor; a public defender; a pro bono attorney from legal aid services; a federal criminal cases administrative chief member of staff; and a legal adviser from the Federal Court). In addition, five interpreters and translators took part (a court interpreter; a court interpreter and translator; a legal conference interpreter; a sworn translator; and a certified translator).

All the participants were Brazilian. Their answers were presented in writing both in English and Portuguese, according to their wishes.

3.2 Methods

3.2.1 Survey

A survey was prepared with all questions in Portuguese and English, with a mix of biographical questions, followed by 14 open questions on basic issues, such as what constitutes a fair trial and the role of the interpreter in this process. This was followed by eight items each using a standard five-part Likert-type response format on the current state of fair trials in Brazil and the place of interpreters within this. Twelve of the 51 invited respondents filled in the survey, a response rate of 23.5%.

Following the positive results from their use in the work of Downie (2016, 106–107), respondents were presented with three specially-constructed

vignettes, to allow them to explain the practical application of the theoretical views they described earlier in the questionnaire. In this case, the vignettes covered what the interpreter should do if the defendant whispers something to the interpreter that contradicts the statement they just gave the court; issues arising from the interpreter not knowing a term used by a witness; and an obscenity aimed at the judge. Lastly, respondents were asked how the pandemic and the move to remote interpreting have changed their views and experience.

All surveys were sent and answered online, using Google Forms. Data collection was conducted in Brazil and met best practices in data protection. In processing personal information, UK GDPR best practices were adhered to, as detailed below. Responses on the direct effects of remote interpreting were collected separately from those who reported having filled in the form and are not directly relatable to responses collected on the form. In all cases, free text responses are given in the language used by the respondent, with translations added in footnotes where possible.

As the second author is registered with the Informational Commissioner's Office in the United Kingdom, no email addresses were collected and information was restricted to the bare minimum of personal information to the point where no respondent was directly identifiable from the information given. All respondents were known to the first author. No follow-up interviews were carried out, aside from the additional data collection reported above. Options to reduce the risk of the same respondent filling in the form more than once were enabled but filling in the form did not require a Google account. Anonymisation of responses was ensured by having everyone use the same link and by having no direct link from a response to any personal details. The effects of this decision to eschew the traditional criteria-based approach are examined in the discussion section. In addition, subsequent analysis showed that some of the questions proved more insightful than others. These questions have been given preference below.

3.2.2 Coding procedure and analysis criteria

All text responses were translated by Renata Machado to allow for later checking. Such responses were then thematically coded by the first author, with attention being paid to the themes of the perceived position of interpreters in the Brazilian justice system, points of agreement across different respondents, and the relationship between responses to general questions about the work of interpreters and the responses to the vignettes.

After the initial analysis of text responses, the second author rechecked analysis, looking for any additional information or insights. At this stage, quotes that were viewed as representing wider trends were identified and selected for more detailed analysis. This is the final analysis that appears in the results section of this article.

Given the small sample size, the Likert-style items were not subject to any more than a basic analysis of the frequency of each response. As the answers to these questions were very similar to the answers to the later open questions and vignettes, it was felt that they simply duplicated information that was available in more detailed form elsewhere in the survey. Respondents have been coded with letters representing their profession: TI for translators and interpreters, LP for legal professionals.

4. Results

4.1 General expectations of interpreters

General expectations from both interpreters and legal professionals painted interpreters as being vital components in the conduct of fair trials. Their presence was deemed to be both legally mandated and practically necessary. Respondents tended to view interpreting as a highly constrained position to be filled within the wider process, such as the excerpt below.

O intérprete é o elo principal entre o réu estrangeiro e o sistema judicial brasileiro. Sua presença é fundamental para garantir os direitos de todos sob as leis nacionais e compromissos internacionais dos quais o Brasil é signatário. O intérprete deve estar presente em todos os momentos da interação de autoridades judiciais com os réus estrangeiros. Sem um intérprete, seria impossível julgar um réu estrangeiro no Brasil.³ (T14)

Here, the interpreter's role is circumscribed within judicial commitments. The presence of the interpreter becomes the "guarantee" of the rights of the foreign defendant. This explains why the emphasis is on the interpreter being "present." The position must be filled somehow to fulfil international obligations. Yet, there is no specific need expressed for this position to be filled by a professional interpreter or even a human. This trope of interpreting as a slot created by the requirements of the legal process can also be seen in the excerpt below.

Muito importante, sem o trabalho do intérprete a pessoa estará fisicamente, mas não linguisticamente presente.⁴ (LP6)

Here, the emphasis is on the interpreter as the incarnation of the "linguistically present" defendant. That this presence exists due to "the interpreter's work" suggests an active role for the interpreter. Yet this work is largely focused on the creation of linguistic presence for another party, here intriguingly named "the person." Personhood then is given to the party who needs interpreting while "the interpreter" as a role becomes important

³ Translation: The interpreter is the main link between the foreign defendant and the Brazilian judicial system. Their presence is essential to guarantee the rights of all under national laws and international commitments to which Brazil is a signatory. The interpreter must be always present during the interaction of judicial authorities with foreign defendants. Without an interpreter, it would be impossible to try a foreign defendant in Brazil.

⁴ Translation: Very important, without the interpreter's work the person will be physically but not linguistically present.

only by virtue of the need for the linguistic presence of the party who needs interpreting.

More important in the context of discussions around remote interpreting is the apparent ease of separating being physically present from being linguistically present. In the case of remote interpreting, it is possible that someone can be physically distant from the place where their case is being discussed, yet able to take part in discussions. The importance of this will be discussed later.

Other respondents gave answers that were more closely related to the importance of the work of the interpreter, rather than their presence.

o intérprete é quem faz o réu presente linguisticamente em audiência. Sem ele—o intérprete—não tem como assegurar ao estrangeiro o contraditório e a ampla defesa.⁵ (LP7)

Once again, it is the existence of the interpreter within the hearing that is deemed sufficient, not anything about the interpreter's work or performance. The existence of the interpreter is closely linked to the needs of the defendant and becomes the embodiment of the defendant's linguistic presence during the hearing.

These expectations, which came from the responses of both interpreters and legal professionals, therefore give interpreters a procedural and arguably, largely symbolic, position in the Brazilian legal system. In all of these responses, presence is at the heart of the place of interpreters. Interpreting here is the guarantee of procedural rights but does not seem to offer those filling it any rights or many requirements. It is an empty position, created by the need for the defendant to be linguistically present, which must be filled for the sake of procedure.

If there are any questions over whether this reading is premature, one final extract presents a succinct summary of the position and limits of interpreters as viewed by these respondents. One respondent, a legal official, remarked that:

⁵ Translation: the interpreter is the one who makes the defendant linguistically present at the hearing. Without him—the interpreter—there is no way to ensure the foreigner's adversary and full defense.

O intérprete no exercício de sua profissão deve estar suficientemente preparado e jamais poderá tumultuar o processo legal.⁶ (LP4)

While this is the only excerpt that specifically gives a professional requirement for interpreters, it does so in the light of the overall view that interpreters must not disrupt the overall legal process. While it is not clear whether this refers to the course of justice or individual trials, its significance remains the same. It presents a paradox where interpreters must be prepared enough to do their job within the legal process but may not interrupt it. The preparation expected here of interpreters is to enable acquiescence to the prepared role. The overarching process is therefore given more importance than the interpreter or the interpreting.

In summary, general expectations of interpreters are based on the idea that the interpreter acts as the linguistic presence of the foreign defendant, within the wider procedural requirements of the legal process. It is this legal process that necessitates this presence, and it is the needs of this process that must come first. Interpreting therefore must exist for the process to be seen to be fair, but this existence must not disturb the process itself. The position of interpreters within the process is a symbolic guarantee of the rights of foreign defendants, even if the real application of these rights is never discussed in responses. The fact that these expectations are consistent between all respondents, with only minor differences in the length of response and emphasis, is striking. There were, however, differences between how different respondents described the importance of interpreters in the Brazilian legal process.

4.2 Differences between interpreters and legal professionals

Interpreters and legal professionals differed most on the qualities required to adequately fill the procedural slot created by the need for legal interpreting.

⁶ Translation: The interpreter in the exercise of their profession must be sufficiently prepared and can never disrupt the legal process.

Legal professionals tended to write comments that focused on the wider legal process, such as the one below:

Estrita fidelidade aos princípios e normas que fazem um julgamento justo e zelo e diligência deste para colocar os participantes do julgamento em entendimento e compreensão dos termos processuais desse julgamento, preponderantemente no que diz respeito às barreiras linguísticas e comunicativas.⁷ (LP2)

This respondent's view of the interpreter's responsibilities represents a move away from the purely procedural or symbolic view of interpreters discussed above. Yet, for all the mention of "diligence to bring the participants . . . into understanding and comprehension," such diligence is located only within the "principles and standards that are made for a fair trial." wider legal process and the need for "strict observance" runs counter to any active participation of the interpreter in this process.

Interpreters and translators differed from legal professionals in that only they viewed the status and future of interpreters as being explicitly linked to the assurance of fair trials in Brazil.

Seria necessário que se fizesse cumprir alguma lei obrigando o Estado a ter intérpretes judiciais presentes em todas as audiências com réus estrangeiros. Os intérpretes devem ser amparados por algum órgão governamental, devem ter certificação e receber honorários justos. Seria necessário criar uma associação no Brasil para estabelecer códigos de ética e conduta, tarifas e programas de treinamento.⁸ (TI4)

⁷ Translation: Strict observance of the principles and standards that are made for a fair trial, and his/her eagerness and diligence to bring the participants in the trial into understanding and comprehension of the procedural terms of that trial, preponderantly as regards language and communication barriers.

⁸ Translation: A law should be enforced requiring the state to have court interpreters present at all hearings with foreign defendants. The interpreters must be supported by some government agency, have certification, and receive a fair fee. An association should be created in Brazil to establish codes of ethics and conduct, fees, and training programs.

The argument here is that the rights and status of interpreters must be legislated for within the wider laws on legal processes and that their status must be underpinned by the establishment of other sources of authority. Underneath all this is the assumption that what is good for interpreters and interpreting is good for the wider legal process.

In the context of the growth of remote interpreting, it is important to remember that the presence of interpreters is still procedural and symbolic, especially among legal professionals. Interpreting is a slot to be filled within the wider legal procedures in which hearings take place. It is entirely logical, then, for legal professionals to prioritise the needs of these processes, pushing for “strict observance of the principles and standards that are made for a fair trial.” The only question is whether the procedural role of the interpreter entails the protection and professionalisation of those who fill it.

4.3 Responses to the vignettes

This subtle difference between legal professionals and interpreters is still in place in answers to the vignettes but in a less pronounced way. When asked what interpreters should do if a defendant whispers into the interpreter’s ear that a witness is not telling the truth, legal professionals tended to emphasise the need for the interpreter to prioritise the smooth running of legal procedures and trials, even at the risk of important information being missed, while interpreters suggest a more proactive role for interpreters.

Among legal professionals, the most common responses to the vignette were that the interpreter should interpret it for the defence team (3 respondents), notify the judge (2), or simply ask the witness to wait their turn (1). Language professionals expected the interpreter to be more proactive by asking the person to be silent (2 respondents), relying on pre-hearing briefings to ensure that such behaviour cannot happen (1), requesting an audience with the judge (1) or passing the information to the defence team (1).

Legal professionals therefore tend towards requiring the interpreter to defer to the existing legal structures. Only one legal professional offered the interpreter the freedom to address the witness themselves. Language professionals were

not only more varied in their responses, but their responses paint the interpreter as a person with their own freedom to choose the correct course of action.

The same can be said about the responses given to a vignette on how the interpreter should respond when they do not know a word. While all of the respondents but two argued that it was acceptable for the interpreter to consult a dictionary, all of those who agreed with this course of action argued that the interpreter must gain permission from the judge before doing so. Of the respondents who did not explicitly mention this solution, a language professional said that the interpreter should be sufficiently prepared that they do not have to interrupt proceedings, while another argued that it was acceptable to clarify a term with the party who said it, as long as permission was sought to do so, and the interpreter explained what they were doing.

Almost all responses assume that the interpreter can communicate independently with the other parties with relative ease. It is also clear that almost all respondents wish the interpreter to be entirely subject to the interests of the wider legal process by ensuring that such situations do not arise.

Overall, despite the growth in remote interpreting, the responses to the vignettes still assume the physical presence of the interpreter, even if the use of this presence is contested. Interpreting is seen a part of the wider legal process but one which is restricted to minimising its own presence and any disruption caused by it. This view is especially pertinent in the context of the growth of remote interpreting. The results of the survey regarding changes brought about due to remote interpreting will now be discussed.

4.4 Changes due to remote interpreting

The majority of the detailed responses to the question on remote interpreting came from language professionals.⁹ Several closely related trends are evident.

⁹ No coding is given in this section as these questions were posed separately to those who reported having filled in the survey. The general profile of each respondent (legal professional or interpreter) was known for each response and is indicated.

The first is the need for interpreters to learn how to adjust their working methods and life to the new reality, for example:

Initially, it did affect the quality of my interpreting, as I had many distractions and details to worry about (and wasn't used to). However, today I feel I have overcome technical and even family issues, as they have also learned how to behave and be useful elements during my jobs. I have learned to better deal with stressful situations and technology and keep focused, at the same time. Today I feel the quality of my interpreting is as good as it was before the pandemic.

The needs of the legal system retreat into the background as the interpreter looks to deal with their own personal issues, which might inhibit them from offering "the quality of my interpreting" to a level that is "as good as it was before the pandemic." The addition of the possessive "my" simply underlines how remote interpreting has shifted the focus. Such linguistic shifts towards centring the interpreter seem to reflect the idea that, by isolating the interpreter geographically from the wider process, the pandemic-induced technological shift has caused interpreters to reflect more on their own needs. This excerpt suggests that these needs are both personal and technological.

Not all responses were so interpreter-centric. One respondent reflected on the need for all parties to work together to ensure that meetings worked remotely.

As an interpreter, I have prepared myself to deliver my service in this newly formed scenario, but the several parties involved in the process (lecturers, agencies, audience etc.) are not quite ready or have not been briefed that they should consider their conditions as far as hardware, software, and environment are concerned when it comes to taking part of remote events with simultaneous interpretation services included. It is our role and responsibility to share our knowledge with peers and all involved to achieve mutual success. Our quality is being impacted by the working conditions as a whole and if you do your best as an interpreter, this effort alone is not enough to ensure quality in an event.

While this response seems to reflect concerns about events outside of the legal process, its most relevant aspects are the need for all parties involved

in a meeting to be aware of the technical and environmental requirements of remote. This is couched in the desire for “mutual success,” a unique phrase in responses to this question. Indeed, the view that “if you do your best as an interpreter, this effort alone is not enough to ensure quality in an event” shows that this respondent views the quality of interpreting as a socially constructed variable. Here, making an event work requires teamwork and cooperation, aspects that seem to have been made more difficult due to remote. Finding ways for interpreters to “share our knowledge with peers and all involved” is seen as key to improving outcomes.

Such calls for teamwork were echoed by another interpreter who argued that:

Por isso, testes de áudio deveriam ser feitos dos dois lados: intérpretes e palestrantes. Nossos ouvidos agradecem.¹⁰

The challenges inherent in remote interpreting were evident in several short responses. While one respondent said that “I feel the quality of interpreting hasn’t changed” and another respondent said that the move to remote had had a “positive impact.” One final respondent gave a one-word response to the question on how remote had affected the quality of interpreting they delivered. In their view “badly” was all that needed said.

To sum up, the main shift in views of interpreting brought about by remote interpreting is that the emphasis has shifted from the interpreter as a secondary part of wider legal processes to the centring of the interpreters communicative, technological, and personal needs. This shift is notably not justified by appeals to wider procedural needs but instead to what interpreters need for them to do their work well. The much lower response rate from legal professionals to this question may also be reflective of the idea that language professionals care more about the changes brought about by remote interpreting than legal professionals do.

¹⁰ Translation: Therefore, audio tests should be done on both sides: interpreters and speakers. Our ears are grateful.

5. Discussion

The results in this case illustrate the complex interplay between the perceived role of interpreters and interpreting within the Brazilian justice system and the rise of remote interpreting. There is broad agreement that interpreting plays a vital role in assuring that non-Portuguese speakers are accorded a linguistic presence in the courtroom and the ability to take part in proceedings. In line with previous research on court interpreting, there are important, if subtle, differences in how this is viewed by interpreters and other actors in the justice system, leading to differences in opinion as to the effect of remote in this process.

In this regard, it is important to point out that the idea of linguistic presence involves the existence of an interpreting service and the provision of an interpreter, with no further stipulations. Thus, the right to an interpreter is viewed as precisely that: a right to an interpreter, with no specifics or qualifying adjectives.

The limited extent and nature of this presence is reflected in the tendency for all respondents, especially legal professionals, to require interpreters to defer to other participants for their decision-making. Indeed, it seems that the point of interpreting is to exist and provide some kind of presence without upsetting the existing legal process or showing any potential issues with it.

This explains why legal professionals tended to view interpreting as something needed for the system to run properly. Interpreting in this view is mandated by linguistic and procedural needs but clearly limited to providing for the needs of the system and, by extension, the needs of those involved who do not speak the language of the court.

Interpreters, on the other hand, viewed their role within the system as providing a mandate for greater change. This is largely in line with existing literature which, as explained above, showed that interpreters tended to favour a more active, facilitator role, taking place throughout the legal process, while legal professionals tend to view interpreters as “language machines” (see Lee 2009; Morris 2010; Lee 2015). Thus, the kinds of changes towards interpreting that is more aware of its social and pragmatic role, as called for by researchers such as Angermeyer (2015; 2021), would seem to have a receptive audience among interpreters but may struggle to gain ground among legal professionals.

The challenges brought about by remote also loom large in such debates. The data represent the two-pronged challenge for Brazilian legal interpreters. Moving away from in-person interpreting presents the kinds of technical challenges already discussed in the literature (Napier & Leneham 2011; Braun 2013). Dealing with these requires close partnership with clients. In an atmosphere where legal professionals were already wishing to ensure that interpreting aided the legal process, rather than interrupting it, and at a time when legal professionals seemed reticent to add any qualifying adjectives to the right to an interpreter, (re)moving the physical presence of interpreters would seem to make positive change even more difficult.

If the existing remote interpreting literature (see Section 2.2 above) is right to view the move to remote as hindering the building of rapport, then the need for interpreters to work with legal professionals to find mutually agreeable ways of working has become acute. In short, the call by one respondent for interpreters to “share our knowledge with peers and all involved in order to achieve mutual success” is now a requirement.

5.1 Limitations

A clear limitation of this present article is that it deliberately moved away from the existing criteria-based approach to offer more space for respondents to answer using their own terms. Comparability with other research is therefore limited. However, the detail and scope of responses has demonstrated how powerful this approach can be and has strengthened the case for researchers to move away from assuming that pre-existing criteria are valid for all respondents.

In addition, it would seem useful to further this work by moving from surveys about interpreting in general to deeper studies of expectations at individual events. Given the insights already produced by such research (e.g., Diriker 2004; Eraslan 2011), it would seem likely that responses may be different when respondents are reflecting on specific events. Some evidence for such a view can be found in the responses to the vignettes in this study, since respondents tended to suggest that interpreters should communicate with the other parties

in ways that provide a more active role for the interpreter than is suggested in their other responses. How such communication can be achieved in remote interpreting remains to be seen. Thus, research on expectations latent during remote legal interpreting should lean heavily on examples that are pertinent to that situation, rather than or at least in addition to more generic items.

6. Conclusion

This article analysed the views of interpreters and legal professionals on the role of legal interpreters in Brazil in the light of the rise in remote interpreting due to the pandemic. It was found that, while both groups agreed that interpreters played a vital role in ensuring that those whose first language was not that of the court were able to take part in proceedings, subtle yet important differences remained. While interpreters were happy to push for interpreters to gain in status, qualifications, and treatment, other legal professionals tended to prioritise the efficient running of the legal system itself.

Methodologically speaking, the responses to the survey used in this study provide more evidence for research on stakeholder expectations to take a more descriptive stance, allowing room for respondents to answer using their own words. While the use of vignettes provided a contrast between the views expressed by respondents about interpreting in general and their views as to how interpreters should resolve specific problems, this difference itself becomes problematic in the light of the focus of this study on remote interpreting. In this case, many of the responses to the vignettes presupposed actions that are made much more difficult during remote interpreting. It may be that future research will be needed to understand how stakeholders wish interpreters to respond to the inherent limitations of remote interpreting.

It is striking that, while there were a variety of responses as to the difference that remote has made, the role of interpreters as assurers of *linguistic presence* and the expectation that interpreters should communicate with other legal professionals at key points seem problematic when remote interpreting is used. Interpreters seem happy to focus on their own challenges and on the need to

communicate their technical and environmental needs to clients. What is not so obvious is whether any party involved in Brazilian legal procedure has an interest in reflecting on whether the existing expectations of interpreters are even feasible when they supply their services remotely. Key issues from the literature such as rapport building and the interpreter's ability to coordinate turns are conspicuous by their absence in the responses to this survey. The gap between recommendations in the literature and the views of stakeholders is important and may prove to be a hinderance in attaining the very improvements that interpreters in Brazil seem to seek.

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