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## **The Making of an Interpreter User**

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**PRESSES DE LA SORBONNE NOUVELLE KSCI**

# The Making of an Interpreter User

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## Abstract/ Résumé

Au cours des premiers mois d'existence du Tribunal militaire pour l'Extrême-Orient (IMTFE, 1946-1948), les procédures d'interprétation ont été élaborées avec plus ou moins de bonheur, dans la mesure où le tribunal utilisait des interprètes « accidentels » et non formés, et où il n'avait pas non plus d'expérience dans l'utilisation de services d'interprétation. Cet article examine le processus de développement des procédures d'interprétation pendant la première année de procès. Il passe en revue les approches basées sur les normes dans le domaine des études d'interprétation, se réfère au modèle de Toury (1995) pour les « traducteurs naturels/innés » et fait appel à la notion de « normes négociées ». De plus, l'article analyse les discussions entre les participants au tribunal sur les questions d'interprétation. Au début, le tribunal, en tant qu'utilisateur des interprètes et commissaire (administrateur) de l'événement interprété, a essayé de faire respecter ses attentes quant à la manière d'interpréter. Cependant, de telles normes ont été négociées et modifiées en grande partie face aux réactions des interprètes, basées principalement sur les limites cognitives de ces derniers. Ceci illustre le rôle des interactions dans l'élaboration de normes et celui des contraintes cognitives de l'interprète dans le processus. L'article conclut que la « fabrication d'un traducteur naturel/inné » (Toury) va de pair avec la « fabrication d'un utilisateur de traducteurs/d'interprètes » dans le cas de l'IMTFE.<sup>1</sup>

## Keywords/ Mots-Clés

Interpreting procedures, Tokyo War Crimes Tribunal, negotiated norms, interactional aspect of norm-building, cognitive constraints

## I. Introduction

The present paper draws on the notion of “negotiated norms” to examine how interpreting procedures developed over the first year of the proceedings at the International Military Tribunal for the Far East (IMTFE). The IMTFE, more commonly known as the Tokyo War Crimes Tribunal or the Tokyo Trial, convened in May 1946 and adjourned in November 1948. Considered the Japanese counterpart of the

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Nuremberg Trial, the IMTFE tried 28 “Class A”<sup>2</sup> defendants who were top military and political leaders of war-time Japan. A panel of eleven judges presided over the tribunal, one from each of the Allied Powers: the United States, the Soviet Union, the United Kingdom, France, the Netherlands, the Republic of China, Australia, New Zealand, Canada, India and the Philippines. The president was the Australian judge Sir William Webb. Unlike at Nuremberg, there was only one prosecution team, consisting of representatives from the Allied Powers and led by Chief Prosecutor Joseph Keenan of the United States. The defendants were accused of “crimes against peace”, “conventional war crimes” and “crimes against humanity”. During the trial, two of the defendants died of natural causes, and one had a mental breakdown and was found incompetent to stand trial. The remaining 25 were all found guilty. Seven were sentenced to death by hanging, 16 to life imprisonment and two to lesser terms. The executions took place in December 1948.

The most salient feature of the interpreting arrangements at the IMTFE was that three ethnically and socially different groups of linguists<sup>3</sup> engaged in three different functions in the interpreting process. In this three-tier structure, Japanese nationals, mainly diplomats, interpreted the proceedings, Japanese Americans monitored the interpreters’ performance, and Caucasian U.S. military officers as language arbiters announced the rulings by the Language Arbitration Board over disputed translations and interpretations. The Judgment (verdict) refers to the difficulty of translating and interpreting between English and Japanese as the reason the tribunal established the Language Arbitration Board to settle language-related disputes. Takeda (2006), however, also finds issues of trust, power and control in this hierarchical organization: This system functioned as a display of authority and a check against any “bad faith” harbored by Japanese interpreters (and possibly Japanese American monitors), since the tribunal was suspicious of their trustworthiness.

Another important aspect of interpreting at the IMTFE was that none of the linguists

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<sup>2</sup> There were three types of war crimes defined as Class A (crimes against peace), Class B (conventional war crimes) and Class C (crimes against humanity). The Class B/C trials took place from 1945 to 1951 in the places the pertinent war crimes were committed.

<sup>3</sup> The term “linguists” is used in this study to refer to the interpreters, monitors and language arbiters as a whole, since personnel who engaged in language-related functions at the IMTFE were called “linguists” in relevant archival documents.

received professional interpreter training. They were what interpreting researchers call “chance interpreters”: i.e. “more or less bilingual individuals who happen to be on hand” (Pöchhacker, 2004: 28). The tribunal was equally inexperienced in using the service of interpreters. These factors greatly affected the interpreting procedures during the trial, resulting in a great deal of “trial and error” at the initial stage. Further, the use of the consecutive interpreting mode made it easier for the court participants to stop the proceedings and discuss issues concerning the interpreters’ performance and the interpreting procedures. The transcripts both in English and Japanese contain a number of such discussions, especially during the first year of the proceedings.

The present paper focuses on how the interpreting procedures developed over the early stages of the trial by drawing on the notion of translation norms in interpreting. Following an overview of interpreting at the IMTFE, norm-based approaches in Interpreting Studies are reviewed, and the discussions among the court participants over interpreting issues are examined by referring to Toury’s model for “natural/native translators” and the notion of “negotiated norms”. The aim here is to illustrate the interactional aspect of norm-development and the interpreter’s cognitive constraints as a factor in that process.

## **II. Interpreting at the IMTFE**

Provisions for the use of interpreters and translators at the IMTFE were set forth in the tribunal charter which was established under the direction of U.S. Army General Douglas MacArthur. Under the title “Fair Trial for Accused”, Article 9 (b) states, “Language. The trial and related proceedings shall be conducted in English and in the language of the accused. Translations of documents and other papers shall be provided as needed and requested.” (Amended Charter of the International Military Tribunal for the Far East, April 26, 1946) Accordingly, interpretation between English and Japanese was offered throughout the trial, but Russian simultaneous interpretation was also provided as a stand-alone arrangement for the Soviet judge who did not understand English or Japanese. During the trial, the tribunal used interpreters of Chinese, French, Dutch, German, Russian and Mongolian as well when witnesses or prosecutors spoke in these languages.

IBM equipment for simultaneous interpreting, identical to that used at Nuremberg, was installed so that the court participants could listen through headsets to the interpretation provided by the interpreters in the booth. However, unlike Nuremberg, consecutive was the predominant mode of interpreting at the IMTFE, simply because the tribunal came to the conclusion that simultaneous interpretation between English and Japanese was impossible with the untrained interpreters it had. Simultaneous interpreting was used only when the speaker read out a document and its translation was available to the interpreter. In effect, this was nothing more than simultaneous reading of a prepared translation.

The organization of the IMTFE indicates that the trial was essentially operated by the U.S. military. The Tribunal Secretariat was headed by a U.S. army colonel, whose functions included the supervision of the Language Section. The Language Section had a U.S. military officer as its chief and arranged interpreters and monitors to meet the language requirements of the tribunal. The transcripts reflect that four different officers held that position during the trial. The first Language Section Chief, who is referred to in the discussion below, was a graduate of the elite Japanese language school the U.S. Navy operated during the war.

The interpreters were recruited mainly from the Japanese Ministry of Foreign Affairs and the pool of Japanese translators who had already been working in various sections of the Allied post-war operations in occupied Japan. The Japanese nationals who were hired as interpreters included government officials with overseas experience, people who were born and educated in the United States and those who grew up in bilingual households and were educated at international schools in Japan. The transcripts reflect a total of 27 Japanese-English interpreters, but only a handful of them worked throughout the trial on a regular basis. Four interpreters interpreted more than 200 sessions as the core members of the interpreting team (Watanabe 1998:10-11).

The reason the tribunal resorted to Japanese nationals as interpreters is believed to be the absence of competent interpreters from the Allied nations at that time. The difficulty of finding qualified interpreters was uncovered during the trials of two Japanese generals in Manila, the Philippines, prior to the IMTFE. Disruptions in the proceedings caused by problems with the U.S. military interpreters in Manila are discussed in a number of documents (Reel, 1949/1971; Records of the Allied Operational and

Occupation Headquarters).

Concerned about the “impartiality” of the Japanese interpreters and about the appearance of being dependent on citizens of the defeated nation, the tribunal selected four *Nisei* (second-generation Japanese Americans) as monitors. Many of these monitors and other *Nisei* linguists who translated a vast amount of documents for the IMTFE shared the same background: they had been sent to internment camps after Japan’s attack on Pearl Harbor and were recruited from the camps to train and work in military intelligence as translators and interrogators during the war.

During the court proceedings, one monitor sat next to a team of two to four interpreters in the booth to check the interpreter’s renditions and to interject to correct what he perceived as interpreting errors and add explanations to the interpretation for the benefit of the court participants. The monitors also simultaneously read the translations of the closing arguments, the Judgment and other prepared statements as they were rendered, which incidentally indicates the tribunal’s preference for using non-Japanese rather than Japanese citizens.

The Language Arbitration Board, which consisted of one member appointed by the tribunal and one each by the defense and the prosecution, ruled on disputed translations and interpretations. The member appointed by the tribunal was designated language arbiter, and announced the rulings on the language disputes in court. Two Caucasian military officers assumed this position at different times over the course of the trial. Major Lardner Moore, the first language arbiter, was born and worked as a missionary in Japan before joining the U.S. Army, while the second arbiter had only one year of training in the Army’s Japanese language school. As indicated below, Moore’s fluency in Japanese led him to play an active role in the development of interpreting procedures at the initial stage of the trial.

The Language Arbitration Board probably served to minimize the time spent discussing interpreting and translation disputes in court. In addition, the language arbiter most likely kept an eye on the monitors as well. All the *Nisei* monitors were *Kibei* (Japanese Americans who received education in Japan and returned to the United States) who suffered even greater prejudice than other Japanese Americans, as they were suspected of being “pro-Japanese” (Kono 2003). The tribunal may have been concerned that these monitors were sympathetic to the Japanese defendants because of

their prior education and experience in Japan, and thus wanted to deter them from being too accommodating of the defendants' needs. The language arbiter, a Caucasian military officer, may have functioned to address such concerns, and to give the appearance that the U.S. military was in charge of the procedure.

The effect of interpreting on the IMTFE proceedings is briefly discussed by some historians and actual participants of the proceedings in their accounts of the IMTFE. Such references generally point to the excessive length of the trial (i.e. two and a half years as opposed to a little over ten months of the Nuremberg Trial), mainly caused by the use of the consecutive mode of interpreting and the process of resolving interpreting and translation issues. Dower (1999:458), for example, refers to a prosecutor who commented that "the speed of the trial was reduced to one-fifth of its normal pace" during the examinations of witnesses because of the unavailability of simultaneous interpreting.

There are also discussions on the impact of interpreting on the way lawyers examined witnesses. For example, Smith (1996) argues that the consecutive mode of interpreting and the competency level of interpreters "handicapped lawyers for both sides in getting at the truth" because those factors forced the counsel to limit their remarks to "short sentences in elementary language". He also points to the fact that having to submit documents in advance was taxing for the lawyers.

Further, there are references to whether the difficulty of interpretation between English and Japanese and the performance of the interpreters affected the judges' view of the credibility of the witnesses and the outcome of the trial. Kojima (1971: 50-52), for example, refers to Japanese witnesses' avoidance of directness in their testimony as being attributable to the speech style unique to the Japanese language and culture, and argues that this speech style challenged the interpreters, irritated the president, and worked against the Japanese witnesses. According to Kojima (ibid.: 257-258), problems with interpretations disrupted the proceedings, limited the ability of the defendants and their counsel to express themselves, and negatively affected the judges' understanding of testimonies by Japanese witnesses. Despite these language difficulties, however, Dower (ibid.: 467) states, "No one suggested that translations and interpretations were deliberately skewed or even fundamentally inaccurate."

Dower (ibid.) also mentions that "no one on the victor's side ever dwelled much

either, on what it meant to be judged (and, for seven men, condemned to death) in translationese.” According to Kojima (ibid.: 258), however, Webb, who was the president of the tribunal, said in an interview after his retirement that “[i]f the Japanese lawyers had been more proficient with English, or the interpreters had been more competent, it might have affected the judgment of the trial.”

### **III. The norm-based approach in interpreting studies**

One of the most influential concepts in Translation Studies has been the notion of norms Toury (1978/2000) developed mainly in the context of literary translation to refer to regularities in translational behavior. Toury’s view of translation as a norm-governed activity has inspired many translation scholars to focus on the target text and culture, instead of correspondence between the source and the target texts; to describe and explain translational activities, instead of prescribing them; and to pay attention to the sociological and cultural aspects of translational phenomena beyond linguistic features of texts.

In the field of interpreting research, the first attempt to apply the notion of translation norms was launched by Shlesinger (1989), who referred to logistic and methodological difficulties (mainly the lack of large corpora) in identifying norms in interpreting. In response, Harris (1990) presented a list of interpreting norms based on his experience as a practicing interpreter and trainer of interpreters. In addition to norms such as professional interpreters speaking in the first person, team-interpreting, and working only into their A language (in Western Europe) in simultaneous interpreting settings, he referred to the “honest spokesperson” norm, which requires interpreters to “re-express the original speakers’ ideas and the manner of expressing them as accurately as possible” (ibid.: 118). In the mid-1990s empirical research on interpreting was conducted by directly drawing on the notion of norms. Jansen (1995) explored the nature of norms governing the interpreter’s strategies in his case study of Spanish-Dutch court interpreting. Schjoldager (1995/2002) used a larger corpus of interpreted texts to search translational norms in interpreting.

In his contribution to the debate on norms and translation in *Current Issues in*



*Language and Society* (1998), Gile questioned Shlesinger's view on insufficient corpora and offered several ways to pursue research into norms in interpreting. He also pointed to a critical difference between translation and interpreting in how norm-based strategies develop: "Interpreting strategies are at least partly norm-based", but "many of them primarily address cognitive constraints" (ibid. 100). In addition, Gile raised the interesting question of how different the norms can be depending on the setting, such as in the training environment and in the professional environment, and under different perspectives, such as the interpreters' own views on their performance and the users' expectations of the interpreters' performance.

More recently, the discussion of translation norms in interpreting seems to have taken two main avenues. One approach concerns the issues of norms and cognitive constraints as drivers of interpreting strategies. Following up on her discussion of norms in interpreting, Shlesinger (1999) points to the normative behavior of interpreters commonly found in various studies on courtroom interpreting: court interpreters simplify the renditions when addressing the defendant and elevate the register of renditions when addressing the court. She also observes condensation as well as other strategies operating as norms in simultaneous interpreting settings by drawing on a variety of literature. Then, most importantly, Shlesinger presents a strong case for potential problems with studies that focus solely on the cognitive aspect of interpreting by referring to the challenge she herself faced in an experiment on the processing capacity of interpreters. In conclusion, she emphasizes the importance and difficulty of determining whether a strategy used by interpreters is attributable to their cognitive constraints or reflects norm-governed behavior. It is "the difficulty of teasing apart the deliberate/conscious/norm-driven features of performance from those which are constrained by the limits of cognition, of knowledge, of experience etc." (2001:166).

The other approach focuses on the sociology of interpreting. Starting with Toury's notion of norms and incorporating Bourdieu's concepts of habitus and field and Bernstein's pedagogic discourse, Inghilleri (2003) presents a theoretical model to examine translation norms in interpreting. She uses political asylum hearings as examples to argue that norms are realized in and through interactions between the interpreter and various other participants of the interpreted event. Further, in her discussion of the status of public service interpreters, Inghilleri (2005) applies Bourdieu's

concept of "a zone of uncertainty" (weak positions situated in the gaps between different fields). Whether this model can be used in settings other than asylum hearings, however, is unclear. As Inghilleri (ibid.: 72) mentions, conference interpreting may be an exception to this theoretical framework. Also, it would be interesting to see how interpreters' cognitive constraints play a part in the development of norms in Inghilleri's model.

#### **IV. Toury's natural/native translators**

As previously discussed, one of the features of interpreting at the IMTFE was that none of the personnel involved in the interpreting process was a professionally trained interpreter. The bilinguals who worked as interpreters developed their skills on the job during the course of the two and a half year proceedings. Here, Toury's discussion (1995:241-258) of a natural/native translator (interpreter)<sup>4</sup> should provide some insight into the present study.

In describing how a bilingual speaker grows into the role of a translator (interpreter) without formal training, Toury points to the internalization of feedback from the environment the translator (interpreter) is in. This process is also referred to as "socialization". Toury acknowledges the interactional aspect of the communicative activity, which involves feedback from various players such as the receiver of the translated utterance, the originator of the utterance and the commissioner of the communicative event. According to Toury, such feedback embodies norms that determine the appropriateness or inappropriateness of various aspects of the translation activity, and inappropriate translational behavior (i.e. nonconformity to norms) is sanctioned. He argues that those who internalize the feedback and conform to the acquired norms will be recognized as translators (interpreters).

In the context of the IMTFE, the interpreters were what Toury calls natural or native translators (interpreters). These Japanese interpreters were bilingual because of their family, educational or professional background, but had never received formal training

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<sup>4</sup> Toury uses the term "translator(s)" when the focus of his discussion apparently is interpreters. The present paper cites Toury's original language, but adds "interpreter(s)" in parentheses to indicate that the term refers to interpreters in addition to translators in the narrow sense.

to become interpreters. Although some orientation on the court procedures was given after they were recruited by the IMTFE, there was virtually no training for interpreting before they started working in the courtroom (Shimada 2000:18). They had to learn to work as interpreters over the course of the trial. Here, “the environment” the translator (interpreter) is in is the courtroom proceedings, with the tribunal, the prosecutors, the defense counsel, the defendants and other witnesses as the users of the interpreters (“the receivers and the originators of utterances”) and the tribunal as “the commissioner” of the event. During the proceedings, the interpreters received feedback, just as in Toury’s model, in the form of comments, requests or orders by the court, namely the president of the tribunal, and other participants such as the prosecutors, the defense counsel, the defendants and other witnesses.

However, the interpreters did not simply internalize the feedback and conform to the norms, as Toury’s model suggests. They responded to the feedback and explained their inability to accept certain norms reflected in the feedback. (The interpreters’ response was conveyed mainly through the language arbiter and the chief of the Language Section as they were not allowed to officially speak on their own.)

This directs to what is missing in Toury’s model: namely, the interpreter’s part in the very interactional aspect of communication to which Toury refers (ibid.: 248). Toury (1998:15, 20) does mention in his subsequent work that norms can result from the constant negotiations on what is to be agreed within a given group, and suggests an inquiry into whether the translators themselves have power in the negotiation of translational norms. Pym (1998:113) points out, however, that this is just Toury’s initial interest in who may participate in the negotiation of norms and there is much to be done to focus on the people involved in the negotiation process.

In interpreted events, especially in dialogue interpreting settings, the involvement of the interpreter is more noticeable than that of translators because of the immediacy of the interactional discourse. As Wadensjö (1998) argues throughout her influential book *Interpreting as Interaction*, the interpreter is an engaged participant in the interactional discourse of the interpreted event. Inghilleri (2003, 2005) is keenly aware of this interactional aspect of interpreting in her discussion of the formation of norms. In order to reflect the interpreters’ involvement in the negotiation process of norm-building, Toury’s model of natural/native translators (interpreters) should include feedback from

the interpreters to their users and commissioners

It should also be noted that norms develop as part of rationalizing the cognitive constraints of interpreters (Shlesinger 1999:73). Such constraints may include the inability to interpret an excessively long segment at a time in the consecutive mode and to properly interpret a highly technical speech without access to background information in advance. For example, the practice of simultaneous interpreters working in teams and taking turns can be considered a norm developed based on interpreters' cognitive constraints, since they cannot keep up quality performance for a long time (Moser-Mercer et al., 1998).

In the case of the IMTFE, the president of the tribunal alone had the authority to make final rulings on how interpreting should be done. Those rulings, however, were based on feedback from various participants of the court. In addition, to the extent that the president could sanction non-conformity, his rulings can be considered norms of this courtroom setting. At the beginning of the trial, the court (as the commissioner and user of the interpreters) expected certain "norms" to be followed as to how interpreting should be done. Here, these norms are referred to as "expectancy norms", the notion developed by Chesterman (1993:9-11) for the expectations of the receivers of the translation concerning what a translation should be like. During the IMTFE, the initial expectancy norms were adjusted over time partly in response to the interpreters' needs, which were largely based on their cognitive constraints. In other words, the tribunal had to come to terms with the unfamiliar constraints the interpreters presented, and its expectancy norms were negotiated to be changed.

The following is an analysis of the exchanges concerning interpreting issues between the tribunal, the interpreters (through their spokespersons) and other participants. The exchanges illustrate the interactional nature of norm-development in interpreted events and the interpreter's cognitive constraints as a factor in that process.

## **V. The making of an interpreter user**

As discussed above, while the IMTFE interpreters were untrained "chance" or "natural" interpreters, the tribunal seemed equally inexperienced in using the service of

interpreters. Some remarks made by the court during the early stages of the trial indicate its lack of understanding of how interpreting works. However, through repeated appeals by the defense, especially by the lead Japanese counsel, the chief of the Language Section and the language arbiter, the tribunal came to terms with the interpreters' requirements and became an effective user of interpreters over time. The change in the court's attitude is clearly recognizable over the first year of the trial when most of the discussions on interpreting took place.

On May 3, 1946, the first day of the court session, the chief of the Language Section pleaded with the president of the tribunal, Australian judge William Webb, informing him that the interpreter would not be able to interpret unless the speaker paused when directed. The court did not take any actions in response to this plea. On May 6, Major Moore as language arbiter delivered a formal request from the Language Section to the court that the speakers wait until the interpretation was completed as the interpreters were not being given enough time to interpret and many of the remarks were not being interpreted. Webb responded by suggesting that for the sake of saving time a summary would be sufficient for the proceedings. The chief of the Language Section reminded him of the charter article on language, which called for the provision of interpreting between English and Japanese to assure the defendants a fair trial, but Webb still insisted upon a summarized interpretation. This discussion ended with the remarks by the defense counsel and the prosecutor that the planned installation of simultaneous interpreting equipment would solve the problem by enabling simultaneous reading of prepared translations. (For the first month of the trial, the interpreters and the monitors were situated at a table inside the bar, next to those for the prosecution and the defense. During a one-week break in June 1946, an interpreters' booth was set up on the platform and the IBM equipment was installed.)

On May 14, the interpreter was struggling because the speaker was reading a prepared statement without pause and the Japanese translation was not available to the interpreter. In response to the interpreter's request to the speaker to break down his remarks, Webb said, "Well, this interpreter has no difficulty in reading passage for passage. I do not see why he cannot string them all together." (*The Transcripts of the Proceedings of the International Military Tribunal for the Far East*: 204) He directed the speaker to complete his statement anyway. The interpreter's incomplete and

inaccurate renditions caused a disruption of the court proceeding. Moore explained that the differences in sentence structures made interpreting between English and Japanese difficult. Webb still responded, "Well, I cannot understand yet why he can interpret paragraph for paragraph ... and yet not be able to string those paragraphs together." (ibid.: 216) Moore suggested providing the interpreter with the translation beforehand for prepared speeches. In addition, the chief of the Language Section conveyed a strong request from the defense team for "a complete and accurate translation verbatim", not a summarization. Webb's ruling was to continue summarization and provide a full translation to the defense later. Despite the Japanese lead counsel's repeated objections, which included reminding the president of the charter article on language, Webb insisted that the speaker read the whole text without "interruptions" by the interpreter with a promise of providing a full translation at a later time.

On May 15, in response to the defense's persistent requests to have the Japanese translation of prepared remarks furnished beforehand to the interpreters and the defense, Webb finally granted permission for such a procedure and for sentence-by-sentence interpreting.

On July 23, the use of relay interpreting for a third language became an issue when the first Chinese-speaking witness testified. In response to the Japanese lead counsel's complaints about incomplete interpretations due to the complexity of relay interpreting involving the Chinese language, Webb argued that (ibid.: 2,405-2,406):

Well, as I explained before, all this interpretation of every word is not required in the interests of justice. It is required in the interests of propaganda. That is the whole point. This elaborate system of interpreting every word does not obtain in any national court. We try murderers there. We try men who cannot speak the English language, but we do not have all of this interpreting. I would like the Japanese to understand that. The Charter really is mostly concerned with the Japanese people understanding what is happening in this Court. It is not required in the interests of justice.

There is no record in the proceedings of a formal objection by any court participant to this controversial statement by Webb. Some discussion on this matter, however, must have taken place outside the courtroom. Two days later, on July 25, Webb relayed to the court Moore's complaint that the unnecessary length of questions would make the

interpreter's task the most difficult, and added that making the translations available to the interpreters could mitigate the difficulty of their task. Further, drawing on Moore's feedback, Webb referred to the difficulty of interpreting questions asked in the negative form, and suggested using the affirmative form when possible. He then told the counsel, "I again urge counsel to make their questions short and clear, and to give due notice of any passage from a report or other document which they desire to be read to the witness." (ibid.: 2,478)

On August 19, when Chief Prosecutor Keenan pointed out an interpreting error (probably prompted by his bilingual colleague), Webb asked for clarification from the interpreter. Observing the interpreter being pressed, Moore interjected, "any question of the translation in open court simply puts an added burden on the translators and is irritating to them" (ibid.: 3,981), and offered his explanation of the error. This indicates Moore's appreciation of the difficult task of interpreting and his effort to protect the interpreters.

On October 11, based on a discussion he had with Moore the day before, Webb stressed to the court the following three points: "We should all speak into the microphone, speak slowly, and speak in short sentences if possible." (ibid.: 8,776) Later, in response to a prosecutor's complaint at being stopped by the interpreter, Webb said, "... our very efficient translators are always doing their best ... They have a most difficult task and they are doing it admirably. That is the opinion of the Tribunal." (ibid.: 9,178)

With these words - five months after the start of the trial - it appears that the court had become more appreciative of how interpreting works and how difficult interpreting can be. This was the result of the persistent requests and patient explanations from the Language Section based on the interpreters' feedback and from the defense team. (A number of references to out-of-court discussions between Webb and Moore in the transcripts indicate that Language Arbiter Moore was the main broker between the interpreters and the court.) The court had to listen to such requests and explanations and come to terms with the interpreters' requirements in order to function and proceed under the circumstances.

Almost a year after the tribunal convened, Webb stopped showing any sign of his unfamiliarity with the working of interpreting and impatience with the interpreters.

Evidence of this is seen in his request on April 29, 1947, that "all documents, including running commentaries of counsel, be presented to the Language Division forty-eight hours in advance in order to insure simultaneous interpretation, and that the Language Division be notified in advance of any deviations from the planned order of presentation." (ibid.: 21,281)

## **VI. Summary and discussion**

As illustrated above, there was a great deal of "trial and error" in the interpreting procedures during the initial stage of the IMTFE. This was because the interpreters were not professionally trained and the interpreter users were also unfamiliar with interpreting. At the beginning of the trial, the tribunal tried to enforce its expectancy norms as to how interpreting should be done. Those norms were:

1. The speaker can complete his remarks, however long they may be, before the interpreter starts his rendition in the consecutive mode;
2. A summarization in lieu of a full interpretation is sufficient; and
3. The speaker can read a prepared document and have it interpreted without submitting the translation beforehand.

These initial expectancy norms, however, were challenged by the language arbiter and the chief of the Language Section on behalf of the interpreters, and by the defense counsel. The interpreters could not interpret a long passage at a time in the consecutive mode or a speech that was read aloud from a document without access to the translation. The cognitive constraints of the interpreters were communicated to the tribunal mainly by Language Arbiter Moore. Complaints about not getting full and accurate interpreting, and therefore not getting a fair trial, were raised by the defense counsel.

In order to actually function and proceed with the trial, the tribunal's expectancy norms were negotiated and changed to accommodate the feedback from the interpreters (expressed through their spokespersons) and other players in the court proceedings. The new norms that developed over the first year of the trial were:

1. Speakers break down their remarks into short segments;



2. The interpreter delivers a full interpretation, not a summarization; and
3. The translation is provided to the interpreter beforehand when the speaker reads from a document.

The present study indicates that norms in interpreting are partly developed in the process of addressing the cognitive constraints of interpreters, such as their inability to interpret an excessively long passage at a time in the consecutive mode and to properly interpret a speech read from a prepared text without access to the text or its translation in advance. Further, the interactional aspect of norm-building whereby norms are negotiated among the participants, including the interpreter, in the communicative event suggests that the process of “the making of a ‘native/natural’ translator” (Toury, 1995: 248) is also that of “the making of a translator (interpreter) user”. In other words, by participating in the negotiation process of establishing norms as to how interpreting should be done, both the interpreter and the interpreter user go through socialization to become functioning players of the communicative event.

In the context of today’s courtroom settings as well, the issues of interpreter users’ expectancy norms are often discussed by researchers in cases where they find gaps between such expectancy norms and the interpreters’ perception on their own role or the interpreters’ cognitive capacity. For example, Morris (1999) examines the issues stemming from the conflicting views of court interpreters (a mechanical conduit for the court vs. a linguistic and psychological haven for the defendants); Cardenas (2001) points to problems concerning the court’s expectation for interpreters to play a purely passive, unobtrusive role; and Foley (2006) discusses the difference and possible source of conflict in the concept of client as perceived by court interpreters and lawyers. Efforts to address these gaps have been made on both the interpreters’ side and the interpreter users’ side (e.g. position papers issued by the National Judicial Interpreters and Translators Association in the United States; McCaffrey, 2000). The process of negotiation between the interpreters, their users and commissioners (court administrators) to agree on norms in today’s courtroom interpreting could be taken up in future studies.

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