ABSTRACT

An Empirical Study of the Use of Norm-based Direct Speech in Danish Courtrooms – or Deviations from such Use – on the Basis of the Prescriptive Norm-based Contents of Danish Court Proceedings.

Most jurisdictions have adopted standards in one form or another to define the role of the court interpreter. In Denmark, “instructions for interpreters” were laid down for the first time in 1994. In essence, these instructions state that the interpreter should always provide a complete and accurate translation; i.e. he or she should function exclusively as a translating device. In 2003, The Danish Court Administration once again came to acknowledge the importance of the court interpreter in terms of the legal rights of the defendant by appointing a task force to examine the legal and practical issues associated with interpreting in Danish court proceedings. The study resulted in "Guidelines for interpreting in Danish court proceedings”, which target both professional actors and interpreters. These guidelines describe the performance requirements to court interpreters and a code of ethics.

The guide can be said to represent the expectancy norms concerning courtroom interpreting, which are explicitly projected by the Danish legal system. These interpreting norms are defined as internalised behavioural constraints governing the interpreter’s choices in relation to the different contexts in which they are called upon to operate in order to meet certain quality standards. Thus, the guide may be construed as an underlying normative model which is based on a concept of norms focusing on text reception and therefore ultimately deriving from shared values practised by the users in terms of what constitutes good interpreting.

When selecting a form of address, the guidelines state that the Danish legislative community equates good interpreting and interpreting quality with the use of the direct, first-person style and that this applies to all actors in a court room. For example, Berk-Seligson (1990: 61/151) notes that professional actors often approach the interpreter and not the non-native speaking individual. The present empirical study examines the legal discourse in terms of the use of direct speech in Danish court proceedings. In this context, it is examined whether any conclusions may be drawn for situations in which professional actors, specifically judges and justices, deviate from the recommended use of the direct speech.

Thus, the primary objective of my paper is to study the potential correlation between the use of direct/indirect speech and certain contents of court proceedings, which are to be defined and classified in terms of explicit prescriptive legal norms ascribable to the actors in Danish court proceedings acting in accordance with a predefined pattern of interaction.

Personal Information:

Tina Paulsen Christensen, Ph.D. and assistant professor at the Aarhus School of Business, German Section, where she teaches court interpreting, among other things. In addition, she is a practising interpreter at the Danish courts.