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**Cross-Linguistic Communication and Public Policy:
The Institutionalization of Community Interpreting**

Doctoral Dissertation
by Sofia García-Beyaert

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Language is an ever-changing social artefact that is both shaped by and helps shape social life, sometimes contributing to, and sometimes undercutting, constructions of identity and Otherness.

Diarmait Mac Giolla Chríost, 2007

Primero, tú tienes que ser consciente de lo que te pasa, y tienes que ser capaz de explicarlo, y tienes que ser consciente de que se están vulnerando derechos y de que hay responsables para que se te pase por la cabeza movilizarte.

Ada Colau Ballano, 2013

Le jour viendra où la Déclaration Universelle des Droits de l'Homme devra prendre en compte un droit plus large que le droit de l'homme à l'information, établi pour la première fois il y a 21 ans dans l'Article 19. Il s'agit du droit de l'homme à communiquer, et c'est l'angle sous lequel il faudra considérer le futur développement des communications si on veut vraiment le comprendre.

Jean D'Arcy, 1969

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Preface

*To Nadine,
whose brave story
sparked my commitment to this field
when I was very young.*

Writing a dissertation is an incredibly enriching journey. I am grateful for the opportunity. Joan Subirats-Humet opened the door at the Institute of Government and Public Policy (IGOP) of the Universitat Autònoma de Barcelona when he accepted my project and agreed to become my dissertation director. I was subsequently able to secure the funding for my research and to pursue my activist aspirations for the development of community interpreting in the context of graduate studies and scholarly research. I am indebted to Professor Subirats for allowing me to pursue this long-gestated project. He believed in my project and understood the unique approach I proposed.

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Fifty-two interviewees (whose anonymity I have committed to maintain) kindly agreed to answer my questions and share their insights. Without them, this project would not have been possible. Specialized librarians at Robarts Library (University of Toronto) offered invaluable guidance for my documentary research. James Hayton helped me identify achievable objectives when it was time to get back on track after a long hiatus. Margarita León, at the IGOP, always had constructive and thoughtful feedback and encouraging words. The publicly funded library at the University of Washington, in Seattle was my only available local source of literature in the last stages; without this resource I would not have been able to complete my project.

Nelida and Randall, Emilia, Itzel, Alejandro, and *la tribu* shared their homes when I was far away from mine. Many other people that I hold dear to my heart accompanied me through different stages of this journey with small and large gestures of support. Large or small, from family or friends, they all mean so much to me. Because she has always been steadfast in her support for me and always will be, my last and most singular expression of gratitude goes to my mother, Arielle Beyaert.

CHAPTER ONE

·INTRODUCTION·

Community interpreting is a developing profession in the emerging field of intercultural communication. Community interpreters help overcome language barriers to facilitate access to services for individuals of diverse cultural backgrounds in multicultural societies. For members of society with restricted proficiency in the main societal language(s), community interpreting most often means the critical difference between enjoying basic rights or basic rights violation. Yet, the frameworks necessary for community interpreting to support effective communication are often absent, or in the best-case scenarios, insufficient. Public policy regarding cross-cultural communication is, with rare exceptions, simply non-existent. The object of this research is to gain insights that can help raise to the policy agenda the issue of effective cross-cultural communication and the role of community interpreting in facilitating communication. The basis of the research is a case study methodology. The analysis and the discussion will draw on tools from the field of public policy analysis.

The first step in discussing the concrete public relevance of community interpreting and its contributions to society must be a consideration of what interpreting is and how community interpreting is different from other kinds of cross-cultural communication assistance. To get a better feel for the *raison d'être* of this professional field of specialization, I will briefly review three closely related specializations: conference interpreting, sign language interpreting, and intercultural mediation. These three professional branches offer mutually complementary traits that help explain the origins and show the relevance and

uniqueness of community interpreting. Looking at the emergence and unraveling of different specializations is an excellent way to contextualize the topic of this work that targets the broader endeavor of investigating why and how to bring the issue of cross-linguistic communication to the policy agenda.

The Context

If community interpreting can be defined as a specialized kind of assistance to overcome language barriers in the provision of services in multicultural societies, then interpreting, in a general sense that encompasses different fields of expertise, could be defined as the profession that specializes in transferring messages from one language into another while keeping the original meaning to enable parties of different backgrounds to communicate effectively among themselves.

Transferring messages from one language into another is without doubt at least as ancient an activity as the encounter of civilizations. It is worth exploring some of the most recent history of interpreting for several reasons: (1) it provides the background against which newer fields of the profession are often compared; and (2) such recent developments have helped shape the field and the modern construction of the societal role of the profession. The next few paragraphs provide a backdrop picture that sets the stage for the work that this dissertation presents.

The Emergence of a Corporate Body: Conference Interpreting

It is hard to determine when interpreting started to be considered a bona fide profession as we understand it today. For instance, New Zealander historian Florence Keene refers to the salary of the interpreter in the 1880s in her book *Kaitaia and its people for exchanges between English and Maori speakers* (Keene 1989). This testimony of remuneration indicates the existence of a defined professional activity at the end of the nineteenth century under the appellation “interpreter.” However, interpreters today associate full development of their profession with the 1945-1946 Nuremberg trials, where simultaneous interpretation services were consistently and successfully used throughout several months for the first time and with the help of emergent audio technology. The prosecution of different leaders of the Nazi regime after the Second World War involved indeed several languages (Baigorri-Jalón 2005).

The post World War II period offered the perfect conditions for the blossoming of the profession as a highly qualified type of service. (This is something I explored in some detail in García-Beyaert, 2015a, from which I am borrowing some of the text for this contextualization section.) After WWII, multiple international organizations that required multilingual exchange saw the light: organizations under the umbrella of the UN, those related to the European convergence processes, and international NGOs. These organizations were, according to Iriye (2002), motivated by the trend of “internationalism.” “Internationalism” denotes the prevailing sense of a global community that gained singular maturity after WW II. It is the realization that the world is increasingly interconnected and that international relations should transcend the mere search for peace (which was the main focus of the Congress of Vienna, considered the first international conference from September 1814 to June 1815). Peoples’ general wellbeing is now considered a matter for international concern too and for that endeavor, international collaboration is needed (Iriye 2002: 42).

Before WWII, cross-linguistic communication in international settings typically happened from and/or into French or English. Increased internationalism, increased interest in inclusive exchange, and a commitment to international democracy certainly help to explain the progressive transition toward truly multilingual conferences. An inclusive linguistic attitude carried strong symbolism.

The practical aspects of multilingual conferences had actually begun to be explored in the times of the League of Nations, introducing, among other things, the simultaneous mode for more participatory and inclusive meetings. At the first International Labour Organization (ILO) Conference in Washington DC in 1919 (under the League of Nations, soon to be replaced by the United Nations), government, workers and employers were gathered for the first time “on an equal footing” to adopt the first international labour conventions and recommendations (Reinalda 2009: 227). To respond to the ever-growing complexity of the communicative needs of this endeavor, the ILO hosted the very first simultaneous interpreting experiment in 1928 with “relatively primitive” technical conditions (Baigorri-Jalón 2007: 32). It enabled for the first time the simultaneity of interpreting rendered into seven different languages.

These were important steps in the democratization of international dialogue, allowing the participation of workers who, in Baigorri-Jalón’s words, would otherwise have been “condemned to silence in international affairs due to their lack of linguistic competence in the

vehicular language” (Baigorri-Jalón 2005: 995). These steps paved the way for future international organizations. After its proven success at the Nuremberg Trials (1945-1946), the simultaneous interpreting system was adopted at the UN as well as the Council of Europe (Roland 1999: 131) Both of those institutions’ internal organization rely strongly on their deliberative organs. Such organs are crucial to their functioning and quintessential to their existence. Multilingual deliberation required highly effective interpreting systems with strongly qualified professionals.

Resulting from such developments, a clear landmark in the development of the profession is the creation of the “Association Internationale d’Interprètes de Conférences” in 1952. In response to an ever increasing demand from multiple newly born international organizations, AIIC was created to defend the profession and the interests of its members (Keiser 1999: 87) and remains up to this date a reference in the industry. Conference interpreters were, for the first time, identifying themselves as a corporate body and as such, were laying down the standards for trade around their professional activity. New international organizations could rely on this new professional body to develop their work.

One may wonder about the operational and economic sustainability of multilingualism in a post-war context. The budget of the League of Nations had been 8 million dollars (United Nations 1947: 96). In June 1947, the estimated budget for 1948 just for the Conference and General Services section of the United Nations, which included the Language Division and the Simultaneous Interpretation Services, was higher than the overall budget of the League of Nations: 8,926,994 dollars (Maxwell Graduate School of Citizenship and Public Affairs 1947: 56). Such a sum represented approximately 22% of the overall estimated budget of the United Nations for 1948, and, according to the U.S. Department of Labour CPI inflation calculator that sum would have corresponded in 2015 to more than 94.7 million dollars. Despite post-war penury, international organizations were well funded. Their budgets, it was recognized, amounted to only a very small fraction of wartime expenditures, and were thus good investments if they were to enable peace through international cooperation (United Nations 1947: 96).

At these high-sphere international gatherings, interpreters were hired with international public money to serve the public good by enabling communication among international public representatives. As a collateral benefit, participants in international encounters of the private sector and the educational and academic sectors—the other circumstances in which conference interpreting is typically needed—could now benefit from

the new professional techniques and the good standards developed in the context of supranational organizations. Conference interpreting became a well-established, high-skilled and respected profession benefitting international exchange where sufficient funds were available.

Sign Language Interpreting and the Common Good

Communication between Deaf or hard of hearing individuals and non-deaf individuals is another circumstance that requires cross-linguistic assistance. North America is among the most advanced regions of the world with regard to sign language interpreter professionalization. In this case, institutionalized professional assistance developed later and through mechanisms different from those of the context of international organizations. Originally, the profession emerged from within the Deaf community. The task of bridging communication between deaf individuals and hearing individuals outside of the Deaf community was typically carried out by hearing family members and friends. They considered it a natural service to their community and not a professional activity when the Registry of Interpreters for the Deaf was first established in 1964 with the support of the National Association for the Deaf (Cokely 2005: 4).

Following the issuing of several binding legislative measures and policies on the rights of people with disabilities since the 1970s, the institutionalization of ASL interpreters reached special momentum in the 1990s. The U.S. and Canada have followed similar paths in this regard. Let us focus for a moment on the case of the U.S.—which is very well documented—to provide an example of the evolution of legislation and measures.

The Rehabilitation Act of 1973, enacted by the U.S. Congress, prohibits discrimination on the basis of disability by agencies and programs belonging to or being supported by federal funds (public money from the central government). These agencies and programs generally provide basic services and, in the case of the Deaf population, interpreting services are recognized as a means to the end of providing access to such services (Swabey and Gajewski Mickelson 2008: 56). The Education for All Handicapped Children Act of 1975 (later renamed Individuals with Disabilities Education Act, IDEA) established the requirement that all schools receiving federal funds provide appropriate education for children with physical and mental disabilities matching, to the extent possible, the educational experience of non-disabled children. The demand for interpreters in public schools dramatically increased as a result. In 1990, the American with Disabilities Act

(ADA) further expanded the range of protections against discrimination to ensure the civil rights of people with disabilities. Under the ADA, “qualified interpreters” are part of the “auxiliary aids and services” to be provided to accommodate the needs of Americans with disabilities. Keeping pace with the growth in the demand for sign language interpreters, the Rehabilitation Services Administration of the Department of Education has provided increasing funding through grants for interpreter training programs and initiatives since 1964 (coinciding with the creation of the Registry of Interpreters for the Deaf). As of 2005, the funding benefited 12 different regional and national training institutions and included projects that addressed distance education of sign language interpreters and training of interpreter educators (Lovley and Reichman n.d.).

The example of the U.S. is a good illustration of the issue of assisted cross-linguistic communication evolving from a matter that belongs to a somewhat private domain to a matter of public concern. That is, from a matter to be solved among members of the same cultural group, often without remuneration, as a natural service to their community to a matter to be regulated and funded with public money.

Starting around the same time, sign language interpreting started gaining more and more public attention in Europe too. In 1988, the European Parliament stressed the importance of recognizing sign language interpreting as a profession and ten years later, it called on the European Commission to work toward ensuring EU funding for (among other things) training of sign language tutors and interpreters (Timmermans 2005: 13). In June 2013, the European Commission started a pilot project that incorporates technology and sign language interpretation in facilitating communication between officials at the European institutions and sign language users. Sign language interpreting has developed into a professional service in welfare societies as a response to undeniable and growing necessities.

The rights of deaf people are today internationally recognized: the UN Convention on the Rights of Persons with Disabilities—a legally binding document—had 183 signatory countries as of June 2015 (United Nations Enable 2015). Compliance with the Convention involves the development of inclusion policies—and such policies entail interpreting from and into sign languages.

Communication Barriers Do Not Generally Generate (Enough) Public Concern

Interpreting from and into non-mainstream languages is also needed for communication with members of society who are not part of the Deaf and hard of hearing community or State representatives attending international summits. But legislation, policies or voluntary measures are far from sufficiently developed to ensure quality service provision. If it was possible to account for the number of situations for which professional cross-linguistic communication assistance would be justified—or highly recommended, or plainly imperative—we would realize that effective assistance only happens in a minority of cases.

Professional interpreting for the deaf and hard of hearing does not always meet desirable standards. Professional interpreting for immigrant members of society is in most cases simply not available. It has to be said that some countries offer exceptions to the general trend. In such countries law and healthcare institutions are typically the settings where somewhat efficient measures are sometimes implemented. Generally speaking, however, it is fair to state that most cross-linguistic communication needs are not appropriately addressed.

The following case is an illustrative example borrowed from the Washington State Coalition for Language Access (WASCLA) website. It tells the story of a program that failed to incorporate the cross-linguistic communication dimension and thus excluded part of the target population by simply disregarding their particular needs. In this case, children's wellbeing is at stake.

There are systemic problems in some family courts. In one particular county they have instituted orientations for family law actions where they explain the process to unrepresented clients. They also offer an opportunity to start mediating and taking parenting classes. They did not consider LEP [Limited English Proficiency] issues when they set up that system. Their response has been to get an untrained court employee to come in to do the interpretation for them because this is technically not a judicial proceeding. When attorneys advocated for changes, the response was that they would send a clerk to Spanish classes. Eventually, the court decided to waive the requirement of LEP clients participating in the orientation. (Washington State Coalition For Language Access 2015)

In other cases language barriers place individuals in high-risk situations. Unfortunately, stories with tragic endings abound. Here is another real-life example shared by WASCLA where a victim fails to engage available systemic help due to language barriers.

A Monolingual Spanish-speaking woman called 911 on a Friday morning. She was not able to speak to the operator because of the lack of language and eventually hung up. However, two non-Spanish-speaking officers did show up at the apartment where she and her husband were living with their two children and extended family. The family woke up a 17-year-old nephew sleeping on the couch to act as the interpreter. Officers did not arrest the husband. After they left, the woman went to the Mexican Consulate seeking help. The Consulate told her about getting an Order for Protection. The woman, accompanied by her relatives, went to the Courthouse where she filed a Petition for an Order for Protection with the assistance of the court facilitators. By the time she completed the paperwork, it was too late for the Commissioner to hear the case. The woman was told to return on Monday. The husband killed her on Sunday morning, at the family home, while the rest of the family was in the apartment, including the children. (Washington State Coalition For Language Access 2015)

The case of victims of domestic violence is a particularly telling one for several reasons. Because a variety of services are involved in helping a victim out of her abusive situation—security, housing, healthcare, public benefits, law enforcement, etc.—a holistic approach to service provision is needed. That addressing language barriers would be left out of the picture is a striking symptom of denial. Another aspect is that life is at risk and, often too, the wellbeing of minors. It is hard to imagine more compelling justifications for effective policy development, and yet, as the story above shows, interventions can fail due to language barriers. A third element is that the isolation of victims is integral to abuse. For that reason, a victim's autonomy to communicate despite language barriers can mean the difference between life and death.

Communicative autonomy is indeed a fundamental value of community interpreting. It refers to the ability of the parties in an exchange to be responsible for and in control of their own communication (García-Beyaert et al. 2015, García-Beyaert 2015b). Only if the interpreting is accurate and the process is transparent can parties be in control of their decision-making process during their exchange. Accurate and transparent interpreting can only be achieved by trained reflective practitioners who apply specific techniques and protocols. Unlike conference interpreters and sign language interpreters in North America, community interpreters around the world have limited options available. Whenever training is available at all, it tends to be rather superficial compared to that of conference interpreters in Europe or sign language interpreters in the U.S.A. The lack of training is a clear symptom of underdevelopment and a source of liability in litigious systems like the U.S.

In many European countries, intercultural mediation is a parallel emerging professional figure. Switzerland, Belgium, Italy and Spain are among the countries where some public institutions have chosen intercultural mediators as the default professional to

overcome language and cultural barriers in public services and community settings. Job descriptions of intercultural mediators often include interpreting and translation duties. However, the focus on communicative autonomy is much less critical in the professional description of intercultural mediators. The goal of intercultural mediators is to help people with different cultural backgrounds reach a better understanding of each other's perspectives, thus enhancing culturally sensitive service delivery and promoting harmony among different groups. For example, an intercultural mediator can explain to a new immigrant student how his new school works by comparing it with how schools work in the student's former country. Or an intercultural mediator can tell the designers of a health- outreach campaign about how diabetes is culturally perceived (including beliefs about what causes diabetes) in the group targeted to effectively reach their audience.

Facilitating cultural adaptation and enabling communicative autonomy are, as I have argued elsewhere, different but complementary tasks (García-Beyaert 2015b, García-Beyaert and Arumi Ribas 2015). Intercultural mediation and community interpreting complement each other in the realm of emerging professions that assist intercultural communication. The need for such professions is clear enough that initiatives have been sprouting around the world throughout the last few decades. However, institutional maturity to support such innovations seems to be lacking in most cases. And yet, without a broader infrastructure that can guarantee adequate training, fair remuneration of professionals and the monitoring of quality among other things, it is hardly likely that this societal need can be met efficiently. Australia adopted in 1987 the National Policy on Languages which regulates interpreting services and it has since then been a leading example internationally. Its legislative and policy framework have effectively fostered proactive and thriving translation and interpreting services (PSTG Consulting 2009).

The Problem

The social problem that this dissertation is concerned with can easily be inferred from the above contextualizing paragraphs: language barriers are a real impediment to service provision and/or access to services, and therefore they contribute to compromising the guarantee of basic rights and freedom. Multiculturalism is an increasingly pressing social reality. Pressure comes from progressively louder claims from historically present but oppressed groups: national minorities and native populations, but also Deaf cultural groups

and members of LGTB communities, for example. Pressure is only likely to keep growing and diversifying as a result of growing migration trends, which will continue in the future in some form or another. In such multicultural social fabrics, cultural differences are most often—although not always—accompanied of language differences. Organized frameworks and basic standards are necessary to guarantee the availability of professional assistance in the face of language barriers. The absence of the necessary infrastructure poses serious challenges to the exercise of individual rights and social cohesion. In other words, public regulations and resources are needed to ensure social welfare in the field of intercultural communication too.

Interpreting in the context of supranational organizations, multinational business partnerships or international gatherings (that, is, conference interpreting) was developed and is sustained through mechanisms of demand and supply and the corporate organization of professionals. Parties in the business sector and in high levels of government enjoy the availability of high quality interpreting services by the functioning of market rules. However, sectors where economic resources are limited and competing interests impede the market logic to work its miracles require the intervention of public institutions to ensure quality services and equal rights.

That public institutions need to intervene is a claim that many from the scholarly field of interpreting studies maintain. In 2008, at the 3rd International Conference on Translation and Interpreting in the Public Services at the Universidad de Alcalá (Spain), one of the clear take-aways was the need to engage public institutions in the endeavor of professionalizing the field. During his closing address, Pöchhacker (2008) pointed out that the search for joint solutions between public institutions and educational institutions involves an interdisciplinary agenda. He noted that there is a gap between data based knowledge (research), and legal, institutional, or political action.

We saw earlier that starting in the 1970s legislation mandates service access for the deaf and hard-of-hearing in the United States under the concept of equality for persons with disabilities. What could successfully guarantee service access to the millions of individuals around the world for whom the inability to communicate is not associated to physical impairment? Cross-linguistic communication is far from becoming a decreasing trend. If not addressed properly, basic rights are compromised. The problem grows with increasing migrations, but it is far from new. Yet, it fails to be recognized in the majority of cases. An interview with a civil servant at Toronto's city hall for the purpose of this research project

was very revealing. Toronto is the most multicultural city of a renowned multicultural country. It is the most multilingual city in Canada (see Appendix 2). This is what the civil servant had to say when asked about the measures in place to address cross-linguistic communication in the city services:

You know, resources and setting criteria, and doing the planning, and program design, and all of that... I'm not sure that that actually gets us where we need to be... And the notions that kind of come to my mind are more about getting to a place where you don't even need the policy, it just happens. It's just..., it's embedded. It's part of the understanding [...] And I think the thing I love about Toronto is that it figures it out. It works. (F Interview—Appendix 4)

The Question

“Legal, institutional or political action” (Pöchhacker 2008)—that is, public policy—requires public recognition of a need for action. Several indications point toward the lack of effective conceptual tools to engage the general public in conversations about this social problem. Advancing such public conversations is what motivates this research project. The work presented here will be guided by a research question that emanates from two different premises.

- ◆ **First premise:** Community interpreting serves the purpose of enabling autonomous communication between agents that need to interact to ensure at least one of the parties' wellbeing despite language barriers.
- ◆ **Second premise:** Community interpreting is a matter of public concern.
- ◆ **Research question:** What is public about the individual need for autonomous communication despite language barriers?

My general objective will be to offer responses to the research question presented above. This question targets a better understanding of the essence of the social problem. Questioning what is public about an individual need invites reflection at multiple levels. The question is indeed multifaceted and in my research I address its different components. If autonomous communication despite language barriers is a matter of public interest, what makes it so? But also, what should the public sphere do about it? What can be done from the polis? All the questions above contribute to gaining a better understanding of how to bring the issue to the policy agenda, which, as I shall demonstrate, is the most fundamental step toward the institutionalization of community interpreting.

These reflections will be based on the close observation of a significant case of analysis. Three distinct components emerge, then, from my research question: a *descriptive* component based on the observation of how community interpreting *is* actually dealt with by the public sphere in the case study chosen for this research project; a *normative* component that interrogates how the public dimension of community interpreting *should* be constructed and; a *practical* component which reflects on what *can* be done to bring effectiveness to the public management of cross-linguistic communicative autonomy.

As will be explained in more detail in Chapter Three, the purpose of this research is not to demonstrate through evidence. It is rather to analyze based on observation. This dissertation aims at advancing in the defense of a social need. It is situated at the crossroads of two disciplines. It uses tools of public policy analysis to get insights into a preoccupation shared by interpreting studies scholars (among other stakeholders). This research is a policy advocacy piece that applies to the field of community interpreting. I talk more about these two disciplines in Chapter Two. For now, let us close up this section about the research with the following reflection: asking what is public about autonomous communication equates in a way to asking what is the public story so far and what could an alternative more effective story be in the future. As Fischer (2003: 168) put it, “stories [...] mediate how public problems are comprehended”

The Approach

For those of us who are convinced of the social value of community interpreting, my research question may appear merely rhetorical. Eliciting answers to the question, however, requires delving into the roots of conflicting assumptions on the part of proponents and on the part of those who are either skeptic or—in most cases—simply agnostic. That is why the question actually offers guidance for this project. By analyzing a real (and significant) case I will be able to use grounded information to demonstrate how barriers to cross-linguistic communication are actually addressed in a variety of sectors. Such information will steer normative reflections and practical recommendations.

The case chosen for the analysis is the province of Ontario in Canada. Between 2011 and 2013, I conducted fieldwork consisting of interviews and participant observation with key informants from different sectors to obtain a detailed picture of the policy panorama as it

relates to cross-linguistic communication. I complemented the information gathered through interviews and participant observation with primary source documents.

More information on case selection and the specifics of the research design can be found in Chapter Three. The reader will also find in that chapter specific operational research questions. Such questions will serve as the skeleton for the presentation of results in Chapter Four, which primarily tackles the *descriptive* component of my research question. Chapter Five offers a discussion of those results, which inform a variety of *normative* considerations. Chapter Six will recapitulate the main conclusions of the research and focus on suggesting *practical recommendations* that could contribute to lessen the social problem that motivates this project.

This research is inherently interdisciplinary. As such, it draws on a variety of theoretical contributions from different fields. I will need to summarize the most relevant aspects of some of these contributions to contextualize my analysis. I will discuss the theoretical framework that informs this dissertation in Chapter Two.

Concluding Remarks

This introductory chapter has provided the backdrop against which community interpreting is often presented. While it is in most cases closely associated with migration trends and increasing multiculturalism, as a developing professional activity it is often compared to its close cousins—for example, conference interpreting, sign language interpreting, or intercultural mediation, all of which I have commented on here. Community interpreting is sometimes expected to evolve in similar ways.

From a sociological point of view, the contextual information presented in this chapter offers interesting clues that will prove useful for the analysis through a public policy lens. Different circumstances explain different developments in the evolution of the interpreting profession and the way it has managed or failed to respond to societal needs.

This introduction has also presented a statement of the problem that this dissertation is concerned with: language barriers can hinder basic rights; while community interpreting offers a solution to communication barriers it can only service society efficiently provided adequate infrastructure is in place; hence the need for public policy in matters of cross-cultural communication, which to date, is rather exceptional. The objective of this work is to achieve better understanding of ways to raise this social problem to the political agenda. The approach to the study is based on the study of a significant case.

References

- Baigorri-Jalón, Jesús. 2005. "Conference Interpreting in the First International Labor Conference (Washington, D. C., 1919)." *Meta: Journal Des Traducteurs* 50 (3): 987. Les Presses de l'Université de Montréal.
- . 2007. "Conference Interpreting: From Modern Times to Space Technology." *Interpreting* 4 (1). John Benjamins Publishing Company: 29-40.
- Cokely, Dennis. 2005. "Shifting Positionality." In *Sign Language Interpreting and Interpreter Education: Directions for Reserach and Practice*, edited by Sign Language Interpreting and Interpreter Education: Directions For, 3-33. Oxford University Press.
- Fischer, Frank. 2003. *Reframing Public Policy: Discursive Politics and Deliberative Practices*. Oxford University Press.
- García-Beyaert, Sofía. 2015a. "Key External Players in the Development of the Interpreting Profession." In *The Routledge Handbook of Interpreting*, edited by Holly Mikkelsen and Renée Jourdenais. Abingdon: Routledge.
- . 2015b. "The Role of the Community Interpreter." In *The Community Interpreter: An International Textbook*, edited by Marjory A. Bancroft, Sofía García-Beyaert, Katharine Allen, Giovanna Carriero-Contreras, and Denis Socarras-Estrada, 359-442.
- García-Beyaert, Sofía, and Marta Arumi Ribas. 2015. "¿Puente O Pasaje? Mediación Intercultural E Interpretación En Los Servicios Públicos Como Figuras Complementarias Para La Salud En La Diversidad." In Press.
- García-Beyaert, Sofía, Marjory A. Bancroft, Katharine Allen, Giovanna Carriero-Contreras, and Denis Socarrás-Estrada. 2015. "Ethics and Standards for The Community Interpreter ® An International Training Tool." Columbia, Md.: Culture & language Press. Online access: www.thecommunityinterpreter.com.
- Iriye, Akira. 2002. *Global Community: The Role of International Organizations in the Making of the Contemporary World*. Berkeley: University of California Press.
- Keene, Florence. 1989. *Kaitaia and Its People*. Whangarei: Allied Graphics.
- Keiser, Walter. 1999. "L'Histoire de l'Association Internationale Des Interprètes de Conférence (AIIIC)." *Interpreting* 4 (1): 81-95.
- Lovley, Mary, and Annette Reichman. n.d. "A Historical Perspective on RSA Support of Interpreter Training."
<http://www.elcamino.cc.ca.us/faculty/sdever/ritc/HistPerspectiveRSA.pdf>.

- Maxwell Graduate School of Citizenship and Public Affairs. 1947. *The Budget of the United Nations, September 1947*. New York: Carnegie Endowment for International Peace.
- Pöschhacker, Franz. 2008. "Alcalá III: On Balance, and Off." Closing Plenary Session of the Third International Conference on Public Service Translation and Interpreting, Alcalá de Henares, 23-25 April.
- PSTG Consulting. 2009. "A Study of the Need for Language Interpretation and Translation Services (LITS) in the Delivery of Immigrant Settlement Programs." Ottawa, Ont.: Citizenship and Immigration Canada.
- Reinalda, Bob. 2009. *Routledge History of International Organizations: From 1815 to the Present Day*. Routledge.
- Roland, Ruth A. 1999. *Interpreters as Diplomats: A Diplomatic History of the Role of Interpreters in World Politics*. University of Ottawa Press.
- Swabey, Laurie, and Paula Gajewski Mickelson. 2008. "Role Definition. A Perspective on Forty Years of Professionalism in Sign Language Interpreting." In *Crossing Borders in Community Interpreting. Definitions and Dilemmas*, edited by Carmen Valero Garcés and Anne Martin, 51-80. Amsterdam; Philadelphia: John Benjamins Publishing.
- Timmermans, Nina. 2005. "The Status of Sign Languages." Strasbourg: Council of Europe Publishing.
http://www.coe.int/t/e/social_cohesion/soc-sp/5720-0-ID2283-Langue_signe_GB_assemble.pdf.
- United Nations. 1947. "Yearbook of the United Nations 1946-1947." Lake Success: Department of Public Information, United Nations.
- United Nations Enable. 2015. "Ratifications and Signatories of the Convention and Its Optional Protocol."
<http://www.un.org/disabilities/countries.asp?navid=17&pid=166>.
- Washington State Coalition For Language Access. 2015. "Examples of Language Access Barriers."
http://www.wascla.org/about/item.2791-Examples_of_Language_Access_Barriers.

CHAPTER TWO

· · FRAMEWORK · ·

Chapter Two offers a review of the concepts upon which the analysis and discussion of this study rely. The reader will find several illustrations that capture what we have called *analytical tools*. In fact, this chapter can be thought of as a toolbox: rather than an extensive and comprehensive review of the literature for every one of the topics that are addressed, the reader will find a framework for the investigation based on a variety of concepts and disciplines. There are two main reasons I have chosen this approach to Chapter Two: (1) my subject matter is itself interdisciplinary and therefore calls on a variety of subjects to gain insight into the research question; and (2) the angles from which I explore community interpreting in this dissertation have received little attention, thus a body of literature to review in the conventional manner is simply non-existent.

The variety of concepts and theoretical notions that we will be exploring in the next few pages are surely all deserving of close attention and historical review. Unfortunately, space is limited. I will therefore focus on explaining those concepts that I have selected as most useful from each of the relevant fields, rather than offering a review of all the theoretical propositions available in each case. To do so, this chapter is divided into two parts. Part One deals with concepts around the topic of communication in the globalized world, which is a topic that both points at our subject matter—we are concerned with aspects of communication in multicultural societies—and offers an analytical frame—communication is used as a conceptual lens through which to study social life. As we will

see, central to my analysis is the way in which we identify and communicate about our public problems. Indeed, as I shall demonstrate, there are several reasons why communication is central to this study. Part Two offers practical conceptual tools borrowed and developed from the field of public policy analysis. I will devote particular attention to the concept of agenda-setting and the elements that can influence the process of reaching the agenda for any particular issue.

Part One: Communication in the Global Village

In establishing the framework for my analysis, community interpreting is certainly the most obvious place to start. We begin this section on communication in the global village by depicting the most relevant aspects of community interpreting research for my interests here. The most salient one is, in fact, the absence of research that looks at community interpreting from a macro-social point of view, which is the approach I take with my own research here. The following section addresses aspects of communication, both at the micro and the macro level. I will show that communication is multifaceted and ubiquitous, which explains its relevance for my study at multiple levels. The first analytical tool in this chapter is introduced as the result of my reflections on the multilayered aspects of communication. The section closes by embedding the issue of cross-linguistic communication in the larger context of a globalized world. Several of the challenges that arise from the phenomenon of globalization directly affect the topic of my research.

Community Interpreting and Assisted Communication

In the introduction in Chapter One, I mentioned some of the differences between conference interpreting and community interpreting. Many scholars and professionals have proposed that the different specializations of interpreting be grouped under a single professional umbrella, rather than be treated as distinct professions (e.g., Roberts 1997; Gentile 1997). There is great value in these propositions as they remind us of the equal value of different specializations and sectors of interpreting regardless of their different levels of professionalization. However, unless the specific features and requirements of interpreting can be identified and addressed in each of the sectors, simply amalgamating interpreting into a single profession risks working against the effective development of the profession, and the service, in each of these different sectors.

In a study comparing conference interpreting and community interpreting settings, Angelelli points at significant differences between the two contexts that justify some kind of taxonomic distinction. Angelelli warns against the inadequacy of blindly applying standards from more developed sectors of interpreting to developing ones and concludes that “a single

standard of interpretation is insufficient since the great difference in the situations, considered as communicative events, require different performances by the interpreter” (Angelelli 2000: 590). Pöchhacker (1999) insightfully pointed to differences in power relations between the two settings. While conference interpreting deals with communication among parties that have a relatively equal standing, the community interpreter “is responsible for enabling professional and client, with very different backgrounds and perceptions and in an unequal relationship of power and knowledge, to communicate to their mutual satisfaction” (Shackman 1984: 18, cited in Pöchhacker 1999: 126). Power imbalances are, in fact, among the determining factors in the much debated role definition for community interpreter; however, when considering conference interpreting standards, power imbalances are not in the very least a matter of concern. The ultimate goal of community interpreting, however, is to provide autonomy despite language and cultural differences in situations that are critical to an individual’s life.

Studies on community interpreting have only been undertaken rather recently; the first publications appeared in the 1980s in the fields of legal and healthcare interpreting (Hale 2007) and they remain sparse in the social sciences. Nevertheless, this field of inquiry has produced a variety of studies since it begun flourishing in the 1990s. Myriad topics have been addressed from a variety of perspectives (Vargas Urpi 2012) . These are some examples of topics that Sandra Hale identified in 2007: loss of information by unprofessional interpreters; ethical dilemmas for interpreters; active involvement of interpreter in the triadic encounter; accuracy; the way the interpreter deals with cross-cultural differences; the interpreting process; the interpreter's role; and feasibility of interpreters’ neutrality. In 2012, Mireia Vargas-Urpi identified the following complementary (and in some cases, overlapping) topics: professionalization; working conditions; competences; interpreter’s training; and interpreters’ ethics. The approach to such topics has drawn from a variety of traditions and disciplines: linguistics; discourse analysis; ethnography; survey research; experimental approach in psycholinguistics and psychology, etc. (Hale 2007).

All the above topics and approaches have one thing in common: they are all concerned with the *practice* of interpreting. In their variety, these research topics all focus on aspects of the communicative situation. While this is hardly surprising, it is, in my opinion, limiting. When considering the social relevance of the service provided by community interpreting, analyzing only the communicative interaction, the micro level, leaves out the equally important macro level in which that communicative event is embedded. While the

role of policy frameworks and external players is often alluded to as critical in the development of the community interpreting profession, I have not seen any study devoted to these key components of the general equation.

I argue that what happens at the micro-level—during the communicative encounter—is intricately intertwined with societal structures and processes at the macro level. The way in which the communicative encounter takes place is entirely dependent upon the value society has placed on community interpreting. Is there a framework to guarantee minimum standards? Who has developed such a framework? How is it deployed? What could help improve that framework? These are only some questions that show the direct relevance of macro-social circumstances for the unraveling of the communicative event. With the notable exceptions of Sweden and Australia, the lack of mature societal frameworks leaves much research on best training practices, certification processes, or quality monitoring procedures without actual contexts for implementation.

As a result of the focus on the intervention of the interpreter in the communicative situation, calls for the development of better community interpreting services are often formulated in a way that (either deliberately or unintentionally) places the emphasis on the members of the profession, losing sight, in my opinion, of the ultimate goal of facilitating communication for the wellbeing of individuals. The interpreters' professional career concerns seem to become the focus of attention. Granted, professional concerns are legitimate and also relevant to the end goal of effective cross-linguistic communication: experienced interpreters will only remain in the profession if salaries fairly compensate them for their high level of training and the cognitively and emotionally demanding tasks they perform. Furthermore, the working conditions of interpreters are not to be overlooked in the creation of any system meant to ensure the ability to communicate efficiently across language and cultural barriers.

I began this section with a discussion of the general taxonomy of interpreting practice. As it turns out, community interpreting is often broken down even further into different sectors or specializations based on the general context in which interpreting is performed: healthcare interpreting, social services interpreting, court interpreting, etc. In some countries, such as the U.S., court interpreting is often considered a field that is distinct from either conference interpreting or community interpreting. For the purpose of this study, I apply a broad understanding of the concept of community interpreting as encompassing any kind of interpreting that happens “in the public services sector.” This understanding of community

interpreting is common in many European countries, where “community interpreting” often receives the name of “public service interpreting” (e.g., United Kingdom and Spain).

At the outset I also addressed some of the characteristics of community interpreting compared to other fields. Complexity is one of its characteristics and it can be explained to a certain extent by how intangible its field of application is:

The representatives of the societies legal, healthcare, social service, educational or religious institutions, to name the most common generic fields, may need to interact with deaf persons, with members of indigenous communities or with various kinds of migrants and vice versa. It is this great diversity of institutional settings and cultural backgrounds which makes the tremendous complexity of community interpreting as a concept and renders it very difficult to describe. (Pöchhacker 1999: 127)

The field of application is intangible but the commonality is that it provides accommodation for service provision in the interest of individual and societal welfare. Such accommodations may be necessary not only in live interaction, but also in written format. In Spain, in fact, the discipline that studies community interpreting often encompasses written translation under the tag “Traducción e Interpretación en los Servicios Públicos”

This study focuses exclusively in the institutionalization of community interpreting and does not consider other accommodations under the umbrella of intercultural communication, such as translation and cultural brokering. While these forms of accommodation are equally deserving of attention, they are outside the scope of this project. The choice of professional activity as a delimiter is partly motivated by the existence of community interpreting as a professional entity (although different configurations exist in different countries). However, the main reason for my particular focus on community interpreting institutionalization, rather than the institutionalization of accommodations for intercultural communication in general, pertains to the nature of community interpreting itself. At the core of community interpreting services lies a concern for individual autonomy that is of particular interest to me. By focusing on the parties’ agency and autonomy, community interpreting services serve the purpose of guaranteeing one of the most cherished values of western liberal democracies, and yet, the field suffers from acute underdevelopment despite pressing needs for it in the multicultural societies of the globalizing world. I further discuss globalization, multiculturalism, and society at the end of this part of Chapter Two. Next, however, I consider different facets of communication.

Communication as an Interdiscipline

The concept of communication entails several different fields of study, each of which analyze communication from a different perspective: semiotics, pragmatics, discourse, and interaction are studied under the fields of linguistics and sociolinguistics; rhetoric, persuasion, argumentation, and mass communication are analyzed under the field of communication and journalism studies; information technology and mathematical models of communication are advanced under the field of telecommunication engineering; literature and philosophy deal with communication under the field of literary studies, etc. For its part, the field of translation and interpreting studies—and the study of community interpreting within that discipline—has studied the interpreted-mediated communicative event by employing a variety of communication-related theories and models: systemic functional grammar; linguistic ethnography; pragmatics and politeness theory; discourse analysis; corpus-based linguistics, etc. (Vargas-Urpi 2011).

Here I will only be able to offer a broad-brush view of the multiple explorations that communication inspires. This is a worthy exercise, however, because it will introduce my first analytical tool: a graph representing different dimensions of communication on which I will draw for some fundamental aspects of the analysis.

Communication means exchanging messages and co-constructing meaning through a shared system of signs and semiotic rules (Dance and Larson 1976). The variety of scholarly approaches that exist to analyze one single concept illustrates well two different characteristics: one is its multidimensional nature (it can and needs to be studied from myriad different angles), the other is its centrality to social life. Pearce and Cronen argued in the late 1970s that communication is central to being human (McDermott 2009: 548). Communication is in fact so intrinsic to humanness that it distinguishes humans from other species. Interpreted broadly, various forms of communication are present throughout the entire range of fauna and flora, but humans stand out for our advanced use of language. Our human ability to develop and share languages allows for a developed form of communication: abstract concepts could not be shared (or even developed) without the support of sophisticated semiotic systems—i.e., without languages. As Cherry explains in his book *On Human Communication*, language is critical to the organization of thoughts, and thoughts are central to the construction of the self in relation to others (Cherry 1978).

Thus the development of language reflects back upon thought; for with language, thoughts become organized and new thoughts evolve. Organized thoughts have fostered the formation of self-aware social identity and the sense of social responsibility leading to elaborated systems of ethics and law. Human beings have become self-conscious, socially responsible, highly adaptable creatures through language communication (Cherry 1978: 4).

The Power of Communication

It is often claimed that the human capacity to develop and share abstract concepts is responsible for our ability to undertake the extraordinary, whether it be marvelous or atrocious: from conceiving and achieving human exploration of the moon to conceiving and achieving genocide. The ability to share abstraction not only helps construct the self but, as a powerful tool of collective organization and planning, it constructs the social. Words are powerful and, as Hamelink (2014) explains, what they say and how they are used and who says them has historically incited much contention.

Throughout history, communication through words [...] became a terrain of contested ideas. Liberatory versus imperial conceptions of communication clashed [...]. The most engaging struggle [...] was always a tension between the idea that communication should be free and yet that it should be controlled. The essential struggle relating to communication became the confrontation between freedom of thought and mind control; in other words, the battle of the publishers versus the book-burners. (Hamelink 2014: 17)

The ability to share information and ideas was identified as a tool for social struggle, as well as political domination, as soon as the first fundamental rights movements began; thus unimpeded communication became the object of legal guarantees. Hamelink offers an account of the legal documents that have recognized the exchange of information and ideas as a fundamental right. In 1789, the *Déclaration Universelle des Droits de l'Homme et du Citoyen* (the French “Declaration of the Rights of Man and of the Citizen”) established that “unrestrained communication of thoughts or opinions is one of the most precious rights of man” (Hamelink 2014: 20). Freedom of the press was subsequently reflected in several national constitutions throughout the nineteenth century. In the 1940s this issue became the concern of supranational organizations. The UNESCO included a covenant on the freedom of information in its 1945 Constitution and in 1948 the U.N. held an international conference on this same topic, which became the subject of Article 19 of the Universal Declaration of Human Rights: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart

information on ideas through any media and regardless of frontiers.” Article 19 became an important guide for later international documents: the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the International Covenant on Civil and Political Rights (1966), the American Convention on Human Rights (1969) and the African Charter on Human and People’s Rights (1981).

These official guarantees are based on the idea that sharing information is essential *per se*. But in the last few decades the importance of a different dimension of freedom of expression has emerged with ever increasing clarity. Beyond the actual exchange of facts and ideas, the creative dimension of communication is now identified as an essential driving force for change and as a motive force in struggles for justice and social change.

The phenomenon of untranslatability (the property of a text or concept for which no direct equivalent can be found in another language when translated) illustrates well what constructionist sociologists have argued since the 1980s: that language and communication are powerful in shaping different understandings of the world (and, consequently, powerful in shaping the world itself). One can attempt an explanation in English that transmits to some extent the spirit of a concept from another culture, but it is really not possible to convey the same full meaning as the original concept in the original language. A couple of examples: “the suspension of disbelief that can occur often through good storytelling” is the best attempt to convey the concept of “goya” from Urdu; and the “feeling of anticipation that leads you to go outside and check if anyone is coming” is only a close approximation to the concept of “iktsurapok” from Inuit (Sanders 2013).

Mapped onto the field of social change, the notion that previously unconceived concepts might be discovered through language opens a new terrain of possibilities. One of the most visible and effective leaders of the feminist movement since the 1960s, Gloria Steinem, is reported to have said that we didn’t have a way of grasping the phenomenon of sexual harassment until we coined the expression “sexual harassment”. Inspired by such statements, Professor Kenji Yoshino, hopes that the concept of “covering” can “be hammered into our vernacular in the same way” (Yoshino 2015). Covering is a concept that Goffman first described in 1963 and that Yoshino has further developed based on his personal experience as a gay Asian American man and on his academic research in the field of law (Yoshino 2007). It refers to the tendency of people—such as gays, women, or religious and ethnic minorities—to downplay the non-normative dimensions of their personal identities in order to preclude the potential for stigmatization. Being able to name a shared experience

enables people to come together to generate cultural and social change by finding a new common cause, Yoshino remarks.

New and old concepts, alternative ways of framing social issues, and ways to narrate personal experiences and the world around us, are all the object of social science investigation. Through the fairly young but rapidly growing academic subdisciplines of discourse analysis, frame analysis, and narrative analysis, social scientists have begun to pay closer attention to the intricate interconnections between verbal expressions, conceptualizations of the world, our experiences in it, and the social constructions that result.

The theory that the world is socially constructed assumes that understanding and interpretations of the world are developed in coordination with other human beings. Understanding, then, is not exclusively an individual process of interpretation of messages from and observations of the world; rather, understanding is the result of processes of socialization and interaction with others. Two assumptions are central to the social constructionist theory of knowledge: language is the most essential system through which humans construct reality; and human beings rationalize their experience by creating a model of the social world and how it functions (Leeds-Hurwitz 2009: 892).

If humans construct their realities, if language is key to that construction and if that construction is linked to models of the social world as it relates to our experience, communication inevitably acquires a political dimension. Social constructionism focuses on the political dimension of language: it is concerned not only with how language is used at the individual level, but also how it relates to power, to conflict, to negotiations, or to accounts of events at the collective level.

From the social constructionist perspective, it is clear that, controlling communication means, among other things, controlling the models of social life that are available for us to consider. We will see in more depth in Chapter Three that, based on these approaches to the study of social life, a paradigm shift has been taking place in the field of public policy analysis, with Frank Fischer as a prominent exponent of social constructionism. (Frank Fischer 2003)

From a Linear to an Interactive Conception

Starting with the emergence of the first communication technologies (the telephone, the telegraph, and radio systems), a mathematical body of theory of communication developed

over time. Today, the formal mathematical theory of communication is directly applicable to technological infrastructure only. However, the roots of such mathematical theories have had an influence on the conceptualization of communication in a larger frame, including the understanding of how human communication works. In 1949 Shannon and Weaver created their influential mathematical model to assist with the construction of information transfer technology through telephone cable and the radio waves. The authors—who were engineers at Bell Telephone Laboratories in the U.S.—claimed, however, that their model was applicable to not only the development of technological inventions, but to the understanding of human communication as well (Cherry 1978). Shannon and Weaver, whose main goal was to create the most efficient technological channels of communication, posited a model that assumed a linear conception of communication: getting information from A to B, from a transmitter to a receiver through a given channel.

In a prelude to her seminal analysis of dialogue interpreting as a process of interaction, Wadensjö (1998) clearly and usefully distinguishes between two contrasting approaches to the communication process. A *monological* approach is centered on the existence of a conduit through which self-contained messages travel from a transmitter to a receiver (that is, a linear understanding of communication). From this monological perspective, the focus is on the transmitters' intentions and the assumption is that the messages transmitted are the result of his or her strategies only. The recipient is understood as a receiver of a ready-made message, and the transmitter is conceived as creating messages in a social vacuum—no interactional context is brought into the equation. In contrast, a *dialogical* approach to communication understands the creation and transmission of messages as a joint activity. Meaning is co-created in a process of reciprocity among the people involved. Rather than a linear unidirectional process, under the dialogical perspective a multilayered and multidirectional study is undertaken.

Hamelink claims that, as of today, the international and national covenants regarding communication and rights that I reviewed above are still tinted by a linear (monological) conception of communication: both freedom of expression and freedom of information assume the right to be a transmitter (and sometimes a receiver) of messages, but the actuality of an effective exchange or the appropriate conditions for the co-construction of messages is not contemplated in any way (and hence, not guaranteed). In the late 1960s, Jean Darcy, a French journalist, introduced to the international forums the idea that communication is fundamentally interactive. He wrote: “The time will come when the Universal Declaration of

Human Rights will have to encompass a more extensive right than the right to information... This is the right of man to communicate” (cited in Hamelink 2014).

Starting in the 1970s, several grassroots movements have converged internationally to defend an understanding of communication that requires specific enabling provisions to guarantee its interactive dimension (Padovani and Calabrese 2014), and hence its completeness. Proponents of communication rights (in the sense of effective interaction) argue that, although any given individual or organization can find legal guarantees to freedom of expression and access to information under the current international covenants (under Article 19 of the Universal Declaration of Human Rights, specifically), if societal conditions are such that only a few voices are heard, a conversational dimension in societal communication is not possible. As Hamelink puts it: “Even if the news and entertainment media would have the maximum freedom of expression and the fullest possible access to information sources, this would not guarantee that people are enabled to participate in societal dialogues” (2014: 22).

Societal Versus Interpersonal

“Participating in societal dialogues” refers to the macro perspective on communication, the exchanges that take place in the context of—and/or in the interest of—society at large. Societal dialogues are analyzed in media studies and political science, for example. When, in contrast, communication happens in the context of a close relationship, such communication is designated interpersonal communication. Today, interpersonal communication is understood in the literature as a complex interactive process, a constant dynamic flow shaped by the personal attributes of the participants as well as their social and personal identity orientations. Interpersonal communication is most often studied from the fields of linguistics, semiotics, and sociolinguistics.

The criteria for inclusion in or exclusion from the category of interpersonal communication can be fuzzy. When does a relationship cease to be merely interpersonal and become societally relevant? Rather than forcing communicative interactions into one of two binary categories it is more helpful to conceive of communication as spanning a continuum from interpersonal to societal. At one end, where societal communication is located, personal relationships are loose. At the other end of the continuum is interpersonal communication, where the relationship between the people who participate in it are much more clear and generally easy to define.

Let us briefly consider some examples. All members of society are, to some extent, involved in conversations about the provision of health care and how the state should manage it. The relationship among those who are part of the conversation is based on the fact that the topic affects them all, and on the idea that they all belong to a shared community. However, in the actual practice of healthcare provision, the communication between patients and providers happens in the context of one-on-one therapy-oriented relationships.

The concept of a continuum takes into account the many communicative situations that span both categories. But, most importantly for our study, understanding communications as occurring on a macro to micro continuum highlights the intrinsic interrelatedness of all levels of communication. The macro and micro levels of communication do not occur independently; rather, they are intricately and complexly intertwined. So, what to expect from a physician, how to address a physician, and how to manage our needs in the provider-patient relationship are shaped by wider societal conversations about state-supported healthcare provision and how we position ourselves in those conversations (among other macro-level social understandings).

As discussed above, from a social constructionist perspective the construction of reality happens both at the interpersonal and the societal level. Thus, and I want to stress this, the two are intertwined and it is always the case that both the societal and the interpersonal levels shape the processes and outcomes of any communicative exchange. For this reason, both dimensions are relevant to this study. The conception multicultural participants have of cross-cultural communication, including their understanding of how society at large deals with cross-linguistic communication, affects how communication takes place and what is (or can be) communicated. A society with a developed and sophisticated framework for facilitating cross-cultural communication sends a very different message to service users and providers than a society that devalues and disregards this need. In our study, then, the intertwined nature of interpersonal and societal communication about communication is relevant.

That said, it is nevertheless relevant to this study to conceive of the interpersonal and societal levels of communication separately, as hermeneutic entities. This allows me to distinguish between the two levels for analytic purposes: (1) at the interpersonal level, an interactionist understanding of communication is relevant to identifying solutions for cross-linguistic access to services; and (2) at the societal level, the notion that (perceptions of) social reality is collectively built and transformed is (at least potentially) empowering for

actors and groups who seek to change the status quo. I will reflect on effective frames that can bring about progressive policy-making for empowered cross-linguistic communication. Toward that end, I give language and macro level conceptualizations primary attention in this study.

As I will explore below, in the section on public policy and agenda-setting, public communication—the right to participate in public life—has an effect on politics, and more particularly, on public policy: which issues will be addressed by the government and how. The right to communicate (or the right to participate in the public sphere) is integral to the Western understanding of democracy.

Intercultural Communication

An obvious definition of intercultural communication is as follows: it is the interaction between people from different cultural backgrounds. But when should we consider people as belonging to different cultures? The cultural identity of any given person is comprised of multiple layers of assigned and chosen allegiances, the combinations of which vary widely from one individual to another. What is to be attributed to culture and what to the individual? It depends on what we understand “culture” to mean, a question that has long been wrestled with by scholars and social activists alike.

However, focusing here on the vexed and elusive question of culture and attempting a functional definition for the field of communication would derail the primary focus of this study. (Samovar et al. 2012: 8) use the following pragmatic definition of intercultural communication, which I propose to adopt here: “Intercultural communication involves interaction between people whose cultural perceptions and symbol systems differ enough to influence the communication event” (2012: 8). Thus intercultural communication can happen not only between members of distinct societies or across ethnic identities but, most interestingly, also within a given society and/or ethnic group. Cultural differences are not restricted to ethnic backgrounds, but can also, for example, arise from professional or gender identities. Hence, two individuals could share cultural characteristic in one aspect of their lives, for example, the same professional training and education, but have cultural differences in other aspects of their identities, such as gender or ethnic identification. These differences inevitably shape the way they relate with peers, for instance. How effective communication is among individuals depends on how capable those individuals are of accounting for their differences to find common ground (whether their differences are minimal or vast).

Let us then use the pragmatic definition by Samovar et al. (2012), which sheds an interesting light on intercultural communication for the purposes of this study. The implication of their definition is that an interactionist approach is necessary to understanding intercultural communication. Intercultural communication from an interactionist perspective entails interactants continually and reiteratively tracking differences and commonalities with other interactants as they mutually co-construct meaning.

Forefronting the interactive character of communication enables me to claim that all communication is, at least to some extent, intercultural. This brings me back to a social constructionist understanding of communication. In this study, where interpersonal and societal communication are distinguished as hermeneutic units of analysis, language comes as a barrier when it is considered a mere channel (for the micro, here), but it can also be considered as an enabling tool when considered a product/instrument of co-construction .

Barriers to Effective Communication

Both language and culture are essential to the communication process; indeed, they are inextricably interconnected. They offer shared symbols, representations, and understandings that are crucial to the ability to exchange messages and share meaning. When shared, language and cultural practices are channels for communication and mutual understanding. However, when symbols, representations, and understandings of language and culture are shared only partially, or not at all, they can as readily become barriers to communication.

Despite the intertwined relationship between language and culture, two different professions exist to deal with the cultural and language barriers that arise in interactions between people from different backgrounds. Multicultural mediators and community interpreters share a common general objective—to facilitate communication—but have different specific goals and use different techniques. In this dissertation I deal mainly with linguistic communication barriers because my primary concern is to investigate the utilization of community interpreting services. That is not to say that community interpreters don't deal with cultural differences. They need a sophisticated understanding of intercultural communication in order to do their job correctly. However, an exploration of multicultural mediation is beyond the scope of this dissertation. (For a full discussion of the differences and similarities between interpreting and mediation see García-Beyaert 2015).

A variety of measures exist to improve communication across differences, including cultural competency training for service providers, informational campaigns informed by intercultural mediation, conflict resolution services that address disputes arising from cultural differences with intercultural mediation techniques. Cross-linguistic communication, by exposing interactants to different world conceptions, is in itself a process that enhances the interactants' cultural competence. Enabling people to interact with each other by overcoming language barrier thorough interpreting services is a way of contributing to intercultural communication in the moment, and to *improved* intercultural communication in the long term.

In this dissertation, I will refer to intercultural communication as the general goal, and cross-linguistic communication as a situation in which two individuals need to interact with each other but the language barrier impedes their ability to negotiate their cultural differences. A trained professional community interpreter can help them overcome language barriers so that they can figure out ways to come closer to each other despite their cultural differences.

Whereas I believe that all measures that improve cross-cultural communication have a place in public policy—provided a sophisticated understanding of needs is developed—in this dissertation I focus exclusively on the aspect of cross-linguistic communication. I certainly consider situations in which significant cultural differences hamper the exchange and co-generation of meaning and common understanding, but it is the aspiration to and process of overcoming the language barrier through the use of professionally trained interpreters (in other words, effecting cross-linguistic communication) that is my concern here.

Analytical Tool # 1

The graph below presents the different dimensions of communication that I have presented in the previous pages. To recap, three different characteristics of communication are particularly interesting for this study: it is central to **human** nature and hence to human dignity; it is a **powerful** tool; and it **constructs concepts and social reality**.

In the social constructionist and interactionist understandings of communication that I have explored in this section, societal communication and interpersonal communication form macro level and a micro level hermeneutic categories that are nonetheless closely

interrelated. Thus I graphically present these two types of communication on a continuum. Often researchers use communication at the societal level as a lens through which to examine other subjects, whereas in research on the interpersonal level it is often communication itself that is the object of study. Translation and interpreting studies have traditionally been concerned with the micro level and focused on communication as the object of study. In this study, language as a barrier to communication (that is, language as interpersonal communication) is the trigger, but my focus is primarily on language as a tool for social change at the macro level (that is, language as societal communication), in the context of a policy analysis approach.

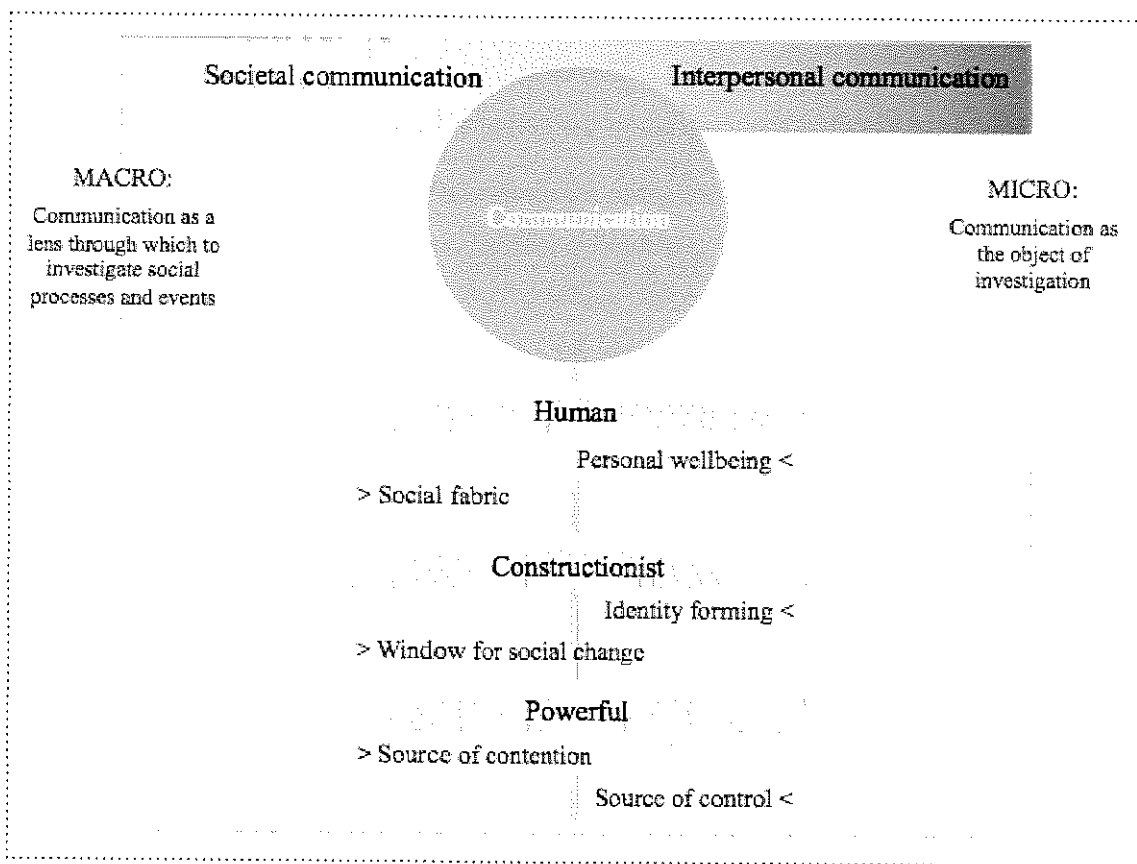


Figure 2.1: The central and complex positioning of communication in social life.

Globalization, Multiculturalism, Communities, and Politics

Increasing global integration and interdependence is commonly referred to as “globalization.” The term is now almost ubiquitous, though it has only been in use since the 1980s, to refer to a phenomenon distinct from previous planetary exchange by traders,

migrants, and explorers. Prior to the changes of the industrial revolution in the nineteenth century, global interchange happened with less intensity and carried less drastic consequences than it does today. New technology enabling faster information exchange and travel is “shrinking” the world, making it “flatter”. Both of these metaphors are effective in expressing the concept of globalization in a simplified way. In actuality, increasing interconnectedness means myriad and rapid changes that are complex in their social and political consequences as well as difficult to grasp conceptually and succinctly describe. For that reason, while a variety of definitions of globalization have been proposed, there is no widely accepted consensus on the best way to reflect the multidimensionality of the concept. For my purposes in this study I want to highlight one aspect of globalization: its impact on the global and local sense of community. The idea of community is affected in different ways by the rapidly increasing interpenetration of the global and the local social spheres.

In the analysis of Iriye (2002), the awareness of global interconnectedness brought about a growing sense of a global community that accompanied the growth of international organizations in the post-WWII period—and this is the context in which interpreting was born as a profession to address new needs for communication across language barriers. A similar idea is expressed by Steger through the expression “global imaginary”:

Let us adopt global imaginary as a concept referring to people’s growing consciousness of global connectivity. [...] [I]t would be a mistake to close one’s eyes to the weakening of the social imaginary as it has been historically constituted in the nineteenth and twentieth centuries. The thickening of the global consciousness destabilizes and unsettles the conventional nation-state within which people imagine their communal existence. The rising of the global imaginary is also powerfully reflected in the current transformation of the principal ideas and values that go into the articulation of concrete political agendas and programs.(Steger 2013)

Indeed, the trajectory of global interconnectedness has been from the international sphere of high mandatories and transnational organizations to the local sphere. As migration trends intensify and information technologies allow for sustained communication across the globe, the traditional conception of a community is challenged. Communities and associated identities, idiosyncrasies and economic systems are no longer anchored to geography or delimited by territorial lines.

However, national and international geopolitics still rely strongly on the concept of borders. Consequently governance over issues that relate to individuals’ wellbeing remains attached to national and regional policy systems, although the circumstances that affect them

are generally inextricably connected to circumstances that are to be found across borders. Joseph Stiglitz has effectively denounced the democratic deficit that results from the changing nature of political communities in the era of globalization:

In effect, economic globalization has outpaced political globalization. We have a chaotic, uncoordinated system of global governance without global government, an array of institutions and agreements dealing with a series of problems, from global warming to international trade and capital flows. [...] There is a clear need for strong international institutions to deal with the challenges posed by economic globalization; yet today confidence in existing institutions is weak. The fact that the institutions which make the decisions suffer, as we have noted, from a democratic deficit is clearly a problem. (Stiglitz 2007: 21)

Another challenge posed to the concept of community by the global character of local life in traditional territorial-based political regimes is the coexistence of different cultures resulting in unprecedented levels of diversity.

The movement of people across national boundaries brings with it the possibility of ongoing cultural intermixing—be it religious, ethnic, linguistic or other. This is why some have suggested that globalization appears to challenge the dominance of a single cultural identity in favour of other forms of identity including shifting or even new hybrid (or mixed) ones. (Abu-Laban and Gabriel 2002: 18)

Multiculturalism is today a demographic reality throughout Western countries. Migration trends embolden multiculturalism as an increasingly common quality of our societies. Many different cultural groups coexist now in societies that had founded their institutions on the basis of a relative homogeneity in the shared cultural values of its members. Under political regimes that have grown out of typically monocultural (or at the very least homogenizing) logics, competing demands by different cultural groups pose a real challenge to western, universalist, liberal systems. Multiculturalism implies practical and theoretical challenges to achieving a social order that smoothly encompasses diversity. We will have an opportunity to explore some of these tensions in Chapter Five.

A third challenge relies on the notion that heterogeneity in societies is a threat to the welfare state system, as solidarity in the midst of diversity might be more difficult to maintain, according to some proponents. In 2005 Banting published a paper analyzing the implications of immigration and multiculturalism policies for the welfare state and found that, despite the generalized belief that ethnic diversity has a negative impact on support for the welfare state, the evidence does not always back up such arguments. That social heterogeneity constrains redistribution was proposed by Wilensky in (Wilensky 1974) and Stephens in 1979. The latter's empirical study found that ethnic and linguistic diversity is

strongly and negatively correlated with the level of labour organization which is traditionally considered a key determinant of the expansion of public expenditure (Stephens 1979, cited in Banting 2005). According to Banting, what causes changes in the support for the welfare state is the degree of social change that accompanies immigration trends in many OECD Countries rather than the actual ethnic differences or the existence of a multicultural policy.

In spite of the health of the welfare state as a mechanism fueled by solidarity, multi-ethnicity inevitably entails language diversity. Cross-linguistic communication needs—which are today effectively addressed at the international level (international organizations)—are equally present locally at the grassroots level, as a consequence of globalization. For the welfare system to work, the variety of services that support the system need to reach and be accessible to diverse populations, despite language barriers. This is a challenge that has only tangentially been addressed in the literature (outside of the field of translation studies) with studies in community interpreting that address the micro-level communicative situation.

Chríst (2007) contends that the modernist paradigm tends to look at language planning in the context of the project of nation-state building; thus, the emphasis is on a majority language, which is the language of the state and a vector of identity for the country, and a single language in society. This, according to Chríst, explains why language planning studies typically focus on one individual language or on the relationship of a minority language to a dominant one, missing, in some cases, the empirical geography of language. Especially in urban centers, with increased multiculturalism, one central challenge to language planning is the sustainability of language diversity and its implications on social cohesion and what it means to be a citizen. Translation is integral to the sustainability of language diversity.

When languages co-exist, some degree of message transferring between languages is unavoidable at the institutional level, in the public services, or in private businesses, be it in written format (translation) or in live interaction (interpreting). Meylaerts notes that “there is no language policy without a translation policy. In other words, determining the rules of language use presupposes determining the right to translation within a democratic society” (2011: 744). While regulating translation may not be the direct target of a language planning policy, regulating language in a society where multiple languages coexist inevitably involves interceding in the room that is intentionally or unintentionally left for the possibility of translation. While absolute multilingualism with compulsory translation of all communication into all languages co-existing in a given society would, in an ideal world,

guarantee the rights of all citizens, the impossible logistics and high costs that would be incurred by such a practice render it an unattainable utopian principle. For that reason, Meylaerts (2006, 2011) maintains that translational rights are worth our attention alongside other dimensions of linguistic policy.

Costs and logistics are not the only impediment to inclusive language policies. Because of the link between language and culture, language and cultural identities—that is, language and communities—are tightly linked. As such, tensions between different communities who desire their languages to gain or maintain special positions in the institutional sphere are common. Communities zealously defend the place of their language for reasons of identity survival (typically minority languages) or to maintain power (typically majority languages). The impediments to inclusive language policies are also political, then. In his seminal work *Imagined Communities*, Anderson (1991) identified language as a vehicle through which the nation state could become imagined as a political community. Indeed, the link between language, identity, and the modern nation-state is often addressed in the literature on language and nationalism. (e.g. Blommaert and Verschueren 1998, Hobsbawm 2012, Philips 1998). As I will demonstrate, as a vector of national identity, language becomes one more instrument in the construction of the imagined nation through the power of media and institutional practices.

Part Two: Public Policy and Agenda-Setting

Public policy is often considered an elusive notion due to the encompassing nature of the concept and the diversity of its components. A pragmatic approach can, quite to the contrary, make the task seem simple. The following definition holds in one short sentence: public policy is “what governments do and neglect to do” (Klein and Marmor 2008: 892). This definition—or very similar ones with slightly different wording—is the most often used (although many others have been developed that, according to Jenkins-Smith et al. (2014: 192) are more “nuanced and insightful”).

Indeed, a concise definition often hides much complexity, and this case is no exception. Which governments should do what for whom and in which ways is only one of the stirring questions that opens a can of worms. With the universal constriction of limited resources (time, money, attention, etc.) different interests compete for attention.

How to get enough attention from both the general public and from official institutions so that a government is prompted to take action on a particular issue is what is generally referred to as “agenda setting” for public policy development. After I review the basics of public policy as a social mechanism and as a field of study, I will devote some space to the concepts related to agenda-setting that will prove useful for my analysis in Chapters Four and Five.

I have devoted the first paragraphs of Part Two to dissecting the phrase “public policy.” But both “public” and “policy” are worth some exploration. While both are common terms and will bring at least some general references to mind for any reader, both involve many assumptions that are not easy to pin down. They are so ingrained in so-called common knowledge that we seldom pause to wonder what they actually involve. Given the centrality of “public policy” to this study and given that enquiring about the “public” dimension of community interpreting is the central goal denoted in my research question, spending some time unpacking common knowledge assumptions and establishing a common conceptual ground appears suitable here.

The "Public" in Public Policy

What make up the “public” dimensions of “public” policy? Exploring different answers to this question will illuminate my research question: “What is *public* about the individual need for autonomous communication?”

Is public policy *public* when it offers a set of measures that reflects the will of public opinion—i.e., what the majority in a given society wants? Or is it rather the fact that a policy generates public goods that makes it *public*—i.e., policy that produces goods that are non-exclusive and available to all members of society? Should policy sooner be considered *public* when it defends the public interest—i.e., the welfare of a given community? Does the answer lie in a combination of the three?

For the purpose of this exploration, let us start by assuming the following: public policy is (partly) influenced by public opinion regarding which public goods (and regulations) best serve the public interest. This assumption implies that all three elements suggested above are integral to the public dimension of public policy; but the last one—defending public interest—occupies a central place as the ultimate goal.

Public Interest

Based on this assumption, the quest for definitions is now transferred onto the concept of “public interest”: if defending public interest is the ultimate goal of public policy, then what constitutes public interest? It has been recognized that it is a rather elusive and normative concept, and as such, there is no universally accepted definition. But despite the lack of a tangible definition “public interest” remains a useful notion and certainly a central one. As Deborah Stone puts it: “[T]he concept of public interest is to the polis what self-interest is to the market. They are both abstractions whose specific contents we do not need to know in order to use them to explain and predict people’s behavior” (Stone 2012: 24).

In Stone’s analysis (2012: 25) public interest can be interpreted to refer to what I have put into four different categories: (1) things that respond to an individual’s interest—what people want for themselves—but that are a commonly shared desire (e.g., a good life); (2) things that people want for their group (e.g. good schools in their region); (3) things that a majority of people want (e.g., programs favored by a majority of citizens); and (4) things that are good for a community as a community (e.g., mechanisms that guarantee the survival of a specific cultural or political community).

Among the above four interpretations, (1) and (3) represent a logic of “it’s in the public interest if many want it.” Interpretations (2) and (4), quite differently, represent a logic of “it is in the public interest if the group as a whole benefits from it.” One would hope for alignment between what is supported by many and what is best for the group—that is, an alignment between the two logics identified above. If such alignment was generally the case in actuality, the world of politics would be significantly simplified.

There are a number of caveats we could list that, in most cases, impede a direct overlap between what’s best for the group and what most people want. An obvious caveat is that what is best for any given group at any given time is subject to interpretation and hence different people are likely to support different initiatives even if they all are interested in finding the common good. A second obstacle to perfect alignment between what the majority want and what is best for the group is related to the coexistence of multiple groups. Distinct cultural communities often coexist under one political community. Also, each individual can embody multiple group affiliations. A third impediment can be the variety of understandings regarding who is and who isn’t part of any given group. Often, the concept of group is instrumentalized in political fights: the images and the goals of different groups are often deliberately constructed in the game of politics to serve underlying agendas.

In the event of inevitable disagreements on what constitutes the public interest, then, how many people need to be in favor of a policy option for it to be seen as having enough public support? Anderson points out that “there is no way to determine precisely at what point an interest is sufficiently widely shared as to become a public interest. Few interests, indeed would be shared by everyone” (J. E. Anderson 1975: 165). Not surprisingly, the idea of the majority is recurring as a decision-making mechanism. This is the most commonly used—albeit imperfect—democratic mechanism devised to chose one option over another in the face of different interests and competing demands (Dahl 1989). Political fights to win support from the majority often take place around what, in each case, best serves public interest. Determining what is best for the public interest is, in democratic systems, a central aspect of debates on what policy options to adopt.

Ideological Divide

Often, when we attempt to ground the normative concept of public interest our first impulse is to identify it as a subset of what appears to be a natural dichotomy; the public interest is opposed to private interests and a defining line between the two is sought. As Parsons notes,

“the relationship of the ‘public’ and the ‘private’ is an enduring theme that we may trace back to the beginnings of civilization” (Parsons 1995: 3).

Whereas finding conceptual counterparts can be a useful exercise in abstraction, in practice, “there is no reason to assume that private interests and the public interest must always be antithetical,” as (J. E. Anderson 1975: 166) aptly remarked. He gives the example of doctors having a private interest in preventing non-qualified professionals from practicing the profession (from entering their market), which, by protecting patients from malpractice, is also in the best interest of the general public.

The market is thus expected—by those who adhere to neoliberal ideology—to intrinsically regulate human behavior for the common good. Material gain for the individual is glorified, in the belief that the pursuit of private interest naturally results in gains for all those who contribute enough to the system to deserve benefitting from it. On the other side of the ideological spectrum, in what Stone (2012:19) calls the polis (in reference to the Greek state-city and as a useful counterpart to the market) collective will and effort are central. A number of authors have pointed out that a society is composed of more than a simple aggregation of the exchanges that take place among individuals pursuing individual gain. Indeed, as Dye (1992) remarks, “because we don’t live in isolation we are capable of moral values and cooperation where personal interests do not systematically prevail and [where individual energies can be harnessed] for the common good”

Since the late 1970s and early 1980s the trend in public policy has been to reduce the role of the state under the ideological belief that market mechanisms are the best way to generate more efficient policies and management. Complementary to this market-centered ideology is the general tendency, observed in the last few decades, for the state to assume less responsibility for matters that are represented as personal problems. This phenomenon has been dubbed “deinstitutionalization,” and has entailed reduced public expenditures, the elimination of government programs, and the privatization of public institutions. These deinstitutionalizing trends also involve the decentralization of public resource allocation and responsibility sharing in the provision of public services, including more and more intervention from the third sector.

Public Concern

Fundamental rights may or may not be perceived as being in the public interest, but they are certainly a matter of public concern. Identifying injustice has historically helped to define fundamental rights so that public institutions can warrant and enforce those rights and endeavor to prevent further injustice.

One of the most salient socio-political struggles over policy issues in the U.S., the Civil Rights Movement of the 1950s and 1960s and the ensuing legislation and measures, illustrates a dimension of “the public” in public policy that I have not yet considered. In the case of civil rights, the defining element of and/or the driving force for public policy is not the will of the majority or the benefit for the community (the two angles I have considered so far); rather, the defense of natural individual rights across differences are central to policy action (or policy change). As Dye clearly explains regarding the U.S. Civil Rights Movement, “civil rights policy is a response of a national elite to conditions affecting a minority of Americans, rather than a response of national leaders to majority sentiments” (Dye 1992: 48). Polls from the 1990s show that the white majority of the U.S. considered that there was at the time little discrimination against black individuals in areas like housing, employment or education, whereas black respondents believed that they were not treated equally. This, according to Dye suggests that “civil rights policy is *not* a response of government to the demands of the white majority,” rather white majority opinion over time has progressively shifted, following the civil rights policy (not preceding it).

What triggers policy in civil rights cases, it can be argued, is the moral requirement to achieve equality, at least as perceived by the political elite; below I will consider the ways in which minority groups can influence this elite. The need for public action rests on the well-being of individuals and the suppression of injustices as they affect individuals. Such actions may not be in the public interest—when “public” is understood as a majority—but they certainly ought to be considered a matter of public concern. The moral requirement to respect individual dignity is thus, a third category in the public dimension(s) of policy. For example, in a given community, harsh winter conditions might put the lives of a small minority of homeless individuals at risk while only inconveniencing housed citizens. Therefore, taking action to protect the homeless is often not perceived to be in the majority’s interest. Yet the moral mandate to not let individuals die in the cold is clear.

Moral requirements for public action can be identified not only in the civil realm, but also in the social, economic, and political fields. They are generally spelled out under encompassing international human rights conventions. One approach to the issue of (human) rights in public policy is somewhat passive: they should inform the design of policies which target different issues across sectors. From this perspective, when an issue is identified as needing policy action, human right frameworks are considered tools that can be used to foundationally shape structural measures: “[F]or example, if there is a problem with a woman’s personal integrity being violated through domestic violence, the structural logic does not arise solely from the solution to that individual problem, but rather, from respect for the right for all individuals to a life free from violence” (Vazquez and Delaplace 2011: 47)

A more proactive approach is possible when rights identified as fundamental are themselves made the end goal of policy. A good example of this is affirmative action policies. They are established to level the playing field for citizens who are members of groups which have historically been subjected to systematic systemic disadvantage. Affirmative action policies provide preferences in employment and education (mainly) based on such group affiliations. Similar public policies exist around the world targeting members of different groups. However, the origin of the term “affirmative action” is tied to the African American Civil Rights Movement and was used for the first time in the early 1960s in the United States.

Government Action as the Defining Line

Whether government intervention is considered necessary or not is often used, in and of itself, as an indicator of the public versus the private. As Abu-Laban and Gabriel have pointed out, often the difference is defined by what falls under the “scope of regulation, state action and public scrutiny” and what doesn’t (Abu-Laban and Gabriel 2002: 25). Asking whether an issue is public or not then equates to asking whether it is deserving of (or needing or requiring) intervention by regulating public institutions using public resources; this is traditionally the government, which has lately developed into a set of complex institutions that include societal organizations, under the concept of governance. That is clearly Parsons’ understanding in his definition of “public”:

The idea of public policy presupposes that there is a sphere or domain of life which is not private or purely individual, but held in common. The public comprises that dimension of human activity which is regarded as requiring governmental or social regulation or intervention or at least common action [...]. (Parsons 1995: 3)

If asking what is public means asking to what extent the government should get involved, then we are back at the starting point. Inquiry into the public dimension of the need for individual autonomous communication is important because community interpreting requires institutionalization in order to best serve the public. Regulation, state action, and public scrutiny are the objective.

As Vazquez and Delaplace (2011:35) observe:

There may be issues that belong to the public sphere that are not necessarily part of the public agenda. The public sphere is one of social dialogue with multiple discursive nodes: the media, public plazas, collective interest, etc. However, there may be issues discussed in the public sphere that are not necessarily part of the government agenda. For an issue to become a public problem, it must be put on the public agenda and taken up by government offices so that it can motivate the analysis of public policy and jumpstart the public policy cycle.

I aim, through my research and analysis, to develop a better understanding of how the generation of collective interest in the issue of autonomous communication works to push it onto the institutional agenda. Generating collective interest is a good strategy for groups to pursue in order to advance their goals. If many can be sensitized to an issue and some level of consensus can be achieved, groups are more likely to reach their goals through the democratic apparatus. In the political game, then, the objective is to convince many that such goals are desirable, for themselves as individuals, for the group, or for deserving others in their community. (I will give fuller consideration to concepts of deservedness toward the end of this chapter).

Analytical Tool # 2

When I explore the public dimension of the individual need for autonomous communication I will consider the question from each of the angles identified here: the desire of the majority, the welfare of the community, and the dignity of individuals.

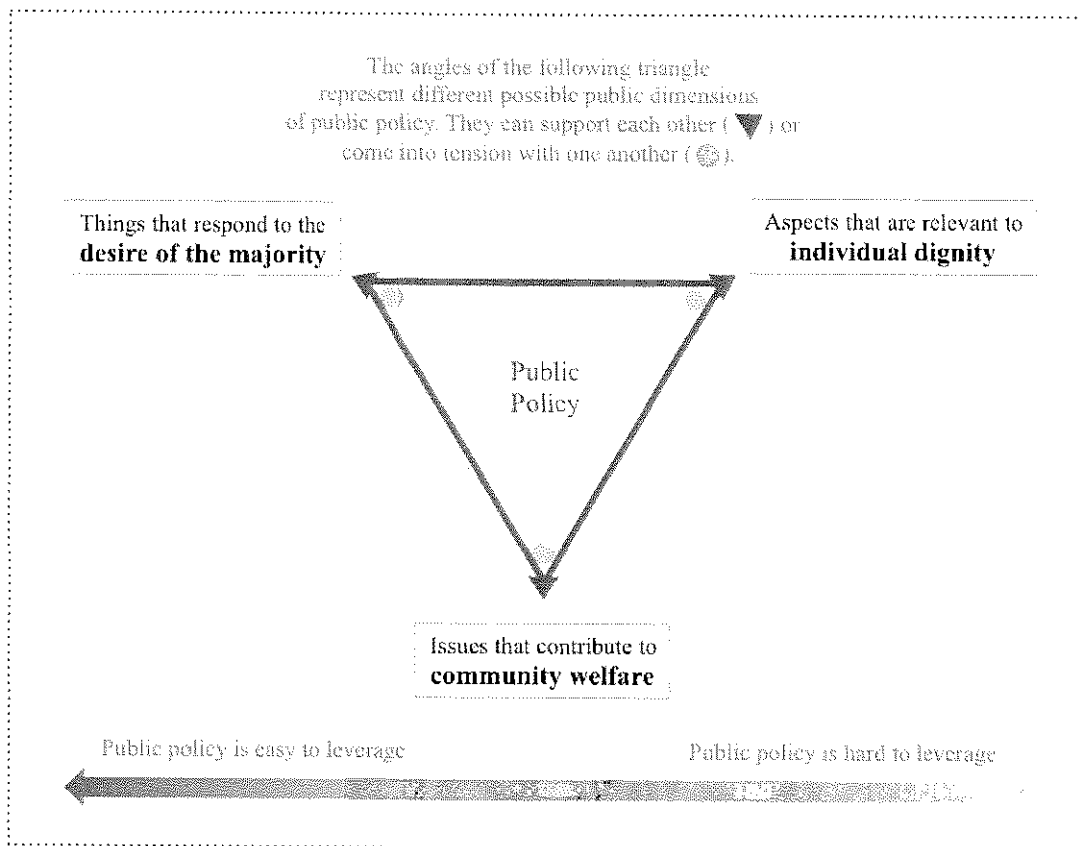


Figure 2.2: The public dimensions of public policy.

Some public dimensions of social life are more readily addressed by public policy than others. When there is broad public consensus, public policy is easy to leverage, and that, logically, happens more directly when the benefits are ready to be consumed by many. It also happens more readily when more than one dimension of public interest converges in a particular policy initiative. If an initiative that is relevant to the individual dignity of members of society is perceived to also contribute to the welfare of the community, rallying the majority to support such an initiative should be straightforward. But policy issues rarely align so neatly. I will pay particular attention to the synergism between the three components of collective interest in public policy generation and the ways in which these components can either dovetail to shape policy or generate tensions that impede policy formation. Specifically, I will analyze how these relations factor into the institutionalization of community interpreting.

The “Policy” in Public Policy

A first observation about the concept of “policy” is that it is not to be understood as a set entity that can be separated from surrounding processes. Hill makes the following illustrative commentary:

We suggest here that there is a *recursive* relation between policy and action, with “policy” itself representing an essentially dynamic set of constructions of the situation. In this case, we argue that it is a mistake to conceive of policy analysis as the study of identifiable things called policies which are produced, or crystallise, at a particular stage in the decision process. (Hill 1993: 9)

Birkland defines policy as "a statement by government of what it intends to do or not to do, such as a law, regulation, ruling, decision or order, or a combination of these." (Birkland 2005: 139). In its tangible character, a statement by the government seems to be rather identifiable, and thus, Birkland's definition may seem to fall short on Hill's commentary. However, the definition clarifies that "the lack of such statements may also be an implicit statement of policy" With this broadening of the definition, policy becomes, along the lines of Hill's interpretation, much more of a moving target.

Despite the inadequacy of thinking of policy as a set entity, there are different ways of classifying policy. In 1964 Theodore Lowi differentiated between three types of policies that he considered to be distinct and mutually exclusive: distributive policies, regulatory policies, and redistribution policies. The typology established by James Anderson (J. E. Anderson 1975, cited in Birkland 2005) is more relevant for my purposes here: procedural policies are different from substantive policies in that procedural policies establish the protocols by which government can act, whereas substantive policies actually provide goods and services.

Public Policy as a Discipline

In his attempt to establish a multidisciplinary science that would generate evidence-based, prescriptive policy knowledge, Lasswell (1968) developed a model of the policy process that consists of seven different stages: intelligence, promotion, prescription, invocation, application, termination, and appraisal. The accuracy of the particular stages Lasswell posited was soon contested by fellow policy scholars. However, the model itself—the policy cycle perspective—has proven to be a productive framework upon which public policy theory and analysis has evolved to this day is still based.

Originally, the policy process was conceived as a chronologically ordered set of stages, a linear progression of developments. This conception progressively evolved into a cyclical model that accounts for iterations, overlaps, and other intricacies between the different stages identified. Easton's input-output model was an important influence on this conceptual transition, contributing to further differentiating the policy process and what results from it (Easton 1965; Jann and Wegrich 2007). Easton (1965) established that different policies, or cycles of one policy, will impact society in ways that also affect future policies or future cycles of a policy. Also, the focus at the end of a cycle is not be limited to the reaction of the affected target group (the impact), rather it includes the effects on the incumbent social sector (the outcome). Thus, the understanding of the policy process has evolved from a linear, predictive model to a cyclical model in which collateral effects exceed the bounds of each constructed stage, and in which policy analysts generate increased understanding through interpreting the specific interactions of these effects.

By focusing attention on generic features of the process rather than on concrete actors, institutions, problems, or programs, the policy cycle underscores the relevance of policy analysis as a discipline (Jann and Wegrich 2007). Thus, the stages approach to policy has proven critical to the advancement of the discipline.

The policy cycles approach has also been critical to the systematization of the discipline. The policy-cycle as it is understood today constitutes an ideal-type model. Its simplified, clear-cut sequences are not meant as an accurate depiction of the real processes; in actual practice, the nominal stages tend to be tangled up, as most proponents and users of the policy cycle model will readily admit. But the stages of the cycle constitute helpful categories of analysis. In fact, over time the scholarly debates have developed around the different stages and have generated different avenues of research, with "more or less separate research communities following a distinct set of questions, analytical perspectives and methods" (Jann and Wegrich 2007: 45).

Currently, the stages of the policy cycle are commonly understood to differentiate between: (1) agenda-setting; (2) policy formulation; (3) decision making; (4) implementation; and (5) evaluation. These stages were crystalized toward the end of the 1970s and the beginning of the 1980s, primarily through the versions of the model proposed by Brewer and De Leon (1983), (Jenkins 1978), and J. E. Anderson (1975). Applying this ideal-type chronological rendering of the policy cycle to this study, it becomes apparent that the issue of cross-linguistic communication is, generally speaking, in its infancy. This shall become even

more apparent to the reader when I explicate my case study in Chapter Four. For now, it is enough to mention that the development of policy related to cross-linguistic and autonomous communication is in the earliest stages of development, to clarify why this study focuses on the first stage of the cycle: agenda-setting. Next I will delve into the concepts of agenda and agenda-setting and consider the factors that can influence this stage.

The Agenda

The metaphor of the agenda in institutional action was first introduced by Cohen in 1963 and the actual term “agenda-setting” was coined by McCombs and Shaw in 1972. Birkland defines the concept of agenda in public policy the following way:

An agenda is a collection of problems, understanding of causes, symbols, solutions, and other elements of public problems that come to the attention of members of the public and their governmental officials. An agenda may be as concrete as a list of bills that are before a legislature, but also includes a series of beliefs about the existence and magnitude of problems and how they should be addressed by government, the private sector, nonprofit organizations, or through joint action by some or all of these institutions. (Birkland 2007: 63)

In short, the agenda is made of elements that the public and/or the government itself have identified and chosen to attend to. Those elements are problems that face the public and are judged appropriate for institutional intervention. Some of those elements are inevitably prioritized over others. As time and resources are limited, only a limited number of issues can reach the institutional agenda and be prioritized over other issues and problems (Birkland 2007; Majone 2006). Prioritization is necessary to be able to know where to focus effort and resources. That is the reason why “the agenda” exists. Agenda-setting therefore consists of influencing the selection of social problems on which official action will be taken. The different actors in the policy process apply different strategies to shaping the agenda.

Conceptually, the agenda can be broken down further. Cobb and Elder (1983) identified two different basic types of political agenda: the systemic agenda vs. the institutional, governmental or formal agenda. There is general consensus among agenda-theorists that such a distinction between a formal agenda and a systemic agenda is helpful (McClain 1993). Such categorization evolved in subsequent decades into a four-fold categorization as represented in Figure 5.1 in Birkland (2007: 65). The different levels depicted represent the level of attention that a particular issue can attain. As in the case of the policy cycle, these four levels of attention are useful analytical constructs even if reality may

not always fit into such clear-cut categories or into the chronological order than can be inferred from this model. These categories, however, will be useful as analytical tools in Chapter Four.

The first level is the “agenda universe.” This category contains all ideas that could possibly be brought up and discussed in a society or a political system. When an element from the agenda universe gains public attention and is considered to legitimately be within the jurisdiction of the existing authorities, that element has then become part of the *systemic agenda*. The media generally plays a determinative role in whether or not an issue appears on the systemic agenda. (Hence, the importance, noted in the previous subsection, of enabling communication that adheres to democratic values in such a politically critical context). The boundary between the systemic agenda and the agenda universe, according to Birkland (2014: 172), represents the limit of “legitimate jurisdiction of existing governmental authority”. The *institutional agenda* consists of the list of issues that are actively being considered by authoritative decision-makers. The limited time and/or resources available to any institution or society means that the number of issues likely to reach the institutional agenda will always be limited. Finally, the *decision agenda* contains items that are about to be acted upon by a governmental body.

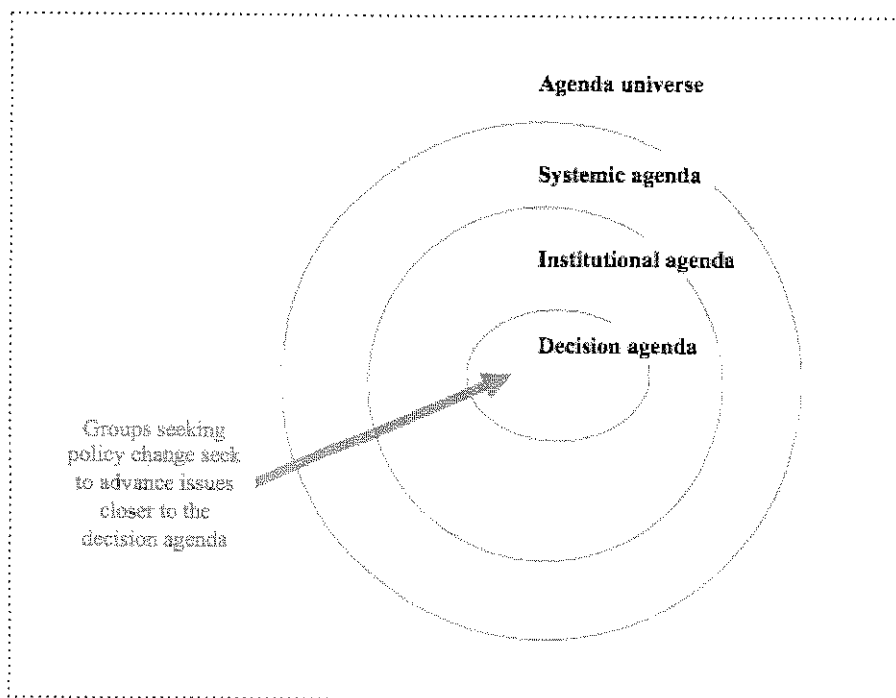


Figure 2.3. Levels of the agenda. Source: (Birkland 2007: 65). Inspired in Cobb and Elder (1983)

(Birkland 2007) notes that the transition from the institutional agenda to the decision agenda is where conflict may be the greatest. Interest groups that support the inclusion of the issue in the agenda will push for it to rise at each level. Those groups who have an interest in preventing the issue from reaching the executive level might be more likely to be active when it reach higher levels “because when a decision is reached at a particular level of government, it may trigger conflict that expands to another or higher level of government” (Birkland 2007: 65).

Some have argued that one limitation of this levels-of-agenda model is that, as it is based on a bottom-up paradigm, it does not account for agenda setting through other mechanisms that could occur inside or outside the government (Shoop 2009) . Problems do not always move their way up to the institutional agenda from the grass-roots level or from wide public support. For example, intergovernmental relations also have a strong impact on agenda-setting. Governments interact vertically (e.g., from the federal, to the provincial, to the municipal level), as well as horizontally (e.g., from one ministry to the other). These interactions can move issues from the agenda universe to the institutional agenda.

An alternative interpretation of the levels-of-agenda tool is possible, however. By focusing less on the idea that the circles represent a hierarchy it will become apparent that this tool usefully illuminates other aspects of agenda-setting: (1) an infinite number of social issues can be identified and strategically constructed to reach the decision agenda; (2) agenda-setting involves a selection process (that is, only some issues make it to the restrictive space of the decision agenda); and (3) before an issue makes it to the decision agenda, it undergoes several layers of scrutiny which may influence the representation of the issue and the solutions devised (that is, the way an issue is framed evolves as it travels through the different levels of the agenda).

Even though the levels-of-agenda model is a simplified analytical construct, it helps reflect the fact that agenda-setting is an inherently political process. Among all the possibly relevant policy problems, only a few obtain political attention. The “who gets what and how” question (Lasswell 1968) is very alive in agenda-setting. Actors apply conscious strategic decisions to effectively bring their issues to the center of the agenda. The way issues travel through the different levels of agenda is influenced by a variety of factors—only some of which have yet been rigorously studied (Majone 2006). Some of the more obvious factors that influence whether and how a policy problem makes it to the decision agenda, and that have received attention from public policy scholars are: the groups that get involved, the way

issues are presented, and the institutional venues chosen to bring up and debate the issues. I will consider these factors in my analysis in Chapter Four and use them to inform the discussion in Chapter Five. As Cobb and Elder (1983: 188) put it: “The content and dynamics of agenda building are necessarily a function of the larger social political and economic context in which this process is embedded. That context is constantly changing, creating new constraints and altering old ones”

Analytical Tool # 3

Figure 2.4 is based on Figure 2.3. It represents some additional factors that policy actors attempt to deploy in order to move their issues closer to the decision agenda. In this study I will show that venues, groups, and conceptualizations are all interconnected and mutually influential. The final three sections of this chapter will be devoted to discussing venues, groups, and the process of problem definition in more detail.

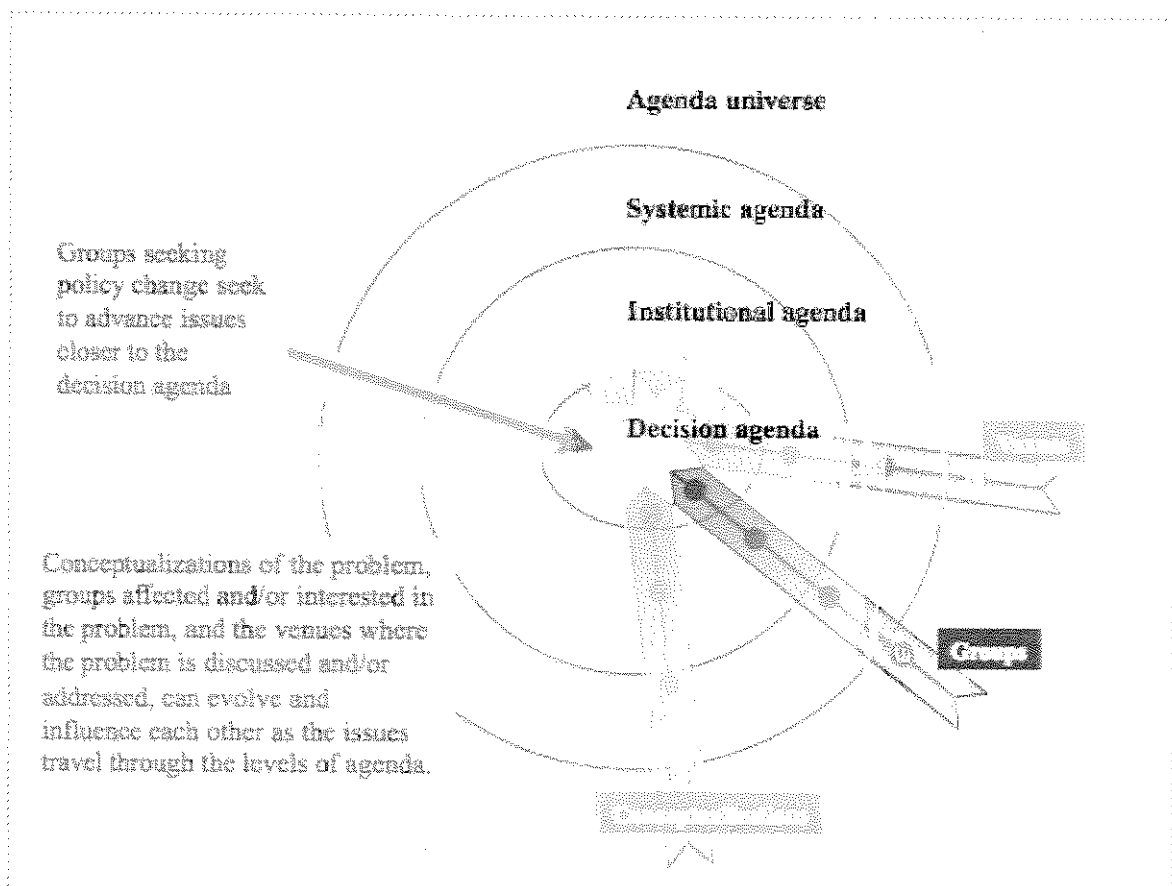


Figure 2.4. Agenda-setting as the result of intertwined multifaceted processes.

Venues and Agenda-Setting

Agendas are present at every level of government and in every community (Birkland 2007). The concept of *venue shopping* refers to the idea that actors strategically analyze their options; they ponder who to contact to position their issue; where to position the issue that concerns them; they strategically look for the most efficient location for public consideration of the institutional actions on issues that concern them. Baumgartner and Jones (1991) refer to these as “avenues of appeal”.

In her 2003 study about the internationalization of Canadian forest advocacy, Pralle concludes that, contrary to common assumptions in the literature, venue shopping can be just experimental, and does not always represent a strategically deliberate practice strategically calculated by advocacy groups. Another (related) finding from her study is that venues for policy action change as understandings of the nature of policy problems renew and develop (Pralle 2003)

This relationship between the policy problem itself and the venue where it (potentially can) receive attention will be the focus of attention in this study. As will become apparent in Chapter Four, I am indeed less interested in tentative or deliberate shopping by active stakeholders, and more interested in the *de facto* venues where community interpreting has in actuality become part of the agenda. That is, I am more interested in the concept of “venue” itself than in actors’ venue shopping actions. Birkland (2007) offers the following definition of a venue, which I will use as a reference point:

“A *venue* is a level of government or institution in which the group is likely to gain the most favorable hearing. We can think of venues in institutional terms—legislative, executive, or judicial—or in vertical terms—federal, state, local government. The news media are also a venue, and even within a branch of government, there are multiple venues” (Birkland 2007: 69)

Baumgartner and Jones (1993) pointed out that it is rarely the case that jurisdiction over a policy issue is predetermined and, therefore, venue choice is part of the agenda-setting process. Indeed, issues that are yet to receive public attention can be addressed by multiple levels of government. That is true both in the vertical and the horizontal sense pointed out by Pralle. A third dimension of venue type can be identified: a given issue can be assigned to many possible sectors. Often policy issues can be constructed to be trans-sectorial. Community interpreting is particularly trans-sectorial. Communication is ubiquitous to service provision and service provision is essential to basic rights. I will explore this and

other characteristics of the notion of venue as they relate to this study's subject matter in Chapters Four and Five.

Players and Agenda-Setting

In the traditional public policy analysis literature, the word "player" often indicates the rational choice school of thought. This is not a connotation that I intend here when I use this term. Rather, the term "players" is chosen as a more encompassing and suggestive term than either "actors" or "communities". It suggests individual actors, as well as the interaction ("play") among them, and the relationships and strategies that can be established throughout the public policy development process. Indeed, in the following pages, I will deal with both the identification of different types of actors and the examination of different kinds of connections that can be established among these actors. In this section, I will be focusing then on different categories of players (actors and groups and their agency) as well as on their relationships (networks and communities and the subsystems they form).

Away from a technocracy-centered approach that characterized public policy analysis in the early days of the discipline, the diversity of approaches to the study of groups and networks today bears witness to an ever increasing interest in dimensions of public policy processes that occur around institutions, outside of formal settings, and not exclusively within official structures of government. Several circumstances could explain this interest.

First, scholars have pointed at the increased decentralization and fragmentation of policy environments (Miller and Demir 2007). Many use the term *governance* to convey the understanding that the process of governing has changed; the role of non-governmental actors is increasingly prominent and the relation between state and society is conceived to be more mutually dependent and collaborative. This is directly related to the second circumstance: as a result of fragmentation, relationships that affect the policy process are increasingly complex. Multiple types of attentive actors can influence the process with varying kinds of involvement and from a variety of venues, thereby exerting different types of influence. Collective conceptualizations have been shown to be critical aspects of policy development, sometimes as driving forces and sometimes as deterrents, as I will discuss at the end of this section. Before I can explore collectivities and networks, however, I need to consider smaller social units who have agency: actors and groups.

Actors and Groups or the Concept of Agency

Categorizing the world in order to make sense of it is a common human tendency. Categorization is applied to events, objects, and concepts as well as to members of society. Individuals tend to categorize themselves and others into groups. In turn, policy processes, policies as such, and the politics that surround them. And so does, of course, the academic field of public policy analysis. Here I will briefly review some of the categories that have become standard vocabulary in policy analysis—*actors*, *interest groups*, and *target groups*—before addressing analytical approaches to collective action. Thus I will review and distinguish between actors versus non-actors and interest groups versus other groups.

Any member of society can get involved in a policy process. However, even in the healthiest democracies only a portion of their population engage in a given public policy development. Groups or individuals who do involve themselves fall into the category of actors in the policy process and they come from a variety of backgrounds. These actors include: traditional governmental institutions in charge of designing, implementing, and evaluating the policy; members of society who are (potentially) affected by a policy; representatives of corporations or businesses with vested economic interests in policy; advocates for issues that are unpopular but believed to be important for the common good; etc.

Interest groups designate organized groupings of policy actors who have similar interests in the development of a policy and who pursue a shared goal. Birkland's definition of an interest group is "a collection of people or organizations that unite to advance their desired political and policy outcomes in politics and society" (Birkland 2005, 81). Young makes a useful differentiation between interest groups and other types of social groups:

Social groups usually share some interests, but shared interests are not sufficient to constitute a social group. A social group is a collective of people who have affinity with one another because of a set of practices or a way of life; they differentiate themselves from or are differentiated by at least one other group according to these cultural forms. (Young 2011, 186)

Often, social groups become interest groups when they detect a policy as affecting their collectivity particularly, but the two categories—interest groups and social groups—do not necessarily overlap. Understanding problems or goals as shared is more straightforward when a given social group is identified as being affected, but that does not preclude the possibility for groups to come together as a result of perceiving a shared problem.

In fact, Stone (2012) points out that oftentimes interests remain abstract until people come together to advocate for them. This points toward the power and importance of mobilization. In the same vein, Galson (2008: 549) highlights the need for group action in the polis: "In polities larger than face-to-face communities, interests must be organized to be effective. And once organized, groups in the aggregate achieve a certain density in the relevant political space"

Activists can play an important role in showing interested parties how policy issues affect them and instigating group action. But institutions and public policies themselves also shape the formation of interest groups. People can self-identify as belonging to a certain social group based on how institutions define such groups; also, new policies generate new needs or claims and hence the rising of new interest groups. This is in alignment with Easton's understanding of the ongoing input and output cycles of policy processes referred to above. Below I will discuss these ideas further.

Studying interest groups involves recognizing the fragmented character of policy-making. Whereas it might not always be the case in practice, policy conflicts are often presented as a battlefield, where two or more groups fight for competing interests (Stone 2012). In the North America of the 1950s and 1960s, under the model of "pluralism," the idea that various interest groups compete for governmental resources and press for policy concessions was considered to be a guarantee of effective and democratic public policies.

The assumption that underlies the pluralism model is that, through interest group pressure citizens' preferences are transferred from society to the state, a process intrinsic to the smooth functioning of a democratic society. The presence of a variety of lobbying groups is expected to create a balancing effect: divergent interests necessitate negotiation and compromise. This understanding of policy formation and democracy is labeled the "pluralist view." The effectiveness of this view has been critiqued for failing to address the inequalities that impact the interest group formation process itself. The privileged position of businesses, the political power of elites, and the existence of important policy areas that never even make it to the agenda are some further critiques of the pluralist approach (Immergut 2008).

Today, the term "interest group" is used widely, yet carries connotations different from those attributed to it by the pluralist view. The emergence of interest groups that defend the rights of oppressed groups in the 1960s has probably helped promote an understanding of the ability to influence policy as being within the reach of groups other than traditionally

influential elites. Galson (2008: 550) reminds us that “starting with the civil rights movement, citizens’ organizations have sprung up to advocate policies affecting racial and ethnic minorities, women, consumers, individuals with disabilities, gays and lesbians, the environment, and a host of other groups and causes” In that list and in the sense in which I use the term in this study, there are few connotations other than that of an aggregate of individuals who have a vested interest in influencing the way a policy is or is not developed and implemented.

Networks and Communities or the Concepts of Subsystems

The previous subsection deals with classifications and this one deals with relations. I have just reviewed different types of groups and types of actors. I will now look into types of relations among groups and actors. The study of such relations is important to understanding the policy process because, as Laws and Hajer make clear, policy is made by many:

No single actor, public or private, can have all the knowledge and information needed; no actor has sufficient overview to make the application of instruments effective; and no single actor has sufficient action potential to dominate a particular governing model. (2008: 413)

Groups of active players, both inside and outside of official governmental institutions, are central to the policy process and have been the object of academic inquiry since the early days of the discipline of public policy analysis. Today, an emphasis on the interconnections between society and governmental institutions brings horizontality into focus, setting aside the exclusively hierarchical and top-down approach of the traditional political configurations and directing attention away from formal institutional structures. It is understood that public policy emerges through the interaction of government and non-governmental actors and that their formal and informal linkages are therefore on the spotlight. Scholars in public policy analysis have shown interest in developing knowledge for systematic theory building that can nonetheless grasp the dynamic, complex, and diverse character of governance and governing.

As a result of such interest and the diversity of phenomena that surround the policy process, the abundant literature on the topic has given rise to several terms and concepts to describe policy-relevant social interconnections. They serve as tools to analyze collaborative and/or competitive relations in policy-making and their effects on outputs and outcomes. They also sometimes refer to somewhat overlapping categories and can be interpreted as semi-synonyms (Rhodes 2008; Miller and Demir 2007) and even generate contradictory uses of the same terms (Howlett and Ramesh 2003). This has led some scholars to criticize the

tendency of the literature to focus too much on developing unfruitful typologies (Miller and Demir 2007: 140). In order to be able to analyze my case study, I am less interested in reviewing the myriad interpretations and uses of terms such as *policy subsystems*, *networks*, *coalitions*, *policy communities*, than in extracting from the literature insightful propositions on how actors behave and influence the policy process.

I will begin with the concept of policy subsystems. Since it is a category that often overarches other notions that I will address shortly, and in order to follow a general-to-specific progression, I will cover it first. Policy subsystems delineate a certain policy “field.” It is often marked by the territorial scope of a policy topic, but not always and definitely not only (some subsystems span across jurisdictions, for example). The issues at stake, as well as the actors that are involved, are also elements that define any given subsystem.

Which actors are integrated and which are not is a useful criteria for demarcating a subsystem. Limitations in time and resources—to which all actors are subjected—naturally exclude groups with interests in the policy process, including those which are directly affected by policy design and its outputs and outcomes. A subsystem is made of actors that are deliberately attempting to influence subsystem affairs and have the resources to insert themselves into; they are engaged in the policy process. These integrated actors can include each and every type covered above: politicians and bureaucrats from any level of government, members of the private sector, representatives of nonprofit organizations, scholars, journalists, consultants, and even members of the judiciary (Jenkins-Smith et al. 2014)

Policy subsystems are one of the core units of analysis of the Advocacy Coalition Framework (ACF; see (Jenkins-Smith et al. 2014)). According to this framework of analysis (developed since the 1980s), common core beliefs bring actors together into coalitions. Success in putting forward the policy they seek depends on many factors, including those that are predictable, such as sociocultural elements that form stable parameters, and those that are less predictable, such as changes in the socioeconomic or technological panorama. The ACF stresses the importance of the multiple components in policy subsystems.

Components (with and without agency) interact to produce outputs and outcomes. The policy subsystem can be considered a figurative space where debate over policy issues takes place. Relevant actors and groups persuade each other and bargain in search for their interests (Howlett and Ramesh 2003). As figurative spaces, subsystems are “semi-

independent but overlap with other subsystems and are nested within yet other subsystems” (H Jenkins-Smith et al. 2014: 190).

In Howlett and Ramesh’s interpretation, not all actors in a subsystem engage with the same level of intensity. The actors who participate more often and more directly in the policy process belong to “(interest) networks,” while those who participate to a lesser degree are part of “(discourse) communities” (Howlett and Ramesh 2003: 54). Howlett and Ramesh are not the only ones to note the existence of a spectrum throughout which to classify types of participation and interconnectedness among actors, and particularly, the degree of integration among member of a given group in a subsystem. Heelo (1978) -cited by Howlett and Ramesh (2003)- and Rhodes (1997a) -cited by Miller and Demir (2007) and Rhodes (2008)-, Atkinson and Coleman (1992) and Barche -both cited in Miller and Demir (2007)- have pointed at the need to differentiate under very similar criteria, although they used different terms to refer to very close concepts.

I have chosen to use the terms *interest networks* and *discourse communities* as tools for my analysis. However, in what comes next I will draw from different scholarly contributions to explore the concepts of *policy networks* and *policy communities*.

“Policy networks” is allegedly “one of the major analytical concepts in the field of public policy,” although it is much more frequently used by European analysts than scholars from other continents (Raab and Kenis 2006: 187). What is common to the hundreds of policy network studies that have been published since the concept was first examined almost two decades ago, is a focus on the relationship between actors and their interests as an explanatory factor of policy making. But some authors describe these relationships as highly integrated, whereas others use the term to refer to looser sets of relationships.

Whatever the degree of interconnectedness among components of the network, Raab and Kenis (2006) and Rhodes (2008) concur in pointing out varying uses of the concept in their review of the literature on policy networks. Raab and Kenis identify a first interpretation of networks as an analytical or theoretical tool, a second interpretation according to which networks are social structures, and a third one in which networks refer to a form of governance. Rhodes, on his part, distinguishes between descriptive, theoretical, and instrumental approaches to policy networks. Of these different uses, I am more interested in those that allow us to identify nodes of action than in those that look for predictability and causal relations in chains of events. In other words, the descriptive and the instrumental

approaches to policy networks bear more interest for me than the theoretical and analytical ones.

Specific structural features of policy networks include: informal communicative relations, mainly horizontal (and not hierarchical) relations, and decentralization in actor's positions. A network is an emergent organizational entity; it is an entity in itself, with the shape of a discrete form of governance: it is more than the sum of the actors and their links.

Exploring the concept of "policy communities" also requires the disclaimer that it is no exception in the terminologically inconsistent situation described above. Interchangeable uses of the terms *communities* and *networks* can be found across the literature. And yet, a conceptual distinction is helpful in distinguishing the motivations of actors. Some are guided by their expertise and knowledge on the policy topic, whereas other are guided by material interests (Howlett and Ramesh 2003: 153).

Brooks (1994) points out that in the policy communities concept, there is great stress placed on ideas and those who communicate them. Miller and Demir (2007) briefly mention an interpretation of policy communities as related to shared knowledge. Even if the use of communities versus networks is inconsistent, Howlett and Rameshes' proposition of distinguishing between the ideas and knowledge as the binding point of communities and the instrumental character of networks appears to me to be a valid and, most importantly, to be a helpful categorization within the overarching concept of subsystems. Howlett and Ramesh (2003: 153) reference the work of Rein and Schön (1996), Dudley and Richardson (1999) and others, to remind their readers that a number of scholars have conceptualized communities as "coexisting in a 'nested' fashion in the sense that interest driven policy networks exist as a subset of the membership of idea-driven policy communities". According to Howlett and Ramesh, for analytical purposes, it is worth making the distinction between material interest-driven actors and the relationships they generate within a subsystem as opposed to knowledge-driven actors (*ibid.*).

Often, the concept of epistemic communities strongly resembles that of Howlett and Ramesh's discourse communities. Epistemic communities designate communities that have a shared knowledge-based goal. Members of an epistemic community share a common understanding of a specific topic that brings them together in an effort to solve identified problems. Howlett and Ramesh note the existence of this concept particularly in the field of international relations. In this field, epistemic communities consist of professionals who

share beliefs and values that inform their social actions, shared causal beliefs derived from their analysis of practices, and a common policy enterprise for which their professional expertise is key to enhancing human welfare as they perceive it. These are all characteristics that define a policy community as Howlett and Ramesh understand it, but in this interpretation it is exclusive to professionals and that's why "to avoid confusion, we use the 'discourse community' [...] to refer to both 'epistemic' and other types of policy communities" (Howlett and Ramesh 2003: 160).

This is in line with the idea that "policy communities are based on common understandings of problems within a particular policy domain" (Miller and Demir 2007: 141). Miller and Demir mention this as a characteristic often attributed to policy communities and then highlight the fact that

in the process of interaction, participants in a policy community are engaged in a process of meaning construction, and thereby they reinforce one another's sense of importance of the set of issues under question. This meaning construction process might lead to articulation of political demands in ways that can be acted upon. (Miller and Demir 2007: 142)

To conclude this subsection, it is worth pointing out that in typical theory-bound policy analysis approaches the study of subsystems has a goal of contributing to the explanation of how policy is made. In the current study, I am interested in subsystems (and the components I have explored here) as a conceptual tool that can help describe the existing process of institutionalization and identify new steps toward the desired level of institutionalization. Theory building around subsystems is far from my goal. I am interested in questions such as: "What subsystems are, or could potentially be, in place for an effective public policy on cross-linguistic communication? What kinds of subsystems can be identified, and what is necessary for successful policy development? In other words, how can the concept of subsystems enhance our understanding and contribute to a successful agenda-setting for issues of cross-linguistic communication? Although agenda-setting is not their focus of attention, Howlett and Ramesh (2003: 150) themselves clearly highlight the role of policy subsystems in the process of agenda-setting.

Which policy option on the institutional agenda will be considered seriously for adoption, and the types of solutions or options considered to be feasible for resolving policy problems, is largely a function of the nature and motivation of the key actors situated in the policy subsystems (Hessing, Howlett, and Summerville 2011: 121). For this reason I will be

paying particular attention to the configurations of subsystems, networks, and communities when get to the analysis.

Social Constructions or the Concept of Leverage

Emerging along with the emphasis on social construction processes is the observation that "policy creates politics, not just the other way around" (Schneider, Ingram, and DeLeon 2014: 106). The notion that policy shapes subsequent politics and policy processes can be traced back as far as Theodore Lowi that the ways in which policies distribute benefits and burdens affect—or "feed forward" into—distinct patterns of conflict and cooperation in different political arenas. Since then different schools of thought have evolved in the same direction

It is understood today that not only individual self-interest—considered by rational choice theorists as the exclusive motivation that informs individuals' actions—but also collective frames, experiences, and understandings are responsible for the shape that future policies can take. Schneider, Ingram, and DeLeon (2014) argue that policies shape institutions instrumentally (resources) and symbolically (creating meaning and generating interpretations). Past designs influence future designs because they generate culture (social constructions shared by many). Target populations, institutions, and policy dynamics are all affected by past designs and in turn affect future designs. That's how policy shapes politics.

One important way in which policy affects politics is through its impact on social and interest groups. Policy design affects individual's political participation and orientations. It also has been shown that the way policies are designed can "inhibit or encourage the mobilization of grassroots organizations" (Schneider, Ingram, and DeLeon 2014: 120). One example is offered by Bundy (1994), who shows that favorable social constructions of breast cancer victims positively impacts their capacity as a group to mobilize (as compared to victims of HIV/AIDS). Hajer (2003: 89) makes a different but related point: "Intended policy interventions make people aware of what they feel attached to, thus influencing people's sense of collective identity, i.e., the awareness of what unites them and what separates them from others." Thus, political communities can emerge from the realization by its constituting members that certain policy measures affect them in similar ways; policy discourse is then constitutive of political identities (Hajer 2003). Ingram and Schneider (1995) have concluded that public policy, by creating distinctive clusters, can either reinforce existing constructions or, to the contrary, instigate transformations in the social constructions of groups and identities.

An aspect of Schneider and Ingram's approach that is particularly worth highlighting for this study is the idea that social constructions have an impact on target populations attitudes and political participation. That is, they have an impact on the *agency* of target populations within the mechanisms of democracy. Whether target populations become actors and get involved in *policy subsystems* that influence the development of policy is partly dependent on the effects of previous policies.

Schneider, Ingram, and DeLeon (2014: 116) also note that "these effects occur through structuring of opportunities that shape life experiences and subtle messages about how government works and how [target populations] are likely to be treated" Subtle messages could be overt or covert, accidental or instrumental; they could be sent and received in total awareness or in subconscious ways. They do explain, however, how and why certain groups maintain an advantaged or disadvantaged position in the distribution of policy resources. Schneider and Ingram started developing such explanations in 1993 under what is called today the Social Construction Framework (SCF).

The general thesis of the SCF touches on a variety of interrelated effects. I have alluded so far to the formation or creation of interest groups. A different and equally interesting aspect of SCF, for the purposes of this study, is the perception of those groups by society at large and the implications for policy formation.

Policy designs shape social constructions of groups, not only for the groups themselves, but also for the general public and for institutions. Both the instrumental effects and the symbolic effects of policy are important in shaping social constructions. These constructions have a "feed-forward" effect: they affect both (target) groups and the societal context for future policy. Indeed, "policy designs structure the subsequent opportunities for participation, allocate material resources and send messages that shape the political orientations and participations patterns of the target group as well as other members of the public" (Schneider, Ingram, and deLeon 2014:109).

Cobb and Elder (1983, 92) offer the following example of power inequalities related to perception to illustrate the idea that access to decision-makers is a function of the relative legitimacy of the group: "[A] proposal advanced by a group of businessmen to improve traffic flows into the downtown business area is more likely to receive the attention of decision-makers than a counterproposal by ghetto residents to develop more extensive and effective mass transit systems" Conditions that affect marginalized populations are less likely

to be recognized as problems meriting attention and resources than the conditions or interests that affect powerful and influential populations. Such differentiation strongly affects radicalized populations:

Today there is almost no debate that racial and ethnic minorities have less positive social constructions than whites and that racial discrimination is still deeply embedded in public policy (Hilal 2014). Affirmative action policies are the direct outgrowth of these centuries-old biases but are widely contested. Although there is seldom any complaints about university admission policies that grant special access to athletes, musicians, legacies, and children of major donors, policies intended to bring nonwhites to a parity position are challenged in the course and, in some cases, overturned by popular vote, as in Michigan.” (Schneider, Ingram, Deleon 2014: 114)

To reflect such differences and facilitate the analysis of their impact, the SCF offers a fourfold typology of groups according to the degree of perceived political power and the degree of perceived deservedness attributed by hypothetical members of society and/or the government. Such typology can be distributed over a matrix, as illustrated in Figure 2.5:

(a) The **advantaged** group is typically composed of small business owners, home owners, middle-class tax payers. They are likely to receive benefits and to be treated with respect. Policy designs that include these populations “generally include many forums of participation, where it is easy to lodge complaints (either personally or through appointed personnel or lawyers), and implementing agents can be held accountable” Although specific target groups are intended to benefit from such policies, the policies tend to be beneficial for policy makers as well, because these policies are often perceived as responding to “broad-based national interests”

(b) The group of **contenders** is typically composed of of firearms industries, big banks, insurance companies. They tend to have great political power, although they are typically perceived as selfish and morally suspect. They benefit from policy decisions but, unlike in the case of the advantaged, such decisions are not easily understood by the public. “No legislator wants to openly do good things for shady people” . These groups are, indeed, likely to be shamed in public discourse, but because of their great political power they are unlikely to experience any other negative consequences.

(c) Children, mothers, the homeless, victims of disasters, “and other categories of unfortunates” comprise the **dependents** group. They receive the sympathy of the public and, therefore, they are positively constructed. They lack political power, however. They tend to receive inadequate and limited benefits from public policy. They are perceived as “good

people” but less deserving than other good people, because their contribution to society is not as high as that of other groups (such as the advantaged). Though they enjoy great rhetorical advantages, they receive few actual benefits through policies.

(d) Finally, the group of **deviants** is typically understood as criminals, terrorists, illegal immigrants, drug dealers, welfare cheats, etc. They have no political power and are subjected to a negative social construction. As a result, they receive a disproportionate share of burdens. They are often blamed for many ills that could most appropriately be attributed to the general system. Policymakers gain political capital by punishing those that are constructed as deviants and therefore they are often subjected to the politics of punishment.

Analytical Tool # 4

Figure 2.5 represents the categorization of target groups based on social constructions that Schneider, Ingram, and DeLeon (2014). “The allocation of benefits to the **advantaged**, burdens to **deviants**, hidden benefits and empty burdens to **contenders**, and inadequate and demeaning help to **dependents** is a pattern found across many policy arenas”

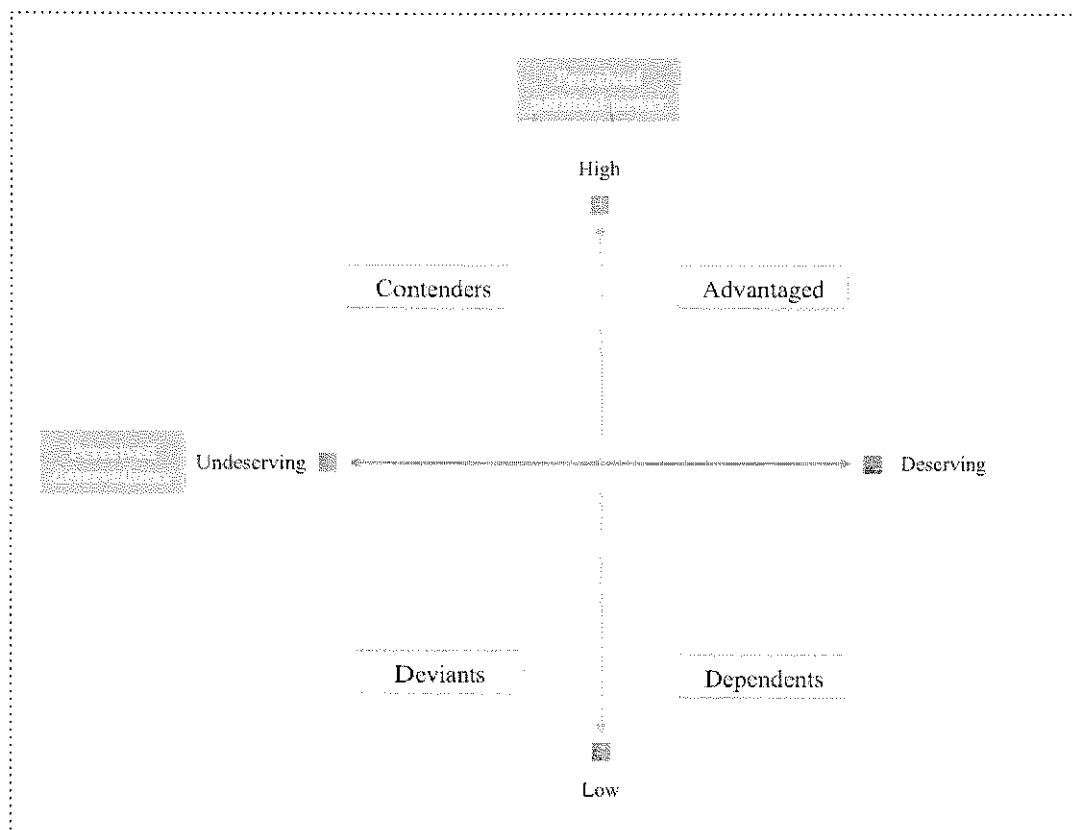


Figure 2.5. Social construction of target groups (based on Schneider et al. 2014).

This typology is a useful heuristic instrument that I will utilize for the discussion in Chapter Five. There are, however, a couple of caveats that need to be mentioned regarding this tool: (1) not all countries will correspond to this categorization and among those that correspond to it, not all will place groups in the same place and, as the authors note, each case should be empirically investigated to determine what would be closest to reality in different contexts; and (2) the lines that separate the categories in the matrix above are not sharp in reality and do not designate discrete social formations.

The SCF helps explain the reification of the advantaged and disadvantaged positions through policy design. Focusing on understanding this process of reification might imply that groups can only stagnate in their assigned categories. On the contrary, however, insight into the process of social categorization can be empowering for groups and help them step outside the established categories. An SCF-conscious policy design process can generate policies that feed-forward with equalizing effects (rather than further disequilibrating consequences). In the major SCF proponents' words: "In the course of creating categories of target groups and conferring social meaning on them, public policy can serve to diminish social inequality and divisiveness and encourage active citizenship" (Schneider, Ingram, DeLeon 2014: 132).

Public policy has the power to shift target groups' perceptions of their own entitlement as well as perceptions of different groups' deservedness in the population at large. As I will suggest in Chapter Five, strategic incorporation of such concepts in problem definition and policy design can help generate better leverage (cf. analytical tool # 2) to effectively reach the decision-agenda

Leverage is the term I use in this study to refer to the ability (or lack thereof) of groups which do not enjoy traditional social advantage and/or economic power to generate change in their own interests. In a well-functioning democratic system, the more people that align with a group's cause, the more leverage the group has. In the SCF matrix, the category with the most leverage is that of the "advantaged," although the contenders may be the most powerful economically and politically.

In the next section we will see that problem definition is a critical element of leverage that is both influential in the policy process and is, in turn, influenced by all the factors I have considered thus far.

Problem Definition and Agenda-Setting

Here, I shall start by noting that the terms “issue” and “problem” are used interchangeably in the literature to refer to the element that is to be brought to the center of the decision agenda. While I have chosen to use the term “issue” in this study, in order to respect the work of the scholars I cite, I will be using both terms in the next few paragraphs.

Public policy scholars identify problem definition as one of the factors that clearly impacts agenda-setting. Among the three factors that I have identified and described in this chapter, issue definition is probably the most tightly intertwined with the agenda-setting. This explains why the two concepts are often mentioned together as one step of the policy cycle (and in some cases they are even used interchangeably). Dery (2000) pointed out that expansive views of either or both of these concepts are frequent in the literature, blurring the boundaries between the two. However, in his study about the 1990s “tents movement” in Israel he showed that once an issue obtains the attention of the government, further, institutionally situated, stages of policy development can alter the definition of the problem, with the risk of bringing about unsatisfactory outcomes. Once an issue has been recognized as deserving government attention (agenda-setting), the next stages demand “a different kind of battle” because maintaining control over the way the problem is conceived and addressed is critical to the actual outcomes (problem definition, Dery 2000: 46). Thus it is clear that making a distinction between the concepts of agenda-setting and problem definition is important.

Dery’s study shows the conceptual usefulness of problem definition in shedding light on the policy process once an issue has reached the decision-making agenda, that is, at the end of (and even after) the agenda-setting journey. Problem definition, however, affects an issue’s entire journey through the agenda-setting process, beginning with the initial recognition that it is deserving of institutional attention. Kingdon, in his seminal work on agenda-setting and public policy, established a policy problem as the difference between a given condition and a preferred state of affairs (Kingdon 1995). A decade earlier, Cobb and Elder had defined an issue as “a conflict between two or more identifiable groups over procedural or substantive matters relating to the distribution of positions or resources” (Cobb and Elder 1983: 83). The difference between these two definitions is a prospective versus a conflictual approach. While Kingdon’s stresses the desire for a situation different from the

status quo, Cobb and Elder focus in their definition on the competition of actors for limited resources or with incompatible interests.

In Kingdon's approach, a belief that something should be done about a certain condition converts that condition into a problem. Some have argued that the existence of a solution gives rise to conceptualizing a condition as a problem (Cobb and Elder 1983: 177). Others warn against the variability of possible solutions to the same problem, while others posit the possibility that one solution might solve several problems (perhaps even serving the interests of ideologically opposed groups). Other proponents go further and claim that without a solution there is no problem. As Goodin, Rein, and Moran (2006: 26) put it, "If no solution can be envisaged, then for all practical purposes there simply is no problem" They compare agenda-setting to a process of transforming sheer puzzles into actionable problems. In a footnote to his comments about how a condition is turned into a policy problem, Kingdon clearly positions himself differently than Goodin et.al.:

In my usage, a condition is a problem when people want to change the condition, not necessarily when they actually have a solution. I would like to thank Herbert Jacob for calling to my attention some problems that stay prominent on agendas without solutions attached (e.g., crime in the streets). (Kingdon 1984: 115)

Among the above perspectives one aspect is clearly shared: the understanding that policy problems are socially constructed. Dery (2000: 40) notes that several scholars have pointed out that the main maxim of problem definition is that problems are not objective entities, they are conceptual tools; in other words, a problem is a construct rather than a given.

Some important implications follow from an understanding of problems as constructs rather than objective givens and can be summarized as follows:

(a) *The feasibility of solutions is a determinant of problem definition* (Dery 2000). In fact, policy analysis is defined as "creating and crafting problems *worth solving*" (Wildavsky 1979: 389, cited in Dery 2000, emphasis mine).

(b) Divergent interests can generate divergent definitions of problems and solutions (Cobb and Elder 1983: 177). Thus, it is not uncommon for actors with different interests or perspectives to have conflicting definitions of a particular problem and, consequently, advocate for different and possibly conflicting solutions.

(c) *Different depictions of an issue are possible even after agenda-setting has been attained.* “Even when an issue gains attention, groups must fight to ensure that their depiction of the issue remains in the forefront and that their preferred approaches to the problem are those that are most actively considered” (Birkland 2007: 63).

Ultimately, how an issue is defined has consequences for the success of agenda-setting and on the outcomes of the resultant policy: which groups align; how the issue is perceived by outsiders; what solutions end up being adopted. Whereas it might be true that identification of a solution can help construct the problem, it is also true that the process of problem definition and the competing interests that shape its definition as it proceeds toward the decision-making agenda often results in a solution different in kind or degree from that sought by those who originally posed the issue. This idea is alluded to by Dery and also present in the following statement by Vazquez and Delaplace (2012: 35): “The set of solutions will depend on how the problem is framed: there is no single solution to a given problem. The framing of the problem and the design of multiple solutions, together with the decision-making phase, are the most ‘political’ parts of the public policy cycle” This is why I will devote particular attention to problem definition in Chapters Four and Five, when I analyze and discuss my case study.

Concluding Remarks

From community interpreting as an activity and field of study to the specificity of agenda-setting within the field of public policy, in this chapter I have reviewed the concepts that are basic to this study: communication, globalization, identity, the public sphere and conceptions of entitlement. This has allowed me to establish a theoretical frame that encompasses the complexities that a public-policy informed approach to community interpreting entails. It has also helped generate a series of analytical tools that will help structure the analysis and discussion in Chapters Four and Five. With the support of graphic representations, these tools summarize concepts and processes that I comment on in my presentation and analysis of my case study. These tools are: (1) the central and complex positioning of communication in social life (Figure 2.1); (2) the *public* dimension of public policy (Figure 2.2); (3) agenda-setting resulting from intertwined multifaceted processes (Figure 2.4); and (4) the social construction of target groups (Figure 2.5).

To generate such tools I have sorted through academic contributions from different disciplines. Each of the concepts that I have adopted as tools for my own analysis are subjects of inquiry in their own right. There are many case studies by scholars which aim to advance and determine the validity of different theoretical propositions regarding the way notions like problem definition or policy communities, for example, influence policy outcomes and the way each of them functions and evolves within the wider context of the policy cycle. In this study, however, these concepts are *used* as analytical tools; it is not my goal to inquire about, validate, or develop theoretical constructs. Thus, of the propositions on each of these concepts developed over several decades in the study of public policy, I take the elements that best enable me to elucidate and inspire my study of the institutionalization of community interpreting.

I offer one last commentary to secure the framework on which this study is built on. I have considered both the micro and the macro levels in reviewing concepts of communication. Indeed, both are relevant in my research, as I study cross-linguistic interpersonal communication from a nontraditional perspective: my goal is to better understand how we can bring cross-linguistic interpersonal communication to the attention of the general public. My interest in this research is not in interpersonal communication from a

sociolinguistics or a translation and interpreting studies perspective. Rather, I will be looking into ways to introduce this topic into societal dialogues, that is, my focus is on how to use the lens of public policy analysis to make this topic an issue of public concern. Hence, I will focus on language as a barrier at the micro-level and language as a tool for social change at the macro level. My research is driven by the need for effective communication at the micro level and inspired by the power of effectively framed problems communicated at the macro level.

References

- Abu-Laban, Yasmeen, and Christina Gabriel. 2002. *Selling Diversity: Immigration, Multiculturalism, Employment Equity, and Globalization*. Peterborough, Ont.; Orchard Park, N.Y.: Broadview Press.
- Anderson, Benedict. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso.
- Anderson, James E. 1975. *Public Policy-Making*. New York: Holt, Praeger.
- Angelelli, Claudia V. 2000. "Interpretation as a Communicative Event: A Look through Hymes' Lenses." *Meta: Journal Des Traducteurs* 45 (December): 580.
- Atkinson, Michael M., and William D. Coleman. 1992. "Policy Networks, Policy Communities and the Problems of Governance." *Governance* 5(2): 154-80.
- Banting, Keith G. 2005. "The Multicultural Welfare State: International Experience and North American Narratives." *Social Policy and Administration* 39(2): 98-115.
- Baumgartner, F. R., and B. D. Jones. 1993. *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.
- Baumgartner, Frank R., and Bryan D. Jones. 1991. "Agenda Dynamics and Policy Subsystems." *The Journal of Politics* 53(04): 1044.
- Birkland, Thomas A. 2014. *An Introduction to the Policy Process: Theories, Concepts and Models of Public Policy Making*. Routledge.
- Birkland, Thomas A. 2005. *An Introduction to the Policy Process: Theories, Concepts and Models of Public Policy Making*. M.E. Sharpe.
- . 2007. "Agenda Setting in Public Policy." In *Handbook of Public Policy Analysis: Theory, Politics, and Methods*. Boca Raton: CRC Press.
- Blommaert, J., and J. Verschueren. 1998. "The Role of Language in European Nationalist Ideologies." In *Language Ideologies: Practice and Theory*, edited by B. Schieffelin, K. Woolard, and P. Kroskrity, 189-210. New York: Oxford University Press.
- Brewer, Gary, and Peter De Leon. 1983. *Foundations of Policy Analysis*. Homewood, Ill.: Dorsey Press.
- Bundy, Ruth Veiling. 1994. "Politics, Health Care Policy and Distributive Justice: The Ryan White Comprehensive AIDS Resources Emergency (CARE) ACT and the Breast and Cervical Cancer Mortality Act." Claremont Graduate University.
- Cherry, Colin. 1978. *On Human Communication: A Review, a Survey and a Criticism*. 3rd ed. Cambridge, Mass.: The MIT Press.

- Chríost, Diarmait Mac Giolla. 2007. "Globalisation and Transformation: Language Planning in New Contexts." In *Language, Power and Identity Politics*, edited by Máiréad Nic Craith, 21-42. Basingstoke: Palgrave Macmillan.
- Cobb, Roger William, and Charles D. Elder. 1983. *Participation in American Politics: The Dynamics of Agenda-Building*. Baltimore, Md.: Johns Hopkins University Press.
- Dahl, Robert A. 1989. *Democracy and Its Critics*. Yale University Press.
- Dance, Frank E. X., and Carl E. Larson. 1976. *The Functions of Human Communication : A Theoretical Approach*. New York: Holt, Rinehart and Winston.
- Dery, David. 2000. "Agenda Setting and Problem Definition." *Policy Studies* 21(1): 37-47.
- Dudley, Geoffrey, and Jeremy Richardson. 1999. "Competing Advocacy Coalitions and the Process of 'Frame Reflection': A Longitudinal Analysis of EU Steel Policy." *Journal of European Public Policy* 6(2): 225-48.
- Dye, Thomas R. 1992. *Understanding Public Policy*. Prentice Hall.
- Easton, David. 1965. *A Systems Analysis of Political Life*. New York; London: John Wiley.
- Fischer, Frank. 2003. *Reframing Public Policy : Discursive Politics and Deliberative Practices*. Oxford University Press.
- Galson, William A. 2008. "Political Feasibility: Interests and Power." In *The Oxford Handbook of Public Policy*, edited by Robert E. Goodin and Michael Moran, 13-18. Oxford University Press.
- García-Beyaert, Sofía. 2015. "The Role of the Community Interpreter." In *The Community Interpreter: An International Textbook*, edited by Marjory A. Bancroft, Sofía García-Beyaert, Katharine Allen, Giovanna Carriero-Contreras, and Denis Socarras-Estrada, 359-442. Columbia, Md.: Culture and Language Press.
- Gentile, Adolfo. 1997. "Community Interpreting or Not? Practices, Standards and Accreditation." In *The Critical Link: Interpreters in the Community*, edited by Silvana E Carr, Roda P. Roberts, Aideen Dufour, and Dini Steyn, 109-18. Amsterdam; Philadelphia: John Benjamins Publishing Company.
- Goodin, Robert, Martin Rein, and Michael Moran. 2008. "The Public and Its Policies." In *The Oxford Handbook of Public Policy*, edited by Robert E. Goodin and Michael Moran, 1-33. Oxford University Press.
- Hajer, Maarten. 2003. "Policy without Polity? Policy Analysis and the Institutional Void." *Policy Sciences* 36: 175-95.
- Hale, Sandra Beatriz. 2007. *Community Interpreting*. Hampshire: Palgrave Macmillan, 2007. Hampshire: Palgrave Macmillan.
- Hamelink, Cees J. 2014. "Communication Rights and The History of Ideas." In *Communication Rights and Social Justice: Historical Accounts of Transnational Mobilizations*, edited by Claudia Padovani and Andrew Calabrese, 17-28. Palgrave Macmillan.

- Heclo, Hugh. 1978. "Issue Networks and the Executive Establishment." In *The New American Political System*, edited by Anthony King, 87-107. Washington, D.C.: American Enterprise Institute.
- Hessing, Melody, Michael Howlett, and Tracy Summerville. 2011. *Canadian Natural Resource and Environmental Policy*, 2nd Ed.: Political Economy and Public Policy. Vol. 1. UBC Press.
- Hill, Michael. 1993. *Policy Process: A Reader*. Routledge.
- Hobsbawm, E. J. 2012. *Nations and Nationalism since 1780: Programme, Myth, Reality*. 12th ed. Cambridge University Press.
- Howlett, Michael, and M. Ramesh. 2003. *Studying Public Policy: Policy Cycles and Policy Subsystems*. Oxford University Press.
- Immergut, Ellen M. 2008. "Institutional Constraints on Policy." In *The Oxford Handbook of Public Policy*, edited by Robert E. Goodin and Michael Moran. Oxford University Press.
- Ingram, Helen, and Anne L. Schneider. 1995. "Social Construction." *American Political Science Review* 89 (June): 437-46.
- Iriye, Akira. 2002. *Global Community: The Role of International Organizations in the Making of the Contemporary World*. Berkeley: University of California Press.
- Jann, Werner, and Kai Wegrich. 2007. "Theories in the Policy Cycle." In *Handbook of Public Policy Analysis: Theory, Politics, and Methods*, edited by F. Fischer, Gerard J. Miller, and Mara Sidney, 43-62. CRC Press.
- Jenkins, W. 1978. *Policy Analysis: A Political and Organizational Perspective*. London: Martin Robertson.
- Jenkins-Smith, Hank C., Daniel Nohrstedt, Christopher M. Weible, and Paul A. Sabatier. 2014. "The Advocacy Coalition Framework: Foundations, Evolution, and Ongoing Research." In *Theories of the Policy Process*, edited by P.A. Sabatier and C. Weible, 3rd ed. Westview Press.
- Kingdon, John W. 1995. *Agendas, Alternatives, and Public Policies*. Harper Collins College.
- Klein, Rudolf, and Theodore Marmor. 2008. "Reflections on Policy Analysis: Putting It Together Again." In *The Oxford Handbook of Public Policy*, edited by Robert E. Goodin and Michael Moran. Oxford University Press.
- Lasswell, Harold Dwight. 1968. *Politics: Who Gets What, When, How: With Postscript (1958)*. World Publishing Co.
- Laws, David, and Maarten Hajer. 2008. "Policy in Practice." In *The Oxford Handbook of Public Policy*, edited by Robert E. Goodin and Michael Moran. Oxford University Press.

- Leeds-Hurwitz, Wendy. 2009. "Social Construction of Reality." In *Encyclopedia of Communication Theory*, edited by S Littlejohn and Karen Foss, 892-95. Los Angeles: Sage Publications.
- Majone, Giandomenico. 2006. "Agenda Setting." In *The Oxford Handbook of Public Policy*, edited by Robert E. Goodin and Michael Moran. Oxford University Press.
- McClain, Paula D. 1993. *Minority Group Influence: Agenda Setting, Formulation, and Public Policy*. Greenwood Press.
- McDermott, Virginia M. 2009. "Interpersonal Communication Theories." In *Encyclopedia of Communication Theory*, edited by S. Littlejohn and Karen Foss, 547-52. Thousand Oaks, Calif.: Sage Publications.
- Meylaerts, Reine. 2006. "Heterolingualism In/and Translation: How Legitimate Are the Other and His/Her Language? An Introduction." *Target* 18(1): 1-15.
- . 2011. "Translational Justice in a Multilingual World: An Overview of Translational Regimes." *Meta: Journal Des Traducteurs* 56(4): 743.
- Miller, Hugh T., and Tansu. Demir. 2007. "Policy Communities." *Public Administration and Public Policy* 125: 137.
- Padovani, Claudia, and Andrew Calabrese. 2014. *Communication Rights and Social Justice: Historical Accounts of Transnational Mobilizations*. Palgrave Macmillan.
- Parsons, D. W. 1995. *Public Policy: An Introduction to the Theory and Practice of Policy Analysis*. Edward Elgar.
- Philips, S. 1998. "Language Ideologies in Institutions of Power: A Commentary." In *Language Ideologies: Practice and Theory*, edited by B. Schieffelin, K. Woolard, and P. Kroskrity, 211-22. New York: Oxford University Press.
- Pöchhacker, Franz. 1999. "'Getting Organized': The Evolution of Community Interpreting." *Interpreting* 4(1). John Benjamins Publishing Company: 125-40.
- Pralle, Sarah B. 2003. "Venue Shopping, Political Strategy, and Policy Change: The Internationalization of Canadian Forest Advocacy." *Journal of Public Policy* 23(3). Cambridge University Press: 233-60.
- Raab, Jorg, and Patrick Kenis. 2006. "Taking Stock of Policy Networks: Do They Matter?" In *Handbook of Public Policy Analysis: Theory, Politics, and Methods*. CRC Press.
- Rein, Martin, and Donald Schön. 1996. "Frame-Critical Policy Analysis and Frame-Reflective Policy Practice." *Knowledge and Policy* 9(1): 85-104.
- Rhodes, R.A.W. 1997. "It's the Mix That Matters: From Marketisation to Diplomacy." *Australian Journal of Public Administration* 56: 40-53.
- . 2008. "Policy Network Analysis." In *The Oxford Handbook of Public Policy*, edited by Robert E. Goodin and Michael Moran. Oxford University Press.
- Roberts, Roda P. 1997. "Community Interpreting Today and Tomorrow." In *The Critical Link: Interpreters in the Community*, edited by Silvana E. Carr, Roda P. Roberts,

- Aideen Dufour, and Dini Steyn, 7-28. Amsterdam/Philadelphia: John Benjamins Publishing Company.
- Samovar, Larry, Richard Porter, Edwin McDaniel, and Carolyn Roy. 2012. *Communication Between Cultures*. Cengage Learning.
- Sanders, Ella Frances. 2013. "11 Untranslatable Words From Other Cultures — Maptia Blog." <http://blog.maptia.com/posts/untranslatable-words-from-other-cultures>.
- Schneider, Anne, Helen Ingram, and Peter DeLeon. 2014. "Democratic Policy Design: Social Construction of Targe Populations." In *Theories of the Policy Process*, edited by P.A. Sabatier and C. Weible, 3rd ed. Westview Press.
- Shackman, J. 1984. *The Right to Be Understood: A Handbook on Working With, Employing and Training Community Interpreters*. Cambridge: National Extension College.
- Shoop, Diane E. 2009. "Problem Definition and Agenda Setting Among Pennsylvania's Municipal Governments: Sex Offender Residency Restriction Ordinances." Pennsylvania State University.
- Steger, Manfred. 2013. *Globalization: A Very Short Introduction*. Oxford University Press.
- Stephens, John. 1979. *The Transformation from Capitalism to Socialism*. Urbana: University of Illinois Press.
- Stiglitz, Joseph E. 2007. *Making Globalization Work*. W. W. Norton.
- Stone, Deborah. 2012. *Policy Paradox: The Art of Political Decision Making*. W.W. Norton and Company.
- Vargas-Urpi, Mireia. 2011. "The Interdisciplinary Approach in Community Interpreting Research." *New Voices* 7: 47-65.
- . 2012. "State of the Art in Community Interpreting Research: Mapping the Main Research Topics." *Babel: Revue Internationale de La traduction/International Journal of Translation* 58(1): 50-72.
- Vazquez, Daniel, and Domitille Delaplace. 2011. "Public Policies From A Human Rights Perspective: A Developing Field." *Sur—International Journal of Human Rights* 8(14): 33-61.
- Wadensjö, Cecilia. 1998. *Interpreting as Interaction*. Longman.
- Wilensky, Harold L. 1974. *The Welfare State and Equality: Structural and Ideological Roots of Public Expenditures*. University of California Press.
- Yoshino, Kenji. 2015. "Uncovering Authentic Leadership." *The Clayman Institute for Gender Research*, Stanford University. Accessed November 25. <http://gender.stanford.edu/uncovering-authentic-leadership>.
- . 2007. *Covering: The Hidden Assault on Our Civil Rights*. Random House.
- Young, Iris Marion. 2011. *Justice and the Politics of Difference*. Princeton University

CHAPTER THREE

... METHODOLOGY ...

The chapters that precede this one have positioned this study at the intersection of two clearly defined but fairly young disciplines: public policy analysis and translation and interpreting studies. At the crossroads of these two disciplines lies communication. The overarching goal of this study is generating information and arguments that are policy-relevant in addressing language barriers as they interfere with people's wellbeing and rights. Borrowing Fischer's terms, the analysis for this study should allow us "to produce and transform policy-relevant information that may be utilized in political settings to resolve policy problems," (Fischer 2003: 1), which is, according to this author, the goal of policy analysis as an applied social science.

This chapter exposes the methodological approach that I have followed to conduct this study. To produce policy relevant information for the institutionalization of community interpreting, I chose to conduct qualitative research. I identified Ontario as a significant case with a clear potential to provide rich insights: Ontario has both shown pioneering steps for the effective institutionalization of community interpreting and clear and numerous gaps. These and other reasons why I chose this particular case for study will be explained in detail under the methods section. Before that, I will devote some pages to ontological and epistemological considerations under the section *The paradigm*. I will then establish a list of specific research goals that are pursued with the analysis. Finally, I will describe my research procedures in three different phases.

The Paradigm

If I were to attribute to my study an epistemological and ontological label, it would be fair to say that this investigation aligns with a postmodernist understanding of the social sciences and that social constructionism is quintessential to my analysis. A social constructionist understanding of the world is central to how I approach the contribution of knowledge. Interestingly, it is also central to the subject matter of this investigation. As I was able to explain in Chapter Two, I understand communication as an interaction process that involves the co-construction of meaning. I also understand communication to be a critical aspect of an individual's experience of the world around them. These are not only two main assumptions of social constructionist theories, they are also critical reasons why I believe it is important to bring the issue of the need for effective cross-linguistic communication to the public agenda.

A social constructionism perspective relates to communication and to the subject matter in this study in two different ways. Social constructionism can be interpreted as a way of studying social life by giving centrality to the role of communication (and its role in processes of co-construction). This is often the case in studies in the fields of education, sociology, psychology, or public policy. Communication is also a lens through which, whether we consciously chose to or not, we see and understand the world. In other fields, like linguistics, socio-linguistics and other subdisciplines of the communication sciences, social constructionism represents a way of looking at communication as a co-construction. In this case, communication is the subject of study itself.

As a researcher, my premises and assumptions are influenced by scholarly work from different fields, some of which I had the opportunity to expose in Chapter Two, while constructing the frame of analysis; and some others I will expose in Chapter Five. My premises are also, and foremost, influenced by my personal experience and values; an encompassing dimension that involves moral positions entangled in basic belief systems that Marsh and Furlong have called the "skin" of the researcher (2002). My upbringing as a member of a multicultural family with backgrounds in various multilingual regions of the world certainly explains my interest in this topic, and also influences the way I perceive and analyze it. Being exposed—and subjected—to the impact of language planning and language-related tensions in a variety of contexts from a young age has made me sensitive to complexities around language, identity, basic communication means, and aspects of solidarity and animosity around the topic of language. I am grateful for first-hand insights

resulting from it, and I am also aware that they influence my approach to this study. To be able to maintain some distance in my analysis, I have chosen a case for my empirical observation with which I held no personal connections until my first research stay started in 2011. I will explain the details of my case study selection in the next section.

The Methodological Approach

This study responds to what could be called an applied public policy studies approach. Unlike many academic public policy analysis investigations, this work does not depart from an existing policy to arrive at a generalizable theory on the policy process. It also does not evaluate an existing policy to inform the next phase of the policy cycle. Rather, I put to work existing conceptual tools and theories from the public policy analysis scholarly field, with the goal of contributing to social progresses on the social problem of language barriers when they prevent access to basic services. That is, I apply knowledge developed in the field of public policy to generate knowledge of societal application. The generalizable knowledge that this study aims to generate, then, is of wide scope in terms of transnational applicability, although its conceptual scope, is purposefully narrowly-focused on the topic of cross-linguistic communication and the institutionalization of community interpreting

The empirical observation on which this investigation draws its main analytical propositions, is centered in Ontario. Ontario constitutes a significant case for a number of reasons: it is the most demographically diverse province of a country that has endorsed official multiculturalism as a federal policy; it is an English speaking province with a minority of French speakers that have been granted special rights under the framework of Canadian bilingualism; and last but no least, the province was a pioneer in the 1980s with the development of a comprehensive Language Interpreting Services Program that was developed under the Ministry of Citizenship and Immigration. The relevance of the existence of this program in Ontario is not only its pioneering character showing sensitivity and awareness at the institutional level regarding both the importance of and the complexity in guaranteeing effective community interpreting services. The relevance lies also on the isolated character of this initiative despite its clear success: it is still alive and growing today. Yet, three decades after it was first implemented, several key informants reported during the exploratory phase of my fieldwork research that no actual policy regarding community interpreting or the communication needs of allophone members of society exists in Ontario.

Several different countries have shown interesting initiatives in the field of cross-linguistic communication, especially in the English-speaking world. Any of those regions were good candidates for case study focus. I chose Ontario after a tentative first research stay for a variety of reasons. The reputational multicultural aspect of the Ontarian society as well as its bilingualism policies were characteristics that I knew about before my first research stay. The level of maturity in the process of institutionalization of community interpreting is something I had the chance to understand better on-site throughout the course of two different research stays. During my first stay it was interesting to realize that advanced institutional initiatives had been in place since the 1980s for a specific target population, but that no actual policy had developed over time despite what could be expected to be encouraging circumstances. Reputational multiculturalism, official bilingualism, advanced institutional initiatives in place and the lack of an actual policy (that is, the lack of a fully fledged institutional approach to community interpreting), are all aspects of the situation of Ontario that make it a particularly relevant case for study.

Remarkable multiculturalism is probably the most directly relevant characteristic of the case I have chosen. Canada's allophone population has been growing in the last couple of decades (Ontario Ministry of Finance 2010). The number of people with a mother tongue that is not an official language neared 6.3 million in 2006, with more than 200 different languages reported to the Canadian Census that year (Edoo et al. 2010). Ontario is, within an already diverse nation, the most multicultural province of Canada: half of the new immigrants to the country settle in Ontario (Ontario Ministry of Citizenship Immigration and International Trade 2015). Between the 2001 and 2006 the number of Ontarians with no knowledge of either official language increased by nearly 34,000, and the number of people in the province who spoke a non-official language most often at home rose by nearly 275,000 (Cohl and Thomson 2008).

Other than the diversity coming from immigration trends, three other sources of diversity caught my attention. Around 310,000 Canadians can be considered profoundly deaf according to an estimate by the Canadian Association of the Deaf. Ontario also hosts diverse groups of aboriginal population. The 2011 census reported over 60 aboriginal languages in Canada (Statistics Canada 2015) and "the largest number of people with Aboriginal ancestry in Canada live in Ontario (242,495 of the over 1,172,785)" (Government of Canada 2014). Thirdly, in the context of this diverse picture involving a variety of languages, Canada has chosen to establish a national policy of official bilingualism while at the same time adopting

a policy of official multiculturalism. Canada's bilingualism is based on the idea of a tight relationship between language, identity and the state, both challenging the monolingual conception of the nation-state while at the same time maintaining a zealous approach to the exclusive privileged status of English and French, leaving no symbolic space for languages of communities that are equally central to Canadian DNA: aboriginal languages and the languages of immigrant members of society. These are circumstances that can provide rich loci of analysis regarding the approach to cross-linguistic communication in the public sphere.

Another aspect of Ontario that makes it a very significant case is the existence of a pioneering ministerial initiative to assist with cross-linguistic communication with a comprehensive approach and a commitment to quality for victims of gender-based violence. The Language and Interpreter Services Program, to which I alluded above is exemplary: from setting up pools of interpreters managed by agencies across the province, ensuring training opportunities and screening mechanisms, to educational materials to inform providers on how to work with interpreters, the Ontario Ministry of Citizenship and Immigration has shown a steady commitment with the ensuring communication needs of women who are victims of violence (domestic violence first, then expanded to sexual harassment and human trafficking).

The implementation of the program has been steady and successful across the region and across sectors. Services potentially involved in a case of domestic violence are varied: police, lawyers, healthcare services, shelters and other social services. What explains why this exemplary program has not been expanded to cover similar needs by members of society were not victims of gender violence? Given that basic infrastructure with long-term management experience is in place, extension of services to other sectors would be expected as a natural progression. More importantly after policemen, lawyers, healthcare professionals, and social workers have used professional interpreters to work with victims of domestic violence, the awareness of the necessity of ensuring effective communication should be greatly increased, thus triggering, in all logic, the public policy cycle.

Yet, a 2009 report on the need for translation and interpreting services in Ontario concluded that compared to jurisdictions with a progressive and effective approach to the development of such services, Ontario did not fare well regarding formal policies to ensure effective services (PSTG Consulting 2009: 2):

In comparison, [language interpreting and translation services—LITS] in Ontario can be described as lacking in all these areas: Neither legislation nor policy have been developed to guide LITS; The service delivery system is fragmented, with decisions and delivery systems differing at the organization, regional and provincial levels; There lacks a consistent approach to the training and testing of interpreters across the settlement sector due to the lack of a standard province-wide approach to training, testing and using volunteer, staff and paid interpreters.

The existence of pioneering initiatives showing the right example for decades, coupled with the absence of an actual policy in Ontario, is another circumstance that makes Ontario a very interesting case for the analysis. After different rounds of empirical enquiry, I was able to discern five different programs or sectors that form five subunits of my analysis of the situation in Ontario. By systematically analyzing and comparing the situation for those five subunits—in Chapter Four—my analysis of the situation of Ontario takes the shape of an embedded case study.

The Goals

The social goal is to promote the institutionalization of community interpreting. The scholarly goal is to gain a more sophisticated understanding of what is involved in the institutionalization of community interpreting through close empirical observation, systematic analysis, and conceptual developments. Traditional approaches to public policy analysis include cost-benefit analysis, predictability of actor's behavior, outcome evaluations, etc. Giving voice and empowering members of society affected by social problems is also among the valuable contributions that policy analysts can offer. This section breaks into actionable concrete goals—that is, into several specific operational research questions—the general objective of shedding light on an important and growing social problem that requires public intervention.

In Chapter Two I established that the first step towards the institutionalization of community interpreting is reaching the public policy agenda. A clear understanding of the problem and a strategic ability to communicate about it clearly impact agenda-setting. To that end, I have formulated my general research question as follows: What is *public* about the individual need for autonomous communication despite language barriers?

This general research question is divided into two primary axes and a third secondary axis. What *is actually* public—axis 1—and what *should* be public—axis 2—in the individual

need for autonomous communication despite language barriers are the primary dimensions of my research question. The third axis arises from the first two as practical recommendations: What can be done by the public institutions to better address this issue? My general goal, then, is to answer these three different components of my research question.

As was briefly touched on in Chapter One, these axes define the framework for the presentation of my research and analysis. They have also informed the research design itself. These three different components of the research question will be addressed in three successive chapters. Chapter Four presents my case study through the lens of the analytical tools presented in Chapter Two, in which I offer the *descriptive* dimension of my investigation and answer the question “what *is* public” for the case of Ontario. Chapter Five covers the *normative* discussion: some of the results from the case study are analyzed in the light of different political theories that examine multiculturalism and equality. Thus, I offer an informed and critical discussion about what *should* be public in the individual need for autonomous communication. Based on my analysis from Chapters Four and Five, Chapter Six presents the third dimension of the investigation: it offers recommendations for practice inspired by the conclusions of my research study.

The three axes above will be addressed, using as guidelines a series of operational research questions. I offer a list of them below:

- ◆ Operational research questions informing the *descriptive* analysis (Chapter Four)
 - **What:** What initiatives in the field of community interpreting have been developed in Ontario at the institutional level?
 - **Who:** What groups can be identified for each of the initiatives? Who is identified as the target group?
 - **Where:** Which are the institutional venues where those initiatives have been developed?
 - **How:** What is the issue conceptualization underlying the initiative?
 - **Why:** What contextual discourses exist outside the specific field in which the initiative has taken place that can constrain or enable the development of the initiative?

- ◆ Operational research questions informing the *normative* discussion (Chapter Five)
 - How do normative theories about diversity, equality, and justice apply to the case of cross-linguistic communication?
 - What is the normative framework that should inform social actions in favor of effective cross-linguistic communication?

- ◆ Operational research questions informing *recommended practices* (Chapter Six)
 - What can stakeholders do to foster the institutionalization of community interpreting?
 - What can institutions do to effectively address the need for autonomous communication despite language barriers?
 - What can community interpreters do to contribute to the development of their profession given the political dimension? In other words, what can they do in their capacity as social actors and what can they do in their capacity as professionals?

The Research Procedures

The next few subsections describe the research procedures dividing them into three different phases. Those three phases respond to a somewhat chronological progression. I am presenting information and research procedures in this way with the caveat that research rarely follows a perfectly linear logic. Indeed, throughout this research project, knowledge development and information gathering, research design, and analytical maturation all have fed into each other in a process that resembles more a spiral of incremental cycles. The three phases that I will be presenting in the next subsections contain different research activities. In many cases such activities were developed throughout the research project and not only during one specific period. They also often overlapped. The degree to which I focused on each of the research procedures at each stage has guided me in determining where to describe each of them here (under which phase).

Phase 1: Exploratory Stage

The exploratory stage started before I chose Canada as a destination for my first research stay abroad. Between January and June 2011, I was a visiting scholar at the Centre for Ethics at the University of Toronto. I chose Ontario as my destination because of its rich tradition in the study of multiculturalism. Before I arrived in Toronto, my exploratory research consisted of gathering information regarding the situation of community interpreting in Canada and of becoming acquainted with aspects of multiculturalism theory.

Once I was in Canada, I conducted exploratory interviews in a variety of sectors. The format of the interviews had an open-ended structure with the simple goal of getting a sense

of the situation regarding community interpreting in Ontario. I found key informants in different sectors by asking for suggestions and references at the end of each interview as well as by contacting them directly after identifying their key positioning in the field as I was doing documentary research (web searches and literature review). This first round of fieldwork allowed me to identify a variety of initiatives that would then become the five subunits of analysis that are developed in Chapter Four.

This exploratory stage also involved a great deal of theoretical and methodological exploration. I was able to exploit a variety of resources that the University of Toronto offered, including its magnificent library system, and a variety of seminars and conferences related to the topic of multiculturalism. Many of them were held at the Center for Ethics, my host institution for my first research stayed in Canada.

This first exploratory work allowed me to decide that Ontario would not only be an ideal case for study, but the available empirical information would be rich enough for a research design relying on a single case study. As a result, I decided to return with the goal of completing, with a systematic approach, the fieldwork I had initiated in a rather informal way.

Phase 2: In-Depth Fieldwork

My second stay at the University of Toronto took place between September 2012 and June 2013. For this occasion, I designed a method to conduct semi-structured interviews. During the exploratory phase I realized that some topics were recurrent and that it was becoming difficult to get past some of the shared knowledge in the field. Part of the interviews was becoming repetitive. On a positive note, I was getting saturation indicating the validity and relevance of the information I was able to collect from what was clearly an epistemic community. On the flip side, I knew it would be interesting to get beyond the surface of shared knowledge in the field to be able to delve into what is divergent and not only what is shared. For that I needed a creative approach to interviewing.

For the second round of interviews, then, I split each session in two. The first half was devoted to obtaining contextual information from the field for which the interviewee was a strategic key informant. The second half of the session consisted of an exercise in which I asked informants to position themselves regarding a series of assertions relating to different aspects of community interpreting. Based on interviews and documents from the exploratory

phase, I had identified themes and narratives around the development of community interpreting and turned them into succinct (provocative) statements. I displayed such statements one by one to the interviewee, who was asked to spatially position the statement on a board representing a spectrum that ranged from “strongly agree” to “strongly disagree.” The interviewee was asked to explain their choice and the connections to their own personal experience or beliefs for each of the statements. Such a procedure of triggering discourse helped me gain insights into personal narratives and the influencing collective conceptions around language, identity and entitlements. The statements presented to the interviewees were as follows:

- Service providers overcome language barriers efficiently.
- Access to language interpreting services is a matter of rights.
- Publicly managed interpreting services yield good public outcomes.
- Language barriers ought to be overcome with private resources.
- Policies on English-French bilingualism contribute to the development of community interpreting.
- Interpreters, as a professional body, are self-sufficient to promote community interpreting.
- Over time, community interpreting will reach full development in multicultural societies.
- Providing interpreting services is worth public money.

Selection criteria for key informants were twofold: some were pragmatic, some strategic. It is a deliberate characteristic of this research project to not focus on only one specific sector where community interpreting is relevant or only on one specific community that makes use of community interpreting services. I was interested in obtaining information from sources as varied as possible. The possibilities for the selection of key informants, then, was almost infinite and that made the task of establishing the set of interviewees less straightforward than is the case in other studies. That also explains the large number of interviews conducted.

I aimed to obtain a picture of the situation in Ontario that included as many elements as possible and as many nuances as possible within each of the subunits depicted. Time and resource constraints imposed a selection process however. “Natural” selection through snowball techniques from key informant to key informant was one of the criteria. Availability and willingness to participate was the other criteria. It was not possible, for example, to

obtain direct information from organizations or individuals directly involved with Aboriginal languages and populations, though I did try.

I created a list of identified categories, or fields, in order to reach informants who could respond to as many of the following tags as possible:

- **Sectors:** healthcare, justice, education, social services, financial services, faith services, settlement sector;
- **Organizations:** interpreting agencies, immigrant associations, third sector service providers, professional associations (interpreters, service providers);
- **Government bodies:** ministries at the provincial level, divisions at the municipal level, local branches of the federal government.
- **Territory:** Toronto, Ontario (other than Toronto).

I used the above list as a reference guide to attempt to cover as many fields as possible with as much varied input as possible. Limited time and resources allowed only for some of those fields to be covered. The types of informants I was able to interview is represented in Appendix 4.

Appendix 4 presents different tools that will allow the reader to trace the sources of information during my fieldwork research in a way that is also sensitive to respecting the anonymity of key informants. Appendix 5 presents the letter of informed consent that informants of the second round of interviews signed when they agreed to participate in this research project.

Phase 3: Analytical Developments

Phase 3 involved a variety of tasks to be able to make sense of the vast empirical information that I gathered. I analyzed the content of my interviews using coding techniques with the support of the qualitative data analysis software ATLAS.ti. Throughout the process of content analysis I transcribed meaningful passages that could potentially become illustrative citations.

This third phase also involved the design of the operationalization of my research question. I had refined my research question in a process starting before the first exploratory interviews and finishing before I started the semi-structured round of interviews. Once the data had been collected and as I was analyzing it systematically, I was able to discern

concrete research sub-questions (presented earlier in this chapter) and the general structure of this dissertation. Developing analytical procedures (the tools) and analytical products (the results) involved new rounds of literature review in a process intertwined with the analysis of the data and the structuring of the information in the shape of a dissertation. The result is this document.

One aspect I would like to clarify is in regard to the languages of my sources and the language in which the information is presented. The vast majority of the interviews were conducted in English. There were some exceptions, however; interviews with informants that were native speakers of Spanish or French were conducted in those languages. Interviews with Deaf informants were conducted through the assistance of sign language interpreters. For considerations of readability as well as considerations of confidentiality and anonymity, I have presented all the information in English, including citations of information or opinions originally expressed in another language. Deliberately, the reader will not be able to tell when such citation has been translated. Indicating that a passage has been translated could facilitate identification of key informants in a field that is, after all, rather constrained.

Concluding Remarks

In this chapter I have presented the research procedure I followed in order to develop the work for this dissertation. In a nutshell, to achieve the goal of generating knowledge that can help advance the institutionalization of community interpreting, I have chosen to carry out in-depth analysis of the case of Ontario, focusing on five subunits that I was able to identify as particularly relevant during the first phase of my fieldwork research, while I was a visiting scholar at the University of Toronto. This first research stay offered the opportunity to carry out exploratory research, both empirical and theoretical, around the field of multiculturalism. My second research stay at the same institution, allowed me to conduct semi-structured interviews to complement the information I had collected during my first stay and obtain as detailed a picture as possible of the situation of community interpreting in different sectors and for different communities across Ontario. The third phase of my research, once the empirical data had been gathered, consisted in analyzing the data with the support of ATLAS.ti and developing analytical procedures—such as the analytical tools presented in Chapter Two or the research sub-questions presented in this chapter—as well as generating analytical products—the results presented in Chapters Four, Five, and Six.

References

- Cohl, Karen, and George Thomson. 2008. "Connecting Across Language and Distance: Linguistic and Rural Access to Legal Information and Services." Final report of the Linguistic and Rural Access to Justice Project. The Law Foundation of Ontario.
<http://www.lawfoundation.on.ca/wp-content/uploads/The-Connecting-Report.pdf>.
- Edoo, Annalisa, Lynn Fournier-Ruggles, Charine Mattis, Kaitlyn Matulewicz, and Farlon Rogers. 2010. "White Paper on Quality Court Interpretation Services." Toronto: York University.
- Fischer, Frank. 2003. *Reframing Public Policy: Discursive Politics and Deliberative Practices*. Oxford University Press.
- Government of Canada. 2014. "Ontario Region." September 15.
<https://www.aadnc-aandc.gc.ca/eng/1100100020284/1100100020288>.
- Marsh, David, and Edward Furlong. 2002. "Ontology and Epistemology in Political Science." In *Theory and Methods in Political Science*, edited by David Marsh and Gerry Stoker, 2nd ed. Basingstoke: Palgrave.
- Ontario Ministry of Citizenship Immigration and International Trade. 2015. "Welcome Letter from the Premier Multilingual."
<http://www.ontarioimmigration.ca/en/welcome/index.htm>.
- Ontario Ministry of Finance. 2010. "Census 2001 Highlights: Factsheet 4: Mother Tongue and Home Language in Ontario."
<http://www.fin.gov.on.ca/en/economy/demographics/census/cenhi4.html>.
- PSTG Consulting. 2009. "A Study of the Need for Language Interpretation and Translation Services (LITS) in the Delivery of Immigrant Settlement Programs." Ottawa, Ont.: Citizenship and Immigration Canada.
- Statistics Canada. 2015. "Aboriginal Languages in Canada."
http://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011003_3-eng.cfm.

CHAPTER FOUR

···· ANALYSIS ····

Now that I have provided the context, set up an analytical framework, and clarified the epistemological stance and the methodological design for this study, we are ready to embark on the second half of this dissertation. Chapter Four kicks off this analysis-rich second half by addressing the most descriptive dimension of this dissertation through the analytical lenses discussed in Chapter Two: it relies on my case study of Ontario to answer the question what is actually public about the individual need for autonomous communication? This study investigates not only what has been accomplished in this region from an institutional point of view but also what remains to be done.

I will use Analytical Tools # 3 and # 4, which offer a systematic way of looking at: (1) aspects that have an influence on the evolution of any given public issue toward reaching the decision agenda; and (2) the ways in which groups are socially constructed by public policy. Such tools will help respond to the operational research questions that I have established for the descriptive dimension of my general research question. Please refer back to Chapter Three for a list of these operational research questions. They inform the direction we take in this chapter.

To understand the context in which different programs have been developed in Ontario, we will start by explaining some of the characteristics of this region that are both relevant for our research and salient to the region's particular identity in the international arena. The first part of this chapter then, is devoted to drawing a picture of the institutional

framework within which our case study is embedded. The institutional framework is particularly relevant because it offers the official frame within which programs are or fail to be developed. We will devote a few pages to a selection of historical as well as contemporary features both of the country (Canada) and the province (Ontario) that will help read facts within perspective when we tackle the discussion in Chapter Five.

The second part of this chapter offers a selection of information for five subsystems in Ontario for which some level of institutionalization of Community Interpreting was detected. Through fieldwork carried out during two different research stays, I was able to identify five bundles of initiatives (five subsystems) that tackle the problem of cross-linguistic communication in different fields and for different target groups: (1) the LIS program in the field of domestic violence and sexual assault; (2) the settlement sector which offered some recommendations for settlement workers on resorting to interpreting services; (3) the healthcare sector with a variety of solutions often based on the notion of risk management; (4) the fields of legal and court interpreting which are backed by precepts in the Canadian Charter of Rights and Freedoms; and (5) the sign language interpreting sector which, of course, encompasses a variety of public services but presents characteristics of its own that are worth exploring separately.

These five subsystems represent five subunits of analysis. In some cases they represent programs and in others they refer to a certain sector. There is some overlap among the embedded cases that we will present next, but mostly, the chosen subunits of analysis show enough cohesiveness to be considered as separate entities. Identifying each of these subsystems as entities in their own right was based on two main criteria: (1) when different informants and key players referred to programs or sectors of interpreting as self-contained, often through shared terminology that reflect social constructions; and (2) when there exist institutional arrangements around such fields. We will see that different needs are addressed differently by the different subsystems.

By analyzing each of these five subunits carefully and systematically we will be able to show that, despite the variety of sectors and programs that exist, the level of institutionalization is insufficient and issue conceptualization throughout all the cases is rather erratic, leaving some critical sectors devoid of initiatives.

Part One: Institutional Framework

Part One offers contextual information that is relevant to our case study. Although its contents are mainly of a historical nature and generally descriptive, what we offer here is information that is critical for an informed interpretation of our fieldwork findings. We aim to understand the institutionalization of community interpreting. Lawrence and Phillips (1997, cited in Phillips and Hardy, 2002) express it clearly; players and their conceptualizations of a policy field are influenced by the context in which they are embedded:

To understand the construction of an institutional field, we must pay some attention to the broader context in which it exists and the fact that individuals seeking to influence the development of an institutional field—institutional entrepreneurs—are constrained and enabled by discourses that exist outside the specific field. (Lawrence and Phillips 1997, cited in Phillips and Hardy 2002: 47)

Multiple Levels of Government

As a Federation, Canada has three different levels of government, each of them with technically different responsibilities. The Federal Government is responsible for policies that affect the entire country, such as national defense, pension investments, and aspects of citizenship and immigration. The provincial governments are typically in charge of province-wide services and the policies affecting them: education, healthcare, road infrastructure, etc. At the Municipal level, governments deal with local services: city streets, public libraries, public safety services, etc.

At each of these three levels of government, policies are developed and services provided that affect the general wellbeing of groups and individual members of society. Communication with diverse populations is then critical at each of these levels in a variety of concrete circumstances; these include providing settlement services (funded and coordinated at the Federal government level), healthcare and the justice system (the responsibility of the provincial government), social assistance and neighborhood safety (dealt with at the Municipal level), to name but a few. It is often the case that several levels of government are involved in one single policy field. This is due either to the nature of the field that spans

across artificially established ministries and departments, or to processes of devolution, whereby higher levels transfer some but not all responsibilities in a specific field to lower levels of government.

Social and immigration services are particularly prone to span departments and agencies. Citizenship and Immigration Canada—a Federal department—“offers programming to help newcomers settle” (Government of Canada 2015). The Ministry of Citizenship and Immigration (today also of International Trade)—which is provincial organizations—“provides services for successful integration of newcomers” (Ontario Ministry of Citizenship, Immigration, and International Trade 2015). We will see throughout this contextualization section that multilevel governance is very relevant to the topics that affect our research question.

Language Policy

Canada’s character as a country is marked by the coexistence of two dominant national identities which are both granted official recognition: anglophone and francophone Canadians. We will see that language policy has played a major role in this characterization. But French and English are far from being the only elements of the linguistic panorama. The concept of “third languages” refers to First Nations languages as well as the languages of recent immigrant populations. Different levels of government and different settlement waves throughout history make for a complex picture that is worth exploring as it informs our analysis.

Federal Official Bilingualism: Key Milestones

Although policies about English and French have been a major concern throughout Canadian history, official bilingualism is relatively recent, the result of a process that started in the 1960s. Today it involves not only constitutional provisions, but also laws and policies to ensure equality of these two languages in different aspects of Canadian life. We are going to briefly review some of the main landmarks of this process in chronological order.

Whereas official bilingualism in Canada is only decades old, the roots of a bilingual national identity in Canada go back to pre-Confederation times. Canada was born as a federation through The Constitution Act of 1867, which had to be approved by Queen

Victoria (the British Crown) since the federation was made up of British territories and colonies. But the first permanent European settlers in these lands had come from France, beginning in the 16th century, and the territories and colonies that became involved in the Canadian Confederation had all been part of New France and ruled by France at some point (Dorin, Kaltemback, and Rahal 2007). As a result of the Seven Years' War, the British Empire had indeed won many of its North American colonies from France in 1763. This explains the history of the conflictive co-existence of the two languages in the pre-Confederation era (Vaillancourt and Coche 2009).

Until the first quarter of the nineteenth century, the French made up the majority of the population of Canada. As a result of immigration waves from the British Islands beginning in 1815, the balance started to tilt and by the time of the Confederation French speakers represented only a third of the population of Canada, although still almost three quarters of the population of Québec. French Canada was increasingly identified with the Province of Québec mainly, and other provinces started showing reluctance to respect the equal legal status of the French language (Brooks 1989).

The need for peaceful bilingual co-existence and for the recognition of language rights for both communities, however, was clear to the Fathers of the Confederation. Section 133 of The Constitution Act clearly reflects this and has become a fundamental basis for bilingualism policies in Canada (Vaillancourt, Coche, and Coche 2009: 1). It established that both French and English could be used in Parliament; that the records of parliamentary debates shall be made in both languages; that federal acts shall be adopted and published in both languages, and that either French or English could be used in any federal court.

Such constitutional provisions proved not to be enough to ensure effective linguistic parity of English and French usage in governmental institutions. When the French nationalist movement gained strength in Québec in the 1960s, the federal government lacked actual policies to ensure bilingualism in practice, and francophones perceived the federal government as having failed to represent them (Brooks 1989: 277). At the time of the Québec separatist drive, the population of French speakers in Canada had declined to less than 30% of the total population and francophones felt their language and culture was endangered (Beaujot 1998). But within Québec, English was in decline in all parts of the province except for Montréal. The observation of such demographic trends took analysts like Joy to predict that a trend of increasing linguistic segregation would result in "French within Québec and English elsewhere" (1967).

To respond to the institutional legitimacy crisis and in an attempt to preserve Canada's unity, the federal government, ruled at the time by the Liberal Party, appointed a Royal Commission on Bilingualism and Biculturalism with the mandate to analyze the situation and offer policy recommendations. The Commission started working in 1963 and was in place until 1969, when it issued its final report.

Among the Commission's recommendations was that English and French be declared the official languages of Canada. Under the incoming Prime Minister—the Liberal Pierre Trudeau—official bilingualism was introduced in 1969 through the Official Languages Act (OLA or the *Loi sur les langues officielles*). The OLA is not the only legislation to ensure the equal status of English and French in Canadian society today, but it is certainly a cornerstone of what constitutes official bilingualism at the federal government level.

The purpose of the OLA was defined as follows: (1) to ensure respect for English and French as the official languages of Canada and ensure equality of status and equal rights and privileges in their use in all federal institutions, in particular with respect to their use in parliamentary proceedings, in legislative and other instruments, in the administration of justice, in communicating with or providing services to the public and in carrying out the work of federal institutions; (2) to support the development of English and French linguistic minority communities and generally advance the equality of status and use of the English and French languages within Canadian society; and (3) to set out the powers, duties, and functions of federal institutions with respect to the official languages of Canada (Government of Canada Justice Laws Website 2015b).

In 1982, the Canadian Charter of Rights and Freedoms was enshrined in the Constitution during the partition process (when Canada obtained full sovereignty from the UK). With the inclusion of language rights in the Charter (Section 16), official bilingualism became constitutional. This means that bilingualism is not only official for federal purposes, it is now also a responsibility of the provinces, which cannot reject the status of French or English as minority languages in their jurisdictions (Vaillancourt and Coche 2009: 2). In 1988 a new Official Languages Act was adopted to offer a legislative framework that better suited the new constitutional obligations. The new act expanded the legislative basis for linguistic policies and programs adopted by the federal government.

Several action plans and roadmaps to guide policies on linguistic duality have been issued by the federal government since 2003, showing the central government's continued

commitment to the implementation of the provisions regarding official bilingualism. These documents are the *Action Plan for Official Languages* (2003-2008), the *Roadmap for Canada's Linguistic Duality* (2008-2013), and the *Roadmap for Canada's Official Languages* (2013-2018).

English-French Dualism at the Provincial Level

The original Canadian Constitution of 1867 includes few linguistic requirements at the provincial level. With the adoption of the Canadian Charter of Rights and Freedoms in 1982, some aspects of constitutional bilingualism did fall under provincial jurisdiction (Vaillancourt et al. 2012), particularly those regarding access to primary and secondary education in an official minority language.

In the Province of Ontario, English is the de facto official language: there is no legal mandate to give English official status, but it is the default language of provincial institutions. Francophones constitute a language minority in Ontario. According to the 2011 census, 4.8% of the total population of Ontario are Francophones, most of them living in Eastern and Central Ontario (Ontario Office of Francophone Affairs 2014c). As a language minority speaking one of the two Canadian official languages, French speakers are guaranteed their language rights through a well-developed set of legal language protections.

Such protections are not constitutionally mandated for the Province of Ontario, as they are in the Provinces of Manitoba, New Brunswick, and Québec (University of Ottawa Site for Language Management in Canada 2015a), but the Royal Commission of Bilingualism and Biculturalism offered specific recommendations for Ontario which the provincial government has made an effort to follow. Through a process often referred to as “gradualism,” since the 1960s Ontario has progressively developed various policies intended to protect the language rights of Franco-Ontarians.

Thus, throughout the 1970s, bilingualism policies for the provincial public sector were progressively developed. Their implementation depended at first mainly on the civil servants' good will (Le Vasseur 1993, cited in Vaillancourt and Coche 2012: 44). Since 1986, the French Language Services Act (FLSA) legally warrants the right to receive provincial services in French in the 25 designated areas where about 80% of Franco-Ontarians live today (Ontario Office of Francophone Affairs 2014a). Under the FLSA of 1986, other municipalities are not obliged to offer services in French. English is the default

language and French can be used in addition to English at the municipality's discretion. While cities can request to be designated bilingual institutions, the Government of Ontario does not provide financial support for bilingual services (Ontario Office of Francophone Affairs 2014b). Municipal services in French are therefore overall more limited than services in English in Ontario cities.

The cities of Ottawa and Toronto are among the designated areas where services must be provided in French, per the FLSA. In Ottawa and Toronto, which are the largest population centers in the province, Franco-Ontarians are entitled to receive services in French from the provincial government. However, services from the municipal government do not fall under the FLSA provisions. We are going to look next at language policy in Ontario at the municipal level.

The Rights of Franco-Ontarians at the Municipal Level

In 1997, Bill 108 transferred several provincial services in Ontario to municipalities with the goal of reducing duplication and streamlining administration. Health, housing, social services, municipal affairs, transportation, welfare and tax collection are among the areas affected by such measures. Since the FLSA applies only to the province, the transfer of services to municipalities means there are potentially fewer guarantees that Franco-Ontarians can receive services in their language. The government of Ontario website states that "in the event that provincial services are transferred to the municipalities, agreements must be reached to ensure the delivery of French-language services" (Ontario Office of Francophone Affairs 2014d).

In 2011, 44 municipalities in Ontario officially offered services in French on a good will basis (University of Ottawa Site for Language Management in Canada 2015a), but Ottawa and Toronto are the only municipalities in the province which have legally committed in their own charters to operate in French (Vaillancourt, Coche, and Coche 2009:47). In the case of Toronto, provisions apply mainly to institutional processes rather than service provision. By-laws must be adopted in both languages and the City council proceedings and those of other city committees can be conducted in French and English. In the case of Ottawa a comprehensive bilingual policy has been in place for decades with a clear goal of granting both language communities equal rights regarding actual service provision. As the capital of Canada, Ottawa is the host of the main federal government institutions and as such, it gathers speakers of both official languages. This is the rationale under which Bill 108 was passed in

2001 “to ensure that the residents of the city receive a full range of municipal services in both English and French” (Legislative Assembly of Ontario 2001).

First Nations Languages

Before Europeans arrived on the continent, between fifty and sixty different languages from 12 different linguistic families were spoken in Canada. Most of the population was concentrated in the Pacific Coast (British Columbia) region and in southern Ontario, near the lakes. Ontario was home to established communities of aboriginal people due to the climate and the fertility of the soil, which made the region particularly suitable for agriculture (University of Ottawa Site for Language Management in Canada 2015b).

Today, Ontario hosts the most diverse aboriginal population in Canada: disparate groups, communities, and organizations have their own particular cultural and political needs and perspectives (Ontario Native Affairs Secretariat 2005), which does not facilitate the task of generating effective language policies for First Nations languages. As Drapeau puts it:

The sheer complexity of aboriginal languages in Canada precludes the possibility of setting up all-inclusive, one-size-fits-all language policy. There is therefore, a tendency to fall back on the community level for language planning and development, thus unfortunately losing leverage. (1998:155)

Language extinction is a sad reality in many communities. Since the 1980s the concept of language revitalization has become crucial in aboriginal communities whose leadership groups have launched various initiatives to establish effective language programs. The Assembly of First Nations highlights this issue by stating that “Canada is characterized as a country where Indigenous languages are dying”, despite strong support for bilingualism in English and French (Assembly of First Nations 2012). Indeed, Since the 1950s the Canadian census shows a dramatic decline in the number of people who speak an aboriginal language as their mother tongue (Burnaby 1997: 13).

Repressive education policies, starting in the pre-Confederation era, with the explicit goal of assimilating aboriginal people to the European-based cultures of the settlers are certainly a determinative factor in the decimation of First Nations linguistic diversity and currency. As part of what has recently officially been demonstrated by the Truth and Reconciliation Commission of Canada to be a “cultural genocide” (Truth and Reconciliation Commission of Canada 2015), Aboriginal children were forced to speak English or French in school and were often physically punished for speaking their native language (Burnaby

1997). Fettes notes that this “policy of linguistic,” which prevailed from the mid-nineteenth century until the 1960s, when it was replaced by an attitude of neglect from the public authorities (when the policies of official bilingualism were set in place), has resulted in “a continuous language loss in most communities” (1998: 118-119).

The Assembly of First Nations issued a strategic plan for the revitalization of First Nations languages in Canada in 2007. One of the two main policy objectives included in this document is for “First Nations [to] seek legislated protection via a First Nations Languages Act that would be consistent with First Nations and Government of Canada laws dealing with languages. The explicit rationales behind this objective include the need for legislative protection of First Nations languages with protection equal to that accorded English and French, and the recommendation by the 1996 Royal Commission on Aboriginal Peoples to give Aboriginal languages official status (Assembly of First Nations 2007:13). Although First Nations languages are guaranteed to all First Nations by Section 35 of the Constitution Act (through rather inconclusive wording), in practice government actions to support First languages are rather minimal.

In 2005, Ontario charted a new approach to aboriginal affairs based on a co-operative relationship with the Aboriginal peoples of Ontario. Ontario government ministers and First Nations leaders are to meet twice a year to discuss issues that are relevant to the wellbeing of their communities in the short and long terms. The principles that inform this co-operative framework and the initiatives that are derived from it are exposed in a document that encourages the following vision: “[P]rosperous and healthy Aboriginal communities create a better future for Aboriginal children and youth” (Ontario Native Affairs Secretariat 2005).

It is certainly interesting to note that such a document does not mention any aspects of language planning. The issue of language is only mentioned once as it relates to the curriculum for primary and secondary education in the province (Ontario Native Affairs Secretariat 2005: 13). In general terms, aboriginal language policies in Ontario seem to be addressed in an indirect and limited fashion in the sphere of education.

The “Ontario First Nation, Métis, and Inuit Education Policy Framework” of 2007 shows support for Aboriginal cultures by acknowledging diversity among them, and endorsing learning about them and their history and perspective in the public education system (Ontario Native Affairs Secretariat 2005:8). Since 1987, where numbers warrant, it has been possible for students to substitute the study of a Native languages for the required

French as a second language course (Government of Ontario 2007: 27). School boards are also, under the 2007 framework, expected to strive to increase access to Native languages and Native Studies curriculum for all students (ibid.: 19).

However, such measures seem insufficient for effective language revival. It is worth highlighting that the ultimate goal of the 2007 policy framework is not directly language-related. Rather the focus is on “meeting two primary challenges by the year 2016—to improve academic achievement among First Nation, Métis, and Inuit students and to close the gap between Aboriginal and non-Aboriginal students in the areas of literacy and numeracy, retention of students in school, graduation rates, and advancement to postsecondary studies” (Government of Ontario 2007: 5).

In 2012 the Assembly of First Nations issued an Indigenous Languages Update that points out the insufficiency of government language measures for the survival of their languages, despite the success represented by the increasing availability of instruction in Native Languages in schools:

An AFN survey shows that in 2011, 88% of First Nation schools were able to provide some exposure to Indigenous language programming. However, it is when First Nation children and youth have access to full language immersion schools, similar to what is available for the French and English language in Canada, where true language revitalization will occur. (Government of Ontario 2007)

Other Languages

Under the label “other languages,” this last sub-section discusses language-related policy that affects speakers of non-official and non-Aboriginal languages. These include languages resulting from recent and not-so-recent immigration as well as the languages of Deaf communities and the languages that are brought to Canada—if only temporarily—by visitors (tourists and other kinds of visitors).

There is no federal legislation that explicitly targets non-official languages. That is far from being an indication that non-official languages play a minor role in Canadian society. As Burnaby puts it:

Reading official statements, one would scarcely believe that Canadians speak languages other than English and French. Federal statements carefully refer to speakers of non-official languages as other cultural groups. However, given the important role of immigration in Canada, to say nothing of the special position of the Aboriginal peoples, non-official languages are very much in evidence. (1997: 7)

What is more, several authors (MacMillan 1998; Brooks 1989; Haque 2012) have argued that the policy of multiculturalism which distinguishes Canada in the international panorama—and to which we will devote further attention very soon—emerged from a need to calm the backlash among non-English/French groups over the declaration of official languages in 1969. A minority report submitted during the Royal Commission on Bilingualism and Biculturalism urged recognition of group rights for the following regional languages: German, Ukrainian, Italian, and Eskimo Indian. As (MacMillan 1998: 194-95) put it: “the government sought to accommodate allophone opposition to their exclusion from official language policy through [the] formal commitment to the principle of multiculturalism” extending (limited) financial support to cultural activities to maintain distinct traditions, rather than extending recognition in the form of language rights. The 1988 Canadian Multiculturalism Act, is then the federal legislation that indirectly targets non-official languages with a goal of guaranteeing the privileged status of English and French.

The expression “multiculturalism within a bilingual framework” which emerged from the Royal Commission on Bilingualism and Biculturalism, is a clear indication that the policies of bilingualism and multiculturalism are inextricably linked (Haque 2012). It offers a successful narrative that both favors the language and culture of the two “founding nations” and satisfies the demands of other ethnolinguistic groups for a “share in the Canadian symbolic order” (Brooks 1989: 277). Symptomatically, court interpreting is the only accommodation for non-official languages to which federal institutions have shown any commitment (MacMillan 1998).

Although there is also no legislation even suggesting that residents who speak neither English nor French have the right to support in learning one of the official languages (Burnaby 1997), in actuality, a variety of programs exist to support official language instruction for immigrant adults. The Ontario Ministry of Citizenship and Immigration, in fact, clearly advertises programs that support English and French learning on the main page of its website. All levels of government (Federal, Provincial and Municipal) are involved in one way or another supporting or complementing initiatives by community organization and secondary education institutions (King 1998). These organizations have provided a variety of language training options to immigrants since the 1960s (Burnaby 1997). In 1992, the introduction of the Language Instruction for Newcomers to Canada (LINC) program (and its French equivalent, CLIC) made official language training available to all adult permanent

residents. Nevertheless, despite the variety of initiatives, the demand generally outweighs the need (Burnaby 2015).

Initiatives to develop Canadian Language Benchmarks (CLB) started the same year. CLB is a descriptive scale of language ability in English as a Second Language (ESL) with 12 reference points on a continuum that goes from basic to advanced. After several years of development and consultations, it was introduced in 1996 by Citizen and Immigration Canada and the responsibility of taking care of CLB projects was soon after transferred to an external organization: the Centre for Canadian Language Benchmarks (CCLB) (Centre for Canadian Language Benchmarks 2012). The *Niveau de Compétence Linguistique Canadien* (NCLC) is the equivalent framework for learners of French as a second language, which was developed in 2006. These instruments serve as a framework of reference for learning, teaching, and programming courses for ESL learning programs, but also to assess adult ESL competencies.

The CLB and the NCLC are indeed enshrined in the Immigration and Refugee Protection Act (IRPA). They serve as measurement tool to establish minimum language proficiency thresholds fixed by the Minister (Government of Canada Justice Laws Website 2015c). As early as 1967, education and skills-based criteria for immigrant selection were set up to move away from previous selection systems that involved racial exclusion. With the “Multiculturalism within a bilingual framework” approach that was developed in the following years, language became an important vehicle for integration. An expectation of linguistic assimilation was clearly transmitted through this framework. Over the years, however, stronger and stronger weight was attached to literacy in the official languages in the establishment of admission criteria (Reitz 2004: 128). Several authors have associated increased salience of official language skills in immigration policy in Canada with a neoliberal approach to immigration, whereby immigrant residents are selected based on their value as human capital. Their ability to communicate effectively with other actors in the Canadian economy is understood as quintessential to effectively contribute to the countries’ worth (Millar 2014).

Regardless of how much focus is placed on language skills as criteria for admission to Canada, there will always be a percentage of the population that has null or limited command of either of the official languages. Refugees, spouses, and dependents of the main immigrant applicants have a high incidence of limited proficiency of English or French. As result, “school boards routinely encounter Canadian-born children who need language training on

enrollment because their mothers and grandmothers have no official language knowledge” (Cohl and Thomson 2008: 12). This points to a need for language accommodations and instruction for younger residents. It also points to the need for interpreters to provide access to basic services. Such accommodations would equally benefit visitors to the country who can find themselves in challenging situations in which access to basic services becomes imperative. However, other than regulation of the right to an interpreter in courts, there is no legislation that establishes the right to an interpreter or other accommodation to ensure effective cross-linguistic communication.

Multicultural Society

Canada was the first country in the world to declare multiculturalism as official state policy and consequently this country is purported to have coined the term. Multiculturalism is so central to the make-up of its current identity that Canadian multiculturalism has its own official celebration day: in 2002, the Government of Canada designated June 27 Canadian Multiculturalism Day. As Reitz puts it, multiculturalism has become a national symbol for Canada:

Canada’s brand of multiculturalism reflects a kind of live-and-let-live cultural tolerance that typifies the Canadian style... In public discourse multiculturalism has since its inception in 1971 become elevated to the status of cornerstone of Canadianism and is equated with valuing cultural diversity. As a national symbol, it offers metaphoric contrast between Canadian society as a “mosaic” versus U.S. society as a “melting pot. (2004: 124)

As a key concept of the Canadian political lexicon, “multiculturalism” can refer to a variety of things. It can refer to: (a) a demographic—or a sociological fact; (b) a set of philosophical ideas—or an ideology; (c) an orientation by government and institutions toward diverse population—that is, to policy (Bloemraad 2011; Dewing 2013). These three dimensions are closely intertwined in practice, and the distinction is not always clear-cut in the usage that is made of the term. We referred mainly to the demographic dimension of multiculturalism in a heuristic way when we talked about globalization and the sense of community in Chapter Two. In this section we will focus mainly on the sociological and policy dimensions of the concept as we describe the institutional framework of our case study. We will have a chance to discuss some aspects of the philosophical and political theory later on, in Chapter Five.

Multiculturalism was characteristically made into a Canadian symbol. The fact of great demographic diversity certainly underlies the establishment of multiculturalism as a national symbol. The multiplicity of cultural backgrounds among the Canadian population results from a history of settlement and colonization. The Aboriginal, the French, and the British peoples are identified in Canadian national narratives as the “founding peoples” (Dewing 2013: 1). Since the beginning of the twentieth century immigration from countries other than France and Britain has been encouraged, resulting in an influx of newcomers originating from other European countries, Asia, the Caribbean, and South and Central America. The 2011 National Household Survey reported more than 2000 different ethnic origins. According to 2011 census data, the percentage of those whose mother tongue was a language other than English or French was 20.6% (6.8 million people). It was estimated that more than 200 languages were spoken as the mother tongue of Canadian citizens and residents (Statistics Canada 2013). By year 2017—Canada’s 150th birthday—the population of visible minorities is expected to rise to 8.5 million people, of which 7.7 million will be immigrants (ibid.; CanadaBound Immigrant 2015).

While Canada has always been an of immigrant country, the approach to demographic multiculturalism has not always been that of respect for and celebration of different cultures. “In the past, Canada, like the other major British settler societies (the US, Australia, and New Zealand), had an assimilationist approach to immigration” (Banting and Kymlicka 2010). The expectation was that over time immigrants would emulate native-born British Canadians, and their speech, dress, and way of life would become indistinguishable from that of the British settlers. Racial and ethnic differences were considered injurious to national interests and for the most part national authorities actively opposed cultural heterogeneity. In fact, the perception that Asians and Africans would be incapable of cultural assimilation led to a prohibition of their immigration into Canada that lasted for decades.

In 1967 the first race neutral admissions criteria were adopted through what became to be known as the points system, bringing an increasing number of immigrants from non-European countries into Canada. One consequence was the progressive development of a new conception of immigrant integration into Canadian society. The awareness that many immigrants were visible minorities shaped an approach to diversity that encouraged proud expression of ethnic identity. Consequently, public institutions like the police, the media, and education institutions, etc., needed to accommodate the experience and expression of distinct

identities. In 1971 the Multiculturalism Policy was officially adopted by the federal government with the above considerations in mind:

The architects of the 1971 Multiculturalism Policy had perceived barriers to social adaptation and economic success largely in linguistic or cultural terms. The marked increase in the arrival of visible minority immigrants whose main concerns were obtaining employment, housing and education, and fighting discrimination, required a shift in policy thinking. Equality through the removal of racially discriminatory barriers became the main focus of multicultural programs, and race relations policies and programs were put in place to uncover, isolate and combat racial discrimination at personal and institutional levels. Particular emphasis was given to encouraging and facilitating the ways in which cultural minority groups could fully participate in Canadian society. (Dewing 2013)

The key objectives Multiculturalism Policy were defined as follows: (1) to assist groups' efforts to retain and foster their cultural identity; (2) to assist cultural groups to overcome barriers to their full participation in Canadian society (thus, the multiculturalism policy advocated the full involvement and equal participation of ethnic minorities in mainstream institutions, without denying them the right to identify with select elements of their cultural past if they so chose); (3) to promote creative exchanges among all Canadian cultural groups; and (4) and to assist immigrants in acquiring at least one of the official languages (Leman 1999). It is worth noting, however, that over time, beginning in the mid-1970s, the goals of promoting exchanges among Canadian cultural groups and of promoting the acquisition of the official languages have taken "the lion's share of funding under the programme" (Banting and Kymlicka 2010).

In the 1982 Canadian Charter of Rights and Freedoms the multicultural heritage of Canadians was recognized under Section 27: "This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians." Such clause is critically instrumental at the highest levels of decision-making, empowering the courts with that useful interpretative prism when "balancing individual and multicultural (and often collective) rights" (Leman 1999).

In 1988 the Multiculturalism Act was adopted by Parliament with the main goal of fostering cultures other than English and French, anti-racism, and affirmative action in support of visible minorities. Canada became the first country in the world to adopt a national multiculturalists policy. Whereas the Act established Federal support for multiculturalism, it also set out a pan-governmental expectation to support strategies that facilitate the equal participation of minorities within institutional structures. All government agencies, departments, and crown corporations are expected to provide leadership in the design,

implementation, and decision-making for programs and procedures that advance Canada's multicultural social warrant. The Multiculturalism Directorate (within the Department of Citizenship and Immigration) is required to monitor and report annually on how different government departments are fulfilling their commitment to multiculturalism. Different versions of the multiculturalism policy have been progressively adopted by provincial and municipal governments, as well as civil society organizations and even the business sector.

Within Canadian society various criticisms of both the social fact of multiculturalism and the social policy have been advanced. As of 2010, however, none of the major national political parties was proposing to abolish multiculturalism as a policy. As opposed to the perceptible sentiment within many European societies that multiculturalism has failed and has been taken too far, in Canada, "there is a general sense that the Canadian model of immigrant integration has been relatively successful, and that it needs only minor tinkering, not major U-turns" (Banting and Kymlicka 2010: 43).

Before I conclude this section, a last comment on the concept of multiculturalism appears necessary: Multiculturalism can be understood to encompass a variety of issues, including issues of race, ethnicity, gender, class, sexuality or disability. In Canada, however, multicultural approaches or policies and multiculturalism are generally exclusively associated with the ethnic identity and the different cultural backgrounds of immigrant groups. Other aspects of diversity in Canada (like, gender, class, sexuality or disability) are generally approached in silos and have not successfully been integrated into policies of multiculturalism (Banting and Kymlicka 2010). One aspect of diversity that is relevant to our study but is not included in the traditional institutional approach to multiculturalism in Canada is Deaf identity. The need for interpretation from and into different Canadian sign languages is something I will examine as a subunit of analysis at the end of this chapter and as a source of comparison to other aspects of diversity in Chapter Five.

Immigration Policy

Immigration policy typically refers to the set of regulations, directives, and policies that govern the entry into Canada of non-citizen's who intend to settle in the country. However, Canadian immigration policy includes a strong component that deals with aspects of immigration beyond admissions at the border. It is the dimension of immigration policy

that affects immigrants' post-entry life within the Canadian society that our study is most concerned with. Admissions criteria and approaches to integration are intricately intertwined.

The Minister for Citizenship and Immigration Canada shares responsibility (CIC) with the Minister of Public Safety for the Immigration and Refugee Protection Act (IRPA). The IRPA includes (among others) the following goals that are clearly related to Canadian internal affairs: (1) "to support the development of a strong and prosperous Canadian economy, in which the benefits of immigration are shared across all regions of Canada"; (2) "to protect public health and safety and to maintain the security of Canadian society"; and (3) "to work in cooperation with the provinces to secure better recognition of the foreign credentials of permanent residents and their more rapid integration into society" (Government of Canada Justice Laws Website 2015a).

Public policy regarding immigration and particularly the settlement sector involves a complicated network of relations between different levels of government: federal, provincial, municipal and, in some cases, the neighborhood level also (Tolley and Young 2011). Section 95 of the Constitution Act (1867), identifies immigration as a policy area that is of shared concern to the provinces and the federal government (Gunn 2012). Whereas the Federal government has jurisdiction over the number of people that come into the country and the selection criteria as well as the naturalization of accepted immigrants, the provinces have constitutional jurisdiction over the provision of social services and education to immigrants. In a typical example of shared responsibilities, the CIC funds housing, job training, and language education programs under the umbrella of immigration settlement services that are managed by the provinces.

In November 2005 the provincial government of Ontario and the federal government of Canada signed the first Canada-Ontario Immigration Agreement (COIA) between the federal and provincial governments. This marked a significant change in immigration policy. As Gunn (2012: 6) points out, the COIA both established a greater role for the Ontario government in "the integration of newcomers to the province" (Biles et al. 2011: 205), and emphasized "partnership with municipal governments in Ontario on immigration matters," with a particular focus on the issues of access to employment. The COIA also mandated access to education and training, access to services, and citizenship and civic engagement (Federation of Canadian Municipalities 2011: 24).

Municipal involvement in immigration policy has become increasingly critical as the newcomers tend to gather in urban centers. During the first 50 years of Canadian history (until the first decade of the twentieth century) immigrants tended to settle in agricultural areas. But today, the vast majority of immigrants settle down in large cities and metropolitan areas. In 2006, 63% of all immigrants lived in the three largest metropolitan areas: Toronto, Montréal, and Vancouver (while only 27% of the Canadian-born population lived in those cities) (Challinor 2011).

In 2006 a Memorandum of Understanding was signed by the governments of Canada, Ontario, and Toronto to guarantee tripartite consultation on “matters related to immigration and settlement in the City of Toronto” with an emphasis on “improving outcomes for immigrants through several areas of interest to all three governments, including citizenship and civic engagement, and facilitating access to employment, services, and educational and training opportunities” (Citizenship and Immigration Canada 2006; Gunn 2012).

Since the introduction of a points system to determine admissibility in 1967, Canada’s evolving needs and interests have consciously been used as a criteria to determine which kind of potential immigrants should be targeted. Immigration is conceptualized in Canada today as an important mechanism to facilitate economic development adjustments in the face of increasingly aging populations and dropping fertility rates. Appendix 6 offers a great illustration of the rationale that Canada welcomes immigration on the premise that human capital is needed.

In 1976 an immigration act was passed that established three pillars of admission, moving away from the criteria of national or ethnic origin: (1) independent applicants are assessed based on employment skills, education, and language abilities; (2) close family members can be sponsored by Canadian residents; and (3) refugees can claim asylum under the United Nations Convention Relating to the Status of Refugees (UNHCR 2000) that Canada signed in 1969.

Since its inception, the points system has given preference to educated French and English speakers of working age. Since 2011 heightened emphasis has been given to the ability of immigrants to function in one or both of the country’s two official languages. Nevertheless, every year Canada welcomes thousands of speakers of foreign languages who have only the minimum legal level of command of English and/or French. Immigrants

accepted under family reunification programs and those who receive refugee status are not assessed on the basis of their language skills.

With funding from CIC, settlement services are provided to recent immigrants for the first three years after their arrival in Canada. A variety of government agencies, community groups, and immigrant organizations act as the major service providers. Language barriers present a challenge to the provision of such services, which was detected as a result of the COIA agreement. We will have the opportunity to talk more about a study on the need for translation and interpreting services when we analyze the settlement sector as one of our subunits below.

Part Two: Embedded Cases

In Ontario, as reported by the Canada 2011 Census, more than 14% of the population often speak languages other than English or French at home. Limited use of the official languages at home is often associated with a limited command of such languages, at least by some members of the family, who then must rely on relatives for access to services. Children often interpret for their elders. Ad-hoc interpreters of all kinds—bicultural, though rarely sufficiently bilingual staff members, abusive husbands, friends who convey only partial messages, and so on—are resorted to for encounters in the social services, school meetings, healthcare, and other important interactions.

After reviewing the general institutional framework for our case study in Part One of this chapter, the next step will be to scrutinize several subunits of analysis. Subunits consist of the major policy subsystems that I identified through my fieldwork research. My goal for this second part of Chapter Four will be to extract the main characteristics of different community interpreting initiatives in Ontario that have involved some level of intervention by public institutions—and thus form policy subsystems.

Five such subsystems will be analyzed: the settlement sector, the LIS program, the healthcare system, the justice system, and the sign language interpreting sector. Oftentimes initiatives naturally overlap across sectors. Sign language interpreting, for example, is obviously necessary and present in the healthcare and the justice systems. We will see, indeed, that policy subsystems do not always respond to service sectors. It is interesting to ask what influences the establishment of these subsystems. The analysis shall enable us to venture explanations as to why the categories have been generated the way they have.

For each of the subsystems, we will highlight the most salient points resulting from the analysis. In my fieldwork I attempted to be as comprehensive and exhaustive as time and resources allowed. However, in this chapter I present only the most relevant findings. The information offered here for each of the five identified programs is the result of my attentive selection and comparison.

After offering a description and a summary of the historical background for each program or subsystem, I will address the following heuristic categories: the level of agenda

where main initiatives have happened; the institutional venue where different programs are (or, in some cases, *could* be) addressed; the groups and communities that are involved in the program; and the issue conceptualization for each of the programs. These are all concepts that I reviewed and presented as analytical tools in Chapter Two.

The LIS Program

Despite its very generic name—Language Interpreter Services—the LIS program is limited to the field of domestic violence, sexual assault, and human trafficking. However, its relevance goes well beyond these sectors. Its comprehensive approach to cross-linguistic communication is not only exemplary in its service to its target population; the LIS program has also had a beneficial impact on groups beyond its immediate purview. I have chosen to address the LIS program first because of the unique level of institutionalization that it has provided community interpreting in Ontario, a level of institutionalization that would be desirable in other sectors and is surprisingly not found.

Background and Description

The LIS program has been running for over 20 years. Its stated goal is to enable women in a situation of violence to “access the broader service system” (Government of Ontario 2014, Appendix 7). All service providers who work with victims of domestic violence (and since 2011 victims of sexual violence and human trafficking as well) have access to language interpreters for the clients they serve (Ontario Women’s Directorate 2015). Between eight and ten partner organizations receive funding from the Ontario Women’s Directorate, at the provincial Ministry of Citizenship and Immigration (MCI), to run the program in different geographical areas across the province.

These partner organizations form a province-wide network of community-based not-for-profit agencies that provide interpreting services in a variety of sectors: police, shelters, hospitals, domestic violence courts, and community legal clinics, etc. Partner organizations have a number of responsibilities for creating and maintaining the necessary infrastructure for the LIS program: informing and sensitizing service providers about interpreter services, recruiting interpreters, administering language testing, delivering specialized training for interpreters, managing interpreter service provision, maintaining a centralized database for LIS monitoring, covering insurance for interpreter services, etc. The LIS program has been

very successful at providing this infrastructure. As one of our informants reminded us: “It really requires a lot of time and effort to manage a team of interpreters. Look at the agencies: they do debriefing, they do insurance, they talk to them, they do assignments, they do invoicing, they get feedback from service providers” (G interview, Appendix 4).

Maintaining a centralized database with information on LIS interpreters is an administrative task necessary for monitoring the LIS, but it also enables agencies to share resources, despite the geographical distance. When an interpreter consents, she or he is put on a shared roster that is available to other agencies, which can then give that person assignments when their language combination is required.

As for training, agencies provide courses to their interpreters (both preliminary training and refresher courses) based on a central curriculum that the LIS program put together. Each agency is free to adapt the training to the specific needs of their own interpreters. The LIS preliminary training (a prerequisite to become part of the program) involves a minimum of 80 hours of instruction. Instruction includes basic information about roles and protocols for providing interpreting services, as well as context-specific information (e.g. healthcare system, mental health, legal services, etc.) training in how to best work with victims of trauma. Normally, agencies only train the interpreters whose services they anticipate engaging.

The LIS program helped to develop the Language Interpreters Certificate Program, based on the curriculum that was put together for the LIS agencies. This 180-hour program, offered at several community colleges across the province, is open to the public and focuses on spoken language interpretation in the legal, health care, social service, and domestic violence prevention sectors. However, the colleges are responsible for sustaining their programs, which can only be run when a minimum number of participants enroll. Many of the colleges that offer the program have had it dormant for several years because of insufficient enrollment.

When the program first started in 1989, the MCI budget allotted funds to train interpreters. Today this is no longer the case. At the time, fully subsidizing the training of interpreters made sense because interpreters were expected to work exclusively for the LIS program. As service providers dealing with services that do not qualify for the LIS program started using the fee-for-service options more and more, and as community interpreting started gaining some recognition in fields such as healthcare or legal services, the services of

LIS-trained interpreters were more frequently engaged outside of the LIS program. For that reason, although the MCI is in charge of a curriculum design that meets the needs of the LIS interpreters are now expected to cover the costs of their own training, whether it is at a Community College or at their local LIS agency.

A prerequisite to take the LIS training is passing a language assessment test. The first language assessment tool was developed in 1995 by one of the partner agencies: CISOC from Ottawa. This is how CISOC describes the tool that is still in use today—the Community Interpreter Language and Interpreting Skills Assessment Tool (CILISAT): “The CILISAT offers recruiters and service providers a snapshot of an individual's current ability in consecutive interpreting and sight translating in any of 50 languages and dialects” (CISOC 2015). A new generation of language and skills assessment tool was developed in 2001, the Interpreter Languages and Skills Assessment Tool. The ILSAT was initially developed in 12 languages by Across Languages of London, Ontario (another LIS partner agency), and by 2006 31 languages were available. As of 2015, 63 languages can be tested using this tool. Both the ILSAT and the CILISAT are accepted as valid language skills assessment tools and successful completion of one of them is a prerequisite to enter any program that provides the LIS training curriculum.

A very interesting aspect of the LIS curriculum is its evolution over time from a culture-centered approach in the 1990s, with a rather interventionist conception of the role of the interpreter, toward a neutral, or non-interventionist, understanding of the functions of the interpreter, according to which it is not the role of the interpreter to provide cultural explanations (L Interview, Appendix 4). The LIS program MCI standards have served as a basis for the development of other standards that followed: those of the community colleges and the *National Standards Guide for Community Interpreting Services* published in 2007 (Healthcare Interpretation Network 2007). These are what we might call ripple effects: while the LIS program targets a very demarcated population, the benefits of its development have spread beyond its original demographic objective to positively impact services outside its purview. Thus, services that the LIS program developed to benefit women exposed to violence, and the quality of this program, positively benefit other allophone clients seeking services from other agencies.

Although the funding is restricted to the provision of services for victims of domestic violence, sexual assault or human trafficking, its benefits clearly go beyond this mandate. The program has indeed become a beacon in the field of interpreting services. Not only does

it serve as an example for different sectors of community interpreting; even when the assignment does not involve a victim of violence, interpreters that have been trained for the LIS program are often preferred by service providers. The following statement was recorded during one of our interviews: "Because the LIS program has been around for the longest time, when they [CIC] need information, or they need translation or interpretation, or running the program, they go to the LIS agencies" (G interview, Appendix 4).

LIS partner agencies rely on two sources of funding. One is the LIS program grants with funding from the Ministry of Citizenship and Immigration that have been consistent since its inception. In 2005 \$2.2 million was devoted to the LIS program and the decision was made to "annualiz[e funding] from 2006-07 onward to provide more stability for these vital services" (Ministry of Citizenship and Immigration 2005). A complementary source of funding is the fee-for-service component: service providers from different sectors can hire interpreters from these agencies with their own funds. This allows agencies and interpreters to provide their expert services for end-user clients other than women subjected to violence. This is another ripple effect of the pioneering LIS program.

Some of the agencies even provide services when they believe there is a social need by end-user clients who do not qualify for the LIS program and for whom no funding is available. Agencies would rather provide a professional interpreter in critical circumstances than let service providers resort to ad hoc solutions with no guarantees of quality. "They will find a way to compensate through other sources of income" (S Interview, Appendix 4). The fee-for-service component is necessary for the partner agencies to be able to cover for their expenses. But they do have some leeway to offer free services beyond the LIS program, especially since making a profit is not part of their mandate. For example, the Multicultural Community Interpreter Services (MCIS), based in Toronto, has a very strong fee-for-service program and can afford to subsidize the training of interpreters who work with languages that are rare but needed.

While the ILSAT and CILISAT have been developed with grants from the MCI to respond to the specific needs of the LIS program, these tests are used at the national level, and generate extra income for the agencies that administer and grade the tests. By making this testing model available to the general public and making the service hireable by any program or client that could benefit from it, the LIS program has filled a gap and is helping raise the entry-level standards for trained professional community interpreters. Developing language testing in a variety of languages involves a steep investment that must be amortized

over time, although, from purely business perspective, some rare languages offer little or no return on investment. Thus, in a ripple effect, the LIS program subsidizes positive public outcomes for populations beyond their target in this case as well.

The program is sustainable paying interpreters rates that are reasonable but not particularly high. In the opinion of one of my interviewees:

The rate is reasonable, but I don't think it's the highest. I mean, for years and years they have talked about the rate being the same and not going up. For the last ten years it has been \$25 an hour. And last year we increased it by \$1. It's \$26 an hour. But it's still, you know, to a lot of interpreters it's still quite low, compared to the private sector. [...] We pay a minimum of two hours. So every time you go work for an assignment, we pay two hours of services. (G Interview, Appendix 4)

For many interpreters, this remuneration is not sufficient, but they justify their work and find reward in other ways. The type of reflection offered by the informant below was recurrent during my fieldwork research:

We have a lot of our interpreters who have been with us for many, many years, like for 25 years, that keep doing this really because of that sense of giving back: "I came to this community and I struggled and you know, I've managed to get this far so that's my way of giving back." That's what they say: "that's my way of giving back." (S Interview, Appendix 4).

In 2011 the LIS program was expanded to pay particular attention to the inclusion of sign language interpreting (women who are hearing impaired or deaf). The expense estimated per assignment is higher than with spoken languages. Sign language interpreters are paid a higher rate and often there is a need for more than one interpreter. When asked why sign language interpreters command a higher hourly rate, a key informant who is in an executive position offered the following answer:

Because their training... Because it's a different type of skills, and they cannot do it for more than two hours. It's very hard on their hands. And their training takes two years to do it. And you know... Spoken language interpreting also requires training, but it's a different kind of training. And their accreditation is even more confusing than the Spoken Language Interpreters. They have a lot of certificates out there. But you don't even know what they are. [...] Canadian Hearing Society—they have a screening process [...] to determine whether you have the skills. (G Interview, Appendix 4)

We will have an opportunity to discuss in more detail the role of the Canadian Hearing Society in the provision of interpreting services when we tackle sign language interpreting as a subunit of analysis near the end of this chapter.

Challenges

The most frequently mentioned challenge throughout fields of community interpreting is the sensitization of potential service users (whether it is end-user clients or service providers). Many service providers (police officers, settlement agents, healthcare providers, etc.) are not always aware of the difference between being able to provide bilingual service and being in a position to act as an interpreter. Here is an example:

[Often] in the settlement service [...] staff who work for the agencies actually can speak the language of the client. They actually don't need an interpreter and they communicate in the language of the client. Even the police: they have a lot of multilingual [officers], you know. So they can communicate directly in the language of the client. But they are not interpreters. And they *shouldn't* play the role of the interpreter. But it becomes hard. Because it's easy, they're within reach. "There's someone there who can speak the language. Why do we need to call MCIS for them to call an interpreter? Just grab that person!" They don't understand there's a conflict of interest, and all those things. So it takes a lot to convince them, you know. And it's fee for service, you know. Why would they want to be using their budget when there is really not a lot of money allowed in their budgets for them to spend on interpreters? (G Interview, Appendix 4)

In the above testimony financial considerations appear to have a clear impact on the decision to resort to an interpreter or not. Whereas it is an important impediment, it is not the only one. Another informant noted that it is hard to effectively raise awareness among service providers despite proactive efforts by LIS partner agencies to inform providers of the existence, relevance and convenience of LIS services:

[T]here are some services providers that are still reluctant. There's a challenge to educate the service providers. So the goal in the long term is for the service providers to really understand the needs of multilingual clients [...] Police is one organization, but it doesn't mean only one person from the police station will call and request the service. There are different departments, and different shifts, you know. And so you've got to make sure that everybody there knows about this program, so that there is no excuse for them not knowing who to call for an interpreter. (S Interview, Appendix 4)

A different challenge relates to the difficulty of sustaining College programs that teach the LIS curriculum. Programs are organized into five modules. For each of those modules students register independently. A minimum level of enrollment is necessary every time a module is offered in order to administer the training. Only upon completion of the five modules do students graduate from the program. The likelihood that a student will graduate from the program depends both on their ability to afford the tuition for each of the different modules and on the timely availability of courses that meet the graduation requirements.

Critical mass is also relevant when considering the option of establishing over-the-phone services. In order to effectively cover the needs of a 24-hour crisis line at the Sexual Assault Crisis Centre, it would be necessary to find interpreters within 1 minute from the reception of a call. Such rapid response requires an elaborate infrastructure to be in place. None of the partner agencies was in a position to offer such services at the time of this interview: "To provide the service to the crisis line it would really require our agency to subcontract with a for-profit business. We don't want to subcontract directly with a profit-making organization" (G Interview, Appendix 4). Some of the barriers clearly entail sustainability from a quantity and capacity of service point of view (offer and demand mechanisms). Another challenge relates to the technological infrastructure that is needed to ensure remote interpretation.

When I conducted the fieldwork research, the technological side of the LIS program was failing to fully meet its administrative needs. The centralized database that all partner agencies were required to regularly report to and keep updated used outdated technology that made it difficult for the agencies to synchronize it with their own tools. Consequently, agencies duplicated the efforts of recording new client intake information and reporting service provision to the central database. Also, both the CILISAT and the ILSAT were administered onsite. The challenge of devising techniques to securely administer the test over the internet, to both ensure the identity and independence of test-takers and to prevent the dissemination of the test to future test-takers, has yet to be overcome (G Interview, Appendix 4).

Level of Agenda

The LIS program is a star in the Canadian community interpreting panorama. The original initiative for the program came from within the Ministry (which, at the time, was called the Ministry of Citizenship and Culture). Not only did issues of cross-linguistic communication make it to the agenda the resulting program has remained at the center of it for over two decades. The LIS program has been in excellent health since its inception, with constant monitoring of the services in place; there have also been several initiatives to improve and enlarge its services. Crucial to the success of the LIS program has been its effective managerial infrastructure and the consistent flow of funding over the years.

The context in which this program was born is the period immediately after the inauguration of the official multicultural policy in Canada (and Ontario) in the 1970s. The

Ministry of Citizenship and Culture was created in Ontario in 1982 as a result of the new multicultural policy. The newly created Ministry was made responsible under the Ministry of Citizenship and Culture Act for “recognizing the pluralistic nature of Ontario society, to stress the full participation of all Ontarians as equal members of the community, encouraging the sharing of cultural heritage while affirming those elements held in common by all residents” (Ministry of Citizenship and Culture Act 1990). The development of the LIS program, founded in 1989, although it targets a very specific and restricted population, is certainly consistent with the mandate established for the Ministry at its creation just a few years earlier.

Institutional Venue

The LIS program is institutionally located at the provincial level and spans across different sectors. It is a pan-sectorial program that originates in a response to the needs of a clearly demarcated population: women’s who are victims of violence (domestic violence with the added component in recent years of sexual assault or human trafficking). Within the Ontario Ministry of Citizenship and Immigration, the Women’s Directorate is responsible for the LIS program. The Women’s Directorate “collaborates with women’s organizations and across government to advance women’s equality, support their safety and improve their economic security” (Ontario Women’s Directorate 2014). The Ontario Women’s Directorate was created in 1983 in the context of the new institutions that were generated from the policy on multiculturalism (which included the Ministry of Citizenship and Culture that was born in 1982).

Groups and Communities

Two different narratives of the origins of the LIS program were gathered through our fieldwork; while not incompatible, they do highlight different the characteristics of the groups involved. According to a version from one of our key informants, the initiative to overcome language barriers to empower women in vulnerable situations was at the outset pushed by a group of women who approached the Women’s Directorate to obtain funding for English language classes (M Interview Appendix 4). This highlighted the need for cross-linguistic communication and prompted an institutional move to recruit and train interpreters to overcome the language barrier. Women, whether as instigators or beneficiaries of the policy, or both, are at the center of the initiative. Women in vulnerable situations with the

shared characteristic of having a limited command of the target languages are the very obvious group in the case of the LIS program. In my analysis, there is no other group or community to be detected.

Looking at the program through the lens of networks and communities, LIS partner agencies clearly form an epistemic community. Throughout the years they have shared and developed knowledge and initiatives based on their work on the field and their involvement with a shared cause. Not only do they share a common source of funding that keeps them working in a shared field, the Ministry encourages the exchange of information and the sharing of best practices among these agencies through periodic interagency meetings (Comment based on my participant observation at one of the meetings, Appendix 4).

Because agencies need to work effectively with a wide array of actors in a variety of fields to provide social services to cultural communities, populations identified as vulnerable, or encompassing target groups such as newcomers at large, one would expect to see the LIS program model emulated widely. This, however, is not the case. When I asked one of our informants why LIS' program had not been adopted to serve groups other than victims of domestic violence (with the further expansion to victims of sexual assault and human trafficking in recent years), this is the answer I received:

Basically it's the funding source, it comes from the Ontario Women's Directorate and it's really... [...] Unfortunately I know that there are a lot of newcomers who need that, but that would be another funding source. [...] Currently the only funding to provide interpreter services is through LIS, the Language Interpreter Services Program, and through the victims. (G Interview, Appendix 4)

It is striking that other departments or government agencies have not followed suit and emulated the Women's Directorate leading example to create programs from which the larger public can benefit. As mentioned earlier, the outcomes of the Women's Directorate successful policy have benefitted groups and members of the public beyond the originally targeted group, and, in my analysis, should be considered a catalyst for change. But it is interesting to note that no other target group seems to have gained the credibility, the sympathy, or the sense of entitlement or deservedness to generate such a sustained and encompassing initiative, as have female victims of violence. We will talk more about conceptions of deservedness and entitlement in Chapter Five.

Issue Conceptualization

The LIS program was developed within the following frame: the need to facilitate access to a variety of services to a vulnerable population in situations in which their wellbeing is at stake. It began with the understanding that facilitating communication required an intermediary who would be able to act as a bridge between speakers of different languages by also facilitating cultural understanding and sensitivity. This kind of intermediary was referred to as a “cultural interpreter.” The concept of the cultural interpreter was dismissed as inappropriate in the 1990s and the understanding of the role of the intermediary evolved toward an approach that is closer to the traditional role of the interpreter in other settings: a neutral transferor of messages between two languages. The issue conceptualization, then, evolved from a focus on understanding cultural differences to a focus on overcoming language barriers.

Although the service is available through service providers only—victims cannot ask for an interpreter themselves, the providers at different services are the ones who contact the LIS to request an interpreter whenever needed—problem definition is very much based on the needs of the target group, wherever they arise:

This program functions based on the needs of the clients, not of the services. If the client goes to a shelter, then there will be a minimum of 20 assignments. There will be different needs for the women. Maybe taking the client to the court, to the doctors offices, information on looking for jobs... Every session requires an interpreter. Yoga classes, you know. We can't really tell service providers what is good or not good. What you should be providing for the victim. We are not in a position to select assignments or say, for yoga classes we won't send [an interpreter]. (G Interview, Appendix 4)

The sophisticated comprehension of cross-linguistic communication and the importance of providing accommodation measures for it that the LIS program has demonstrated, probably stems from the nature of the problem that it deals with in the first place. Domestic violence, sexual assault, and human trafficking are important and prevalent societal problems that are nonetheless most of the time invisible to the general public. An ability to see past the surface and to adopt a critical and reflexive perspective is necessary to be able to unmask and address the types of issues that the Women's Directorate undertakes. A similar kind of unmasking and commitment is necessary to be able to effectively address language barriers. One testimony recorded during an interview beautifully illustrates the idea that effective issue conceptualization in this field requires a great amount of sensitivity and compassion:

[W]e have this gold star counseling service that we use as a model. When a woman presents—even if she speaks English well—they make sure she understands that her trauma will be best expressed in her first language. They encourage her, they don't just say: "Would you like an interpreter?" She says "No," they say, "No, no, no... we want to talk to you about why you want to probably have an interpreter. Your story in your language will be easier for you to tell and express." It will take us an hour and a half for every counseling session instead of an hour, it will cost us more... They don't care; they are fully committed to that woman telling her story [in her own language?] even if she speaks English very well. (S Interview, Appendix 4)

It is, in my opinion, the approach of focusing on the needs of the target group that explains the success of the program and its ability to identify the right solutions. It explains its pioneering role.

Coming back to the context in which the program was developed, one of our informants highlighted the relevance that the topic of domestic violence acquired in the decade prior to the development of the LIS program (F Interview, Appendix 4). In fact, "Wife Assault: It is a Crime" was the theme of award-winning television ads that the Ontario Women's Directorate developed as part of a larger education campaign in 1989 (as highlighted on their commemorative timeline created for the 30th anniversary of the creation of the Directorate) (Ontario Women's Directorate 2013). This climate of sensitization toward domestic violence, coupled with the implementation at the provincial level of official multiculturalism provided for the perfect circumstances to conceptualize the issue of cross-linguistic communication as a critical working point if women outside the mainstream were to be reached.

The Settlement Sector

"Settlement services is where we serve newcomers who have yet to become citizens. They are here legally in the country and we want to help them get on their feet and help them establish a life here" (H Interview, Appendix 4). The settlement stage is the period of time during which newcomers look for housing, enroll their children in the school system, seek healthcare providers, and look for ways to enter the labor market, etc. All levels of government are involved in Settlement Services (for example, COIA) and more than a dozen different services make up the settlement sector, including counseling and support groups, education, emergency services, health and medical programs, housing assistance, legal support, orientation, and recreation and leisure programs, etc.

At the Federal level, CIC's mandate to support newcomers in their settlement process during the first three years after their arrival in Canada is clearly established. However, the settlement period is less clearly defined than CIC's mandate. In actuality, agencies in the settlement sector provide services to a significant number of people who have been in the country for more than three years. It is unclear whether these are clients who have needed continuing services extending beyond the period of three years or whether they are new clients whose life circumstances have changed, causing them to require support from settlement agencies after their initial settlement stage (Andrew and Hima 2011: 55). At any rate, the concept of the settlement sector is thus hard to delineate, both in terms of its trans-sectorial nature and in terms of the scope of the target population.

All governmental institutions with a mandate to support immigrant settlement rely strongly on third sector agencies and community organizations as channels for service provision. These organizations are very diverse: many are small in size and provide services to specific language groups, while others are large multicultural organizations that provide a broad range of services to clients that speak different languages. There are about 200 settlement agencies and organizations in Ontario, over half of which are located in the GTA area (PSTG Consulting 2009).

These agencies and organizations are funded by grants from different levels of government to offer the services that support newcomers. The Ontario Ministry of Citizenship and Immigration runs the Newcomer Settlement Program to support newcomers. Under the 2005 COIA, the Federal government provided \$920 million for settlement and language training programs and services in Ontario: "The focus is on improving the settlement and language training services, developing partnerships with non-traditional partners, and improving evidence-based decision making" (Citizenship and Immigration Canada 2012).

While language issues are an explicit component both of the COIA, in general, and of the settlement sector, in particular, the attention devoted to professional community interpreting services has been minimal until rather recently. Since the settlement sector is such an obvious field in which cross-linguistic communication is potentially an issue, the lack of initiatives in this policy subsystem is a stimulating case for my analysis. Generous funding is devoted only to the goal of responding to newcomers' specific needs through the provision of other dedicated services, and yet, their communication needs receive only marginal attention.

Description and History

According to Tolley and Young (2011: II) the Longitudinal Survey of Immigrants to Canada (LSIC), which collects data about immigrants' experiences during their first four years in Canada, showed that language barriers are the biggest challenge during the first six months. *Settlement at Work* is an online information tool shared by all the settlement agencies in Ontario; its goal is to exchange resources and maintain connections. Language barriers are also identified by this tool as a primary impediment facing newcomers to Ontario:

One of the main challenges experienced by newcomers as they navigate the human services is language barriers. When services are not linguistically appropriate, newcomers are not able to access the services they need in a timely manner and often, not at all. Conversely, the main challenge service providers experience in the delivery of services to newcomers is an inability to communicate, and therefore the quality of services delivered is significantly impacted. This is the situation across Ontario's human services, be it health, settlement, legal, employment, housing or social services. (Settlement at Work 2011)

However, no systemic approach to translation and interpretation services even remotely comparable to the well-established LIS program (discussed in this chapter) was in place during the time when I did my fieldwork. In fact, the need for a systemic approach to translation and interpretation programs in the settlement sector, was first recognized by official institutions following the Canada-Ontario Immigration Agreement of 2005 and the needs assessment resulting from that agreement. An external agency was commissioned to consult on the general quality of services provided in the Settlement Sector. Starting in 2008, the evaluation process found that language barriers are a significant impediment to service provision. As a result, a series of studies were conducted that produced several reports on the specific situation of language and interpretation services needs (PSTG Consulting 2009;(PSTG Consulting 2010); PSTG Consulting 2011). Among the goals for the 2009 report were: assessing the current delivery model for Language Interpreting and Translation Services (LITS); and developing options for potential improvements. Findings revealed that the lack of legislation and policy has resulted in an inconsistent use of interpreters and translator services. The service delivery system is fragmented, and the service that translation and interpretation can provide is often misunderstood. To correct this situation dedicated funding is necessary at different levels: payment of services; funding for training interpreters, funding for administration services (as the coordination of interpreters and translators can be intensive); and funding for quality monitoring (PSTG Consulting 2009).

The 2010 project focused on conducting an environmental scan to determine the full range of interpreter training programs available in Ontario, produce a recension of where and how interpreting is provided and the differences between different regions, and identify provincial standards of practice (PSTG Consulting 2010). A series of recommendations resulted from this study: some relate to the identification of services that require interpretation, others regard standards of practice for interpretation in the settlement sector in Ontario, while a third category of recommendations relates to interpreter training and testing. Overall, better communication regarding interpreting services was suggested as a priority for CIC, with the goal of raising awareness among service providers, as well as guaranteeing consistency of standards across the region. Three themes (that are recurring) can be found in the recommendations: (1) the need for a policy framework; (2) the need for collaboration among stakeholders; and (3) the need for sustained funding.

In 2011, the final report issued encourages service providers to use professional interpreters, and provides agencies and organizations with arguments to support dedicated funding for interpreting services. The report proposes the following goals: (1) to “describe why interpretation is the preferred solution for addressing language barriers to service access and delivery in all human services in Ontario”; and (2) to “help front line staff and managers in human services in Ontario present a business case for interpretation to a decision maker and/or funding partner” (PSTG Consulting 2011: 4).

Considering that the settlement sector was first established in the 1970s with the endorsement of the official multiculturalism policy, it is surprising that it was only in the 2000s that any coordinated institutional actions begin to emerge. One of the interviewees made the following observations when commenting on the consultations carried out for the general needs assessment:

I think that what's been happening is that without sort of clear guidelines or rules or anything, agencies have just been doing what they need to do to serve their clients and so what happens is that a lot of times settlement agencies have employees who speak the language of their clients so... Like let's say there is a settlement agent worker that speaks Spanish and there is a Spanish-speaking client. Instead of employing formal interpretation services because it's expensive and because it, it can be awkward and not convenient, they will either provide the services and language of the client or they will sort of act as nonprofessional interpreters for the client. And there's various issues with that scenario, so basically we wanted to delve into figuring out how we need to jump into this issue... so that's when this study came about. (H Interview, Appendix 4)

Indeed, it has been a common practice for settlement sector agencies to overcome language barriers by hiring multilingual workers. Historically, many of the settlement agencies have targeted specific ethnic groups, which has enabled them to provide direct, language-specific services in the language of the client. In some cases, the need for translation and interpretation is unavoidable. According to the 2009 report, in 85% of the cases in which translation and interpreting is needed, settlement agency staff translate and interpret informally whenever the need arises. The need arises when services are directly provided to clients by the agencies themselves, but also beyond (T Interview, Appendix 4): as mentioned earlier, settlement services span across sectors and the limits are not always clear. The fact is that, in practice, settlement service agents cover cross-linguistic communication needs even when interpreting is not part of their official responsibilities. The following testimony is rather telling:

[This] is something that we came away with: right now what's been going on historically is that settlement agencies have been sort of filling in the gaps for clients because they... they know what the reality is. They know that their Farsi speaking client isn't going to find a Farsi speaking doctor, or isn't going to be able to deal with their kid's school in a way that's positive for them if they don't speak the language, and those other places aren't going to provide them interpretation... So, what the settlement workers... The settlement workers feel a responsibility for their clients, and so they have been going above and beyond, and basically acting as interpreters for them at a lot of instances that I would say are sort of outside of their main duties, or the main focus of their work. (H Interview, Appendix 4)

One of the results of consultation rounds was the development of the tool *Let's Talk*, an electronic repository of information and resources related to interpretation services, which is accessible to settlement sector agencies through the *Settlement at Work* website. The goal was to include information that would help respond to the needs of agencies as identified through several rounds of consultations with stakeholders. To that end, sections such as fact sheets about interpreting and tips on how to make the case for funding for the provision of interpretation services were planned to be part of the tool. In 2011 the tool went live. As of November 2015, however, most of the links still direct to pages that announce forthcoming content.

The tool, then, doesn't seem to be working very well. What's more, beyond the consultation processes carried out until 2011, the sharing of information resulting from such research projects, and the recommendation to settlement agencies to always resort to professional translators and interpreters, few actual initiatives have been taken. None of the government bodies who share responsibility for the settlement sector at the federal,

provincial, or municipal level took any further actions (as of the end of my fieldwork period, in June 2013) to provide the policy framework that PSTG Consulting had identified as a major gap in its very first report.

Level of Agenda

Citizenship and Immigration Canada and the Ontario Ministry of Citizenship and Immigration ordered an in-depth study after identifying the need, which could indicate that the issue of cross-linguistic communication in this sector has reached the institutional agenda. On the other hand, three years after the completion of the first study, which offered a series of specific recommendations with actionable items that showed concrete benefits with medium to low levels of investment, neither the Ontario Ministry of Citizenship and Immigration nor the CIC showed any intention of implementing any of the recommendations. For this reason, even if concern about language barriers in the settlement sector has reached the attention of the institutions, it is still far from attaining the decision agenda.

I would like to propose the explanation that the frame “multiculturalism within a bilingual framework” leaves little space for considerations of cross-linguistic accommodation. This narrative, which is core to Canadian identity, gives prominence to English and French as languages of the institutions while leaving some space for ethnic and cultural groups to organize themselves with the support of (limited) public money. Settlement agencies offer services to newcomers from a perspective that is anchored on the rights of ethnic communities to be accommodated in Canadian society within the framework of official bilingualism. That is, institutions offer services in English and/or French. Civil society and third sector organizations are free to function in the language that best suits the needs and interests of different cultural groups. Government bodies support such community-based organizations with some financial support under the framework of multiculturalism.

Given that clear efforts were made at the time of the CBC Commission to separate between language policies and multicultural policies, it is not surprising then, that cross-linguistic communication falls behind even when funding is specifically devoted to helping newcomers to settle. In fact, the variety of options to learn English and French that are offered to newcomers free of charge is wide. It is as if the two official languages have co-opted the focus on newcomers’ integration.

In actuality, then, the institutionalization of community interpreting in the settlement sector has, despite its clear importance, very significantly not made it to the decision agenda after over four decades of existence of the settlement sector policy subsystem and despite the very close example of the LIS program. The LIS example is indeed very close: not only does service provision for newcomers overlap in many instances with service provision for victims of domestic violence, but the Women's Directorate is a department of the Ontario Ministry of Citizenship and Immigration, the same Ministry that is responsible for settlement issues at the provincial level.

Institutional Venue

To look at institutional venues for the case of the settlement sector I must not only take into account the actual actions that have been taken, but also consider institutional venues for hypothetical and desirable policy actions in the settlement sector. I will begin with what has actually taken place so far.

It is unclear to me who initiated the conversation that led the CIC and the MCI to commission the series of reports on language barriers and translation and interpretation services in the settlement area. Therefore, it is hard to establish whether there was deliberate venue shopping by a group of actors in this case. However, from a venue consideration point of view, settlement programs (at different levels of government) would seem to be very natural institutional locations in which the issue of cross-linguistic accommodation needs should arise. However, when several levels of the government are involved, determining who is in charge of funding for a ubiquitous need becomes a challenge. As pointed out by the PSTG 2009 report, it is only natural that tension will arise regarding who should be responsible for funding interpreting services when other factors are involved. CIC, however, has a unique coordination position that could help establish collaborative relationships not only at the Provincial level, but, with the logic of economy of scale, across all provinces.

This brings me to a consideration of institutional venues in light of potential policy actions. As I noted above, very little initiative was taken to follow-up on the concern regarding language barriers and the need for structured and professionalized translation and interpretation services. And yet, the settlement sector, a unique type of structure that stems from Canada's unique approach to multiculturalism, seems to be in the perfect overarching and trans-sectorial position from which to provide the type of framework that effective institutionalization of community interpreting requires.

I would make the argument, in fact, that coordinating translation and interpreting services should be an explicit mandate of government settlement service programs. The purpose of the settlement sector is to serve as a bridge between Canadian institutions and social life and the lives and needs of newcomers. To that end, settlement agencies and workers offer referral services, information, and advocacy so that newcomers can access institutions and services that are in place for all Canadians. Translation and interpreting services should, in my opinion, not only be a means toward referral, information, and advocacy for the settlement sector, rather, they should be an end goal. We will delve into this a little more when we talk about issue conceptualization.

The PSTG 2009 report suggests an approach where one institution would be in charge of delivering the service while others resort to it on a fee-for-service basis, with the goal of ensuring continuity and consistency in service delivery. What is positive about this approach is the distinction between the different dimensions necessary for making community interpreting a reality. The two aspects that are addressed by this approach are service administration, on the one hand, and service funding, on the other. However, in my opinion it is important to add at least one more dimension: the body of a quality interpreting service can only be built around a solid skeleton that includes incentives for professional training, quality monitoring, consistent credentialing systems, shared rosters of professional interpreters, and sensitization campaigns, etc.

Settlement sector programs are in a unique position to lead the establishment of that skeleton for the benefit of society at large. Note that taking such a leadership position does not necessarily involve being in charge of the actual funding for interpreting in every field. Lack of funding is often referred to as one of the biggest impediments to interpreting service provision. The burden of funding interpreting services is something that can be shared by the different sectors, so long as some kind of coordination exists. One of my informants mentioned the need for every service sector to take their own responsibility:

We have yet to liaise with other... other government departments, and also try to create an environment where it's like, you know? It's time for everyone else to do their fair share and like, we will continue to do our role, but you need to step up and you need to serve your clients in a way that's safe for them in a way that is fair for them. And it's not always on the settlement agencies to fill that gap. (H Interview, Appendix 4)

Financially, the responsibility may be shared. However, without some sort of coordination and best practices modeling, experience has shown that civil society and third sector institutions by themselves will not be able to generate spontaneous frameworks that

effectively address accommodation needs for cross-linguistic communication even in the most critical circumstances. Clearly, the third sector left to itself was not able to generate the infrastructure that the reports identified as lacking, although the need for professional interpreting was often recognized by different leaders in the field (probably through the influence of the LIS).

Agencies unanimously prefer to pay for interpreters that have been trained and tested but lack the funding to do so. Agencies are concerned with the quality of interpretation provided by untrained and untested interpreters and potential for errors that could seriously impact the newcomer's settlement process. (PSTG Consulting 2009: 19-20)

CIC and MCI, through the COIA should—but don't—play a coordinating role in ensuring a policy framework for the development effective interpreting services and their availability for newcomers and longer-term residents alike. They offer the perfect institutional venue for the kind of initiative that would involve controlled investment with overarching benefits for society at large.

Players

Similar priorities and rhetoric about what's needed in the field of language interpretation and translation services can be identified in the different reports (PSTG Consulting 2009, 2010, 2011) and in my fieldwork interviews. I have found that what resembles a policy community seems to have formed among certain stakeholders in Ontario. It would not be far-fetched to hypothesize that the LIS program has contributed to the formation of such a community for the reasons explained earlier. As for policy networks, the settlement agencies might have a vested interest in the development of this framework, provided funding was to be offered independently of their own budgets and coordination of the service happened at the institutional level.

In terms of the social construction of target groups/interest groups, the term "newcomers" is very telling in different ways. On the one hand, it clearly transmits the idea of a transition status. That temporary status is what causes them to be perceived as deserving of the accommodations provided by the settlement sector programs. In a way, deservedness of interpreting accommodation might be more easily justified if it were offered to immigrants within a temporary framework while they are acquiring better skills to communicate in the official languages. And yet, as we have seen, the interpreting framework in the settlement sector fails to address even this limited accommodation.

After one of my interviewees suggested Australia as an example to follow because it has a legal framework which guarantees clients the right to receive services in a language that they speak, I asked what might be preventing that from happening in Ontario. The following is a fragment from the discussion that ensued:

I think sometimes interpretation issues can bring up certain feelings about responsibilities of citizens and responsibilities of people who come, who live in a country, so... because the thing is... there's a lot of... it would be a very costly endeavor to, throughout Canada, guarantee that all newcomers, all people who don't speak English or French are served in the languages that they speak. So to get to that, you have to get a lot of buy in along the way that this the right move, you know? You have to have that sort of mobilization of public opinion and of political will to make that happen, and I think that sometimes people feel that... You know, when people come to a country, they feel that they have a responsibility to learn the language and to integrate in whatever way people think... whatever they think that means. So, I could see that being pushed back... you know, making this huge investment serving clients in.... Like, we already have two official languages... so it's that idea of the watering down of what it is to be Canadian... (H Interview, Appendix 4).

One important aspect that emerges from this testimonial, is the strength of languages and the value attached to them when it comes to identity formation. Such values play a critical role in determining conceptions of entitlement and conceptions of deservedness. Both the perception that two official languages are enough and the perception by newcomers themselves that they have a duty to learn the official languages are alluded to by this informant as reasons for the underdevelopment of community interpreting.

Issue Conceptualization

Enabling access and integration is the very *raison d'être* of settlement sector programs. And yet, one of the most critical barriers (language differences) has not been effectively addressed. The studies commissioned by CIC and the MCI point in the following direction: the main issue in the settlement sector is that a wide array of circumstances require quality interpreting services but there isn't an efficient framework for the development and provision of such services. "The study identifies the need for provincial policy framework as a critical success factor for the delivery of progressive language services in the province" (PSTG Consulting 2009: 32). The benefit that a provincial policy framework would bring is a clearer understanding of planning principles and guidelines/rules for service development to the sector and those sectors that interrelate with settlement.

The studies don't go into depth regarding what about interpreting makes it necessary to have a centralized framework and standards. They do, however, mention aspects such as

the isolation of rural communities which cannot possibly develop the necessary measures to cover all language needs that may arise, as well as the fact that the variety of settlement services require some frame of reference in order to achieve consistency. In other words, through the studies a sub-issue could be stated as follows: the absence of central coordination of interpreting services is detrimental to the quality and effectiveness of such services.

The scope of the settlement sector is unclear for at least two different reasons: one has to do with time and the other with inclusion. What is the timeframe within which a newcomer is still considered new and thus in need of settlement services? What range of services are included as part of the settlement sector? What services are independent of the settlement sector but support it?

[E]verything is very interconnected and a client... a client doesn't really care that one service is funded by the Ministry of Health and one service is funded by CIC, what they want is access to the services that they need to get through their day. So that was a big issue that came up in a lot of our discussions about how to improve LITS, which is like where do settlement start and where does settlement end? You know? You can say: well we have the settlement agencies but applying and getting an apartment and doing with the landlord, that part of their settlement experience so [...] are we also responsible that interaction? Those kinds of things... And that, whether I think a really large challenge for us when we were approaching the issue because it can be very easy for settlement to sort of seep into... everything. You know what I mean? Because it touches on so many other sectors. (H Interview, Appendix 4)

The intangibility of the settlement sector certainly contributes to a feeble understanding by key stakeholders of the extent to which CIC and MIC should secure interpreting-specific funds, how many funds with which priorities, and for how long. If we were to compare the settlement sector with the LIS program the temporal dimension is diametrically opposite. The needs of victims of domestic violence are clear and urgent, which facilitates understanding the need for timely and effective communication support. Clients of the settlement sector, on the other hand, might reach out to settlement agencies at any time for assistance, during or after their first three years in Canada, with often important but not immediately pressing matters. Thus, a lack of clear sense of temporal urgency can impede conceptualizing the issue of community interpreting as a priority.

The Healthcare Sector

The healthcare sector in Ontario is characterized both by the historical absence of a policy framework for interpreting services and the development of innovative initiatives by different organizations despite the absence of such framework. In the next few pages, I will make and support the claim that healthcare is such a basic need that a variety of legal provisions devised to protect individual rights constitute a unique driving force—if not a warrant—for the development of interpreting services.

The Canada Health Act, the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, the Canadian Multiculturalism Act all include clauses that can be called upon to support the case for the right to effective, professional interpretation in medical settings. None of these legal instruments, however, directly refers to language barriers (Bowen 2001). Rather they deal in general terms with equal treatment and equal access, often referring to ethno-cultural differences though not to cross-linguistic communication specifically. Likewise, the right to informed decision-making is guaranteed under the Ontario Health Care Consent Act of 1996, which indirectly involves the need for effective communication, but again, language barriers are not directly addressed.

Health care organizations have been left to develop their own internal policies and criteria for matters including: interpretation and the role of interpreters; how, when, and to whom interpreter services will be provided; and standards and competencies for interpreters. I will describe these policies before I address the context in which the first institutional policy initiative was developed starting in 2012.

Background and Description

In the 1990s the first nonprofit network in Ontario to promote high-quality interpreting in healthcare was born. It comprised several hospitals of the Greater Toronto Area (GTA) and other healthcare providers as well as the early support of the MCI and the participation of Toronto Public Health. More and more interpreters, with a personal interest in career development, joined the network and today interpreters constitute a majority of the membership at the Healthcare Interpretation Network (HIN) (O Interview, Appendix 4). The network's goals, however, were originally centered on the development of frameworks and policies for quality interpretation through education and research, dissemination of information, and the development and promotion of professional standards. (In fact, in 2007,

HIN issued the National Standard Guide for Community Interpreting Services, a novel initiative in Canada).

The first pilot trainings specifically for skills development for healthcare interpreters occurred between 1992 and 1994 at the Sick Children's Hospital in Ottawa. By 1999, this hospital ceased resorting to volunteer interpreters or ad hoc interpretation by multilingual employees due to the liability risk to healthcare providers and institutions in using the services of untrained interpreters. The University Health Network—an amalgamation of hospitals and other healthcare providers in the GTA—followed suit (Healthcare Interpretation and Information and Education Network 2002). The Inter-Hospital Interpreter Project (IHIP) was formed in 1994 to develop curriculum to train interpreters and, building on the MCI pre-existing curriculum and the Sick Children's training program, issued the first training manual in the region: "Cultural Interpreters Working in a Hospital/Health Care Setting" (Abraham et al. 2006). However, not all healthcare organizations suspended the use of volunteer and multilingual staff banks; indeed, many still resort to volunteer interpreters, but by 2004 several healthcare organizations had started offering interpreting training for their staff with programs of 90 hours or more in class instruction and skills development (Healthcare Interpretation Network 2007: 4).

Yet, despite such initiatives by individual organizations in the field, and as a result of the lack of policy, a 2006 study of healthcare interpreting in Ontario observed many significant inconsistencies:

Health care service to patients with [Limited English Proficiency/Limited French Proficiency] is provided through a mix of multilingual clinicians, other multilingual staff who "volunteer" as interpreters, a few staff interpreters and a large contingent of free-lance interpreters who are dispatched through for-profit and not-for-profit fee-for-service agencies. As noted, families and friends often step in to interpret for patients. This lack of consistency across health care services results in uneven access and quality of health care (Abraham et. al. 2006: 33).

The same report concluded that:

The need to develop a provincial policy cannot be overstated. [...] The health care system is not only vulnerable to less than optimal outcomes associated with poor communication but also to liability for misdiagnosis and inappropriate treatment. A broad provincial framework needs to consider the probability of higher long-term costs of delivering health care unless language barriers faced by substantial numbers of Ontario residents are addressed. (Abraham et. al. 2006: 35)

The Supreme Court of Canada ruled in 1997 against the Province of British Columbia in a case regarding the access to healthcare by three appellants that were deaf. The appellants—Ms. Eldridge and Mr. and Mrs. Warren—contended that “the absence of interpreters impairs their ability to communicate with their doctors and other health care providers, and thus increases the risk of misdiagnosis and ineffective treatment” (Tate 2011). The Eldridge decision—as the case has come to be known—discussed violation of Section 15(1) of the Charter of Rights and Freedoms, which mandates equality of every individual before the law, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability. The Eldridge decision established failure to provide interpreters as a violation of equal rights because (in the case of the appellants) the presence of an interpreter was necessary to effective communication in the procurement of health care services. In October 1998, British Columbia updated its legislation to reflect the right to interpreters for medical services by persons who are deaf or hearing impaired (Tate 2011). However, the specifics of how to implement that right were not detailed by the Supreme Court: “The question of who pays for the cost of interpretation is an important one. Unfortunately, even in Eldridge Case ruling, the Supreme Court did not identify the need for governments to allocate resources for interpretation” (Healthcare Interpretation and Information and Education Network 2002: 9).

It was 2012 before Ontario had an institutionally supported policy to facilitate interpreting services. Health care organizations in the Greater Toronto Area now benefit from coordinated measures to facilitate access to professional health care interpreting services. This is the first time government funding is assigned in Ontario specifically to interpreting services in healthcare (Bascaramurty 2012). The institutional context for this progress results from an in-depth reform of the health care system in Ontario initiated by the 2006 passage of the Local Health System Integration Act was passed. Under this new legislation, local networks of providers work in close collaboration with the goal of achieving meaningful system improvements based on the thorough understanding of local health care needs. To that end, fourteen Local Healthcare Integration Networks (LHINs) were established and allocated in different regions of Ontario. The Toronto Central LHIN (TC LIHN) spearheaded the establishment of coordinated interpreting services under the name “Language Services Toronto” (LST).

In July 2008, in the process of instituting equity plans, TC LIHN identified “language as a systematic and avoidable barrier to the equitable provision of health care services in

Toronto” (CRICH Survey Research Unit 2014: 5). In 2010, the TC LHIN partnered with the Hospital for Sick Children in Toronto and issued the report *Improving Health Equity through Language Access: A Model of Integrated Language Services throughout Toronto Central LHIN*. In October 2012, TC LIHN launched the LST program to make over-the-phone interpretation services to healthcare providers available within its network (hospitals and community agencies, namely).

After the program had been running for a few months, a key informant shared their satisfaction about the initiative. I learned from that interview that some interpreting services are now fully subsidized.

Toronto Language Services is essentially a phone interpretation program that is centrally managed. They did a request for proposals for a vendor. UHN is managing the project. Community Health Agencies and Mental Health programs needs for interpretation are funded through this program. Hospitals still have to pay, but they have access to interpreting services at a much cheaper rate thanks to this consortium. If Community Health Agencies want face to face interpreting they still have to pay for the services like they used to. (O Interview, Appendix 4)

Hospitals and other organizations that pay fee-for-service to access this centrally managed interpreting service have seen their costs for phone interpretation decrease by 80%. For some of the stakeholders who took part in the equity planning, this was a major incentive to advocate for this kind of coordination (U Interview, Appendix 4). As of October 2012 there were 170 languages (Bascaramurty 2012). R.I.O. Network (a service of the very active community agency Access Alliance) won the contract and offers the service by partnering with the private corporation LanguageLine to full coverage (Access Alliance 2015).

The benefits of the new remote interpreting service were welcomed by the stakeholders I was able to interview. Nonetheless, one of them did express some reservations, noting that much remains unknown about the suitability of over-the-phone interpreting services:

We still have no research showing: are there any quality differences [between face to face and telephone interpreting]... Like, it was a headlong rush. Like the cost... it was a cost imperative... it wasn't a quality imperative. I don't disagree that phone is very accessible. It can be high quality. But we are playing catch-up. We are training people how to use phone interpretation appropriately: when and where to use it... all those things. (O Interview, Appendix 4)

Other stakeholders, however, considered over-the-phone interpreting to be a solution to widely known problems. Highly trained medical interpreters cannot always be present,

particularly in the case of emergencies or unscheduled appointments. The cost of specialized interpreting services can also be a hindrance, even for the most committed organizations (O Interview, Appendix 4).

Level of Agenda

As I have discussed above, there are legal covenants at the national and the provincial level, which establish the right to equal access and informed consent that can be called upon to support advocacy for the right to interpretation in medical settings. These, however, are indirect guarantees and, in fact, have seldom been resorted to in legal cases. As we have seen, policies that establish a framework for access to interpretation are also rare and not encompassing. At the provincial level, which is the most relevant when it comes to healthcare-related policy, there are no signs of institutional progress. Thus, despite its critical relevance, and even though several organizations have pioneered initiatives and put networks like the HIN in place, I argue that the issue of cross-linguistic communication has failed to make it to the decision agenda in the healthcare sector.

Because key stakeholders have been advocating for quality interpreting in healthcare settings for decades (for example, HIN) and, because there has been some response at the institutional level (for example, TC LIHN) I would certainly concede that the issue is present in the systemic agenda. The variety of initiatives put forward by different organizations and the growing awareness among many healthcare providers—even if far from a majority—also contribute to positioning the issue of healthcare interpreting at a level of agenda closer to the institutional decision-making agenda. But it is not quite there yet.

Institutional Venue

Considering that healthcare interpreting can be (indirectly) supported by a variety of legal instruments at both the federal and provincial levels, we could position this issue at the constitutional level. However, given that such instruments not only indirectly address the problem, but also are seldom invoked, I would not make such claim when I examine the institutional location from a policy perspective. Indeed, the Canada Health Act, the Canadian Charter of Rights and Freedoms, etc., “have not translated into enforceable tools to guarantee language access for all Canadians or Ontarians” (Healthcare Interpretation and Information and Education Network 2002).

The only public policy initiatives that have taken place in Ontario to ensure access to quality interpreting happened under a provincial framework but at a very local level through the TC LIHN. This organization is a local network of Toronto actors and stakeholders with a provincial mandate to determine interpretation needs through their thorough understanding of the local situation. The context in which the issue was successfully placed on the decision agenda is particularly relevant to this study because it happened in relation to local initiatives to promote equity.

Although they are not properly part of the institutional agenda, the variety of initiatives developed by the service providers themselves (community agencies and hospitals, primarily) is worth mentioning here. Not only do their internal programs involve complex decision-making processes that benefit the general public, they also contributed to the climate that led to the creation of the LST by the TC LIHN.

Generally speaking, then, the need is identified at the local level by the service providers themselves, and by networks (LIHN) that are focused on close observation of the local needs. The institutional venue to implement effective solutions, however, is macro-level: the overarching institutional nature of the LIHN is what enabled the implementation of the viable and cost-effective program for over-the-phone interpretation provision.

Players

The Local Health Integration Networks (LIHNs) are deliberately created policy networks. The institutionally supported actions that, in 2012, brought subsidized access to interpreting services to some Toronto organizations, as well as a centralized and more affordable telephone interpreting service for Toronto hospitals, in general, resulted from the creation of the LIHNs. The LIHNs were born from a desire to work with local communities to identify the best ways to provide effective healthcare. The initiative yielded good results in helping to establish the much needed Toronto Language Services. The effectiveness of this network approach.

The Toronto Central LIHN would not have been so hasty at identifying the need and generating solutions were it not for pre-existing initiatives by organized stakeholders. One group of hospitals, the University Health Network, had had an internal telephone interpreting service with a small team of staff interpreters offering services for the most demanded languages. This certainly paved the way for the TLS initiative. Also, the organization that

won the bid to provide the service (Access Alliance with its service RIO) has played a central advocacy role in the field for years.

Access Alliance was among the founders of the Healthcare Interpretation Network (HIN), which has played a critical role in the professionalization of the field of healthcare interpreting in Ontario, notably, through the creation of the *National Standard Guide for Community Interpreting Services* in 2007. The HIN includes among its members both healthcare providers and healthcare interpreters.

In the next subsection I will show that risk management has been critical in providing institutions with justification for resorting to interpreting services. Given the salience of the risk management rationale, one would expect healthcare service end-users to have had an active role in claiming their rights, thus setting up a precedent. But, as pointed out by Bowen, immigrants may feel powerless and reluctant to advocate for themselves (2001: 90). The risk management rationale, however, has certainly played a critical role among hospitals and other healthcare organizations, which, in many cases (though not all) have been proactive in promoting quality, professional level services by creating training programs and phasing out volunteer-based programs.

Issue conceptualization

Issue conceptualization in the case of healthcare interpreting is rather different than in the cases of the LIS program and the settlement sector. Cost-effectiveness arguments are, as several informants declared, the language that hospitals and other big healthcare organizations are willing to listen to and consider. This is also one of the main justifications that helped push the development for the LST (Language Services Toronto). The arguments are multiple and well documented, as explained in the passage below. In my opinion, what is important in this case, unlike other cases I examine below, is that the rights narrative is much less prevalent than the economic justification.

The Manager of Patient Care and Interpretation Services at Sick Children's Hospital, Nancy Cornish explains that, while there are costs associated with the interpretation program at the Hospital, there are many costs associated with the failure to provide accurate interpretation services. For example, now that hospitals are reducing the length of hospital stays, health providers must offer education to parents in order that they can provide appropriate follow-up care in the home. Ms. Cornish explains that in cases where family members do not speak English, they may not understand the discharge instructions and health teaching offered. This misunderstanding often results in children being re-admitted to the hospital. (Healthcare Interpretation and Information and Education Network 2002)

In explaining why interpretation is important, the HIN warns that “poor communication due to language barriers can leave providers and organizations open to legal challenges” (Healthcare Interpretation Network 2015). This is a justification that I encountered repeatedly during my fieldwork as well. Interestingly, there is no history of suits in Canada, as confirmed by the HCIEN position paper: “This literature review was not able to identify any successful malpractice suits in Canada as a result of a failure to provide interpretation. However, the failure to provide interpretation exposes providers and organizations to liability risks” (Healthcare Interpretation and Information and Education Network 2002: 6). The list of cases in the neighboring U.S., however, is long and growing (See the website of the U.S.-based IMIA medical interpreters association for a list of examples: <http://www.imiaweb.org/resources/legal.asp>). The litigious culture of the United States predisposes groups, individuals, and their advocates to turn to law suits to ensure access to healthcare despite language barriers. There is a growing body of literature (both scientific and informational) that supports and reinforces the liability and risks argument, and this has certainly affected the Canadian context, reinforcing the case to advance the field.

The first “compelling reason for organizations and governments to spend the time and resources needed to provide high quality interpretation”, out of a list of four on the HIN website is positive health outcomes, as well as social wellbeing, for healthcare clients (Healthcare Interpretation Network 2015). The last one refers to the quality of communication. Two out of four arguments are instrumental in nature: risk and liability, and cost-effectiveness. That such arguments have proved to be so effective is, in my analysis, clear indication that power imbalances are central to the problem. An insightful informant commented on this very topic:

Our own Canadian Immigration Services hardly ever use interpreters at the federal level, or the provincial, right? I think it's because of a power imbalance, that they don't have to, they have the power. The police expressed the same issue, when we talked to them about a contract. For interpreters they call 911, because who ever sues the police? What is their liability? It's so low risk! A victim, or a witness is hardly ever going to challenge the Court system or the police. And it's only really one case in our medical system that has been challenged, and it wasn't [spoken] language interpretation it was sign language interpretation, and it set the precedent in Canada and that one case has made everybody in the hospital system, spreading into the rural areas, nervous about the potential for liability. So it's power. It's a power imbalance. (S Interview, Appendix 4).

The Justice System

When considering issues of cross-linguistic communication in the justice system it is interpreting during trials that both the public and academics tend to focus on. This might be because trials are the widely understood symbol of institutional justice or it might be because whenever legal covenants for the right to an interpreter exist they refer to the court system. However, the justice system, in fact involves institutions, frameworks, and processes outside the courtrooms, where effective communication is also critical. For example, accessing information on basic rights or communicating with legal counsel. While I will devote substantial attention to the court system in Ontario because it is a rich locus of data for our analysis—particularly during the period of our case study—we will also consider cross-linguistic communication in the legal system outside the courts.

We will see that what characterizes the legal system outside the courts is the lack of a needed infrastructure despite acknowledgement of the problem by key stakeholders and despite the existence of long-developed resources in related and/or overlapping fields; for example, the courts and the field of domestic violence through the LIS program.

As for the court system, key informants have described Ontario's provisions for court interpretation as being ahead of the game in the late 1980s and 1990s but falling behind soon after (J Interview, Appendix 4). Ontario was an international trailblazer in the process of moving away from a volunteer-based approach and was, in fact, studied as an example by other provinces and some states in the United States; but Ontario failed to update its initially innovative approach. This resulted in undesired outcomes that, between 2007 and 2013, often made the news.

Description

In 2010, Ontario courts were reported to provide over 150,000 courtroom hours of interpretation annually (Edoo et al. 2010; Ministry of Attorney General, n.d.). At that time, over 800 freelance interpreters and about 25 staff interpreters worked for the courts. More than 250 court offices province-wide shared a centrally managed Registry of Accredited Freelance Interpreters. Although each court manages its own interpreter needs, they all resort to this central registry to schedule interpreters.

Before 1985, all interpretation for the court was based on the collaboration of volunteer interpreters, on an as-needed basis (J Interview, Appendix 4). Despite different

national and international covenants already in place at the time, it was not until the French Language Services Act (FLSA) was passed in 1986 (guaranteeing an individual's right to receive services in French from Government of Ontario ministries and agencies in 26 designated areas) that the Court Interpretation and Translation Services of Ontario was instituted. Through this act, French became a language of the Court in the Province of Ontario. The main implication is that French speakers now have access to French-language courts; that is, courts that provide direct service in French, with French-speaking judicial officers and lawyers, etc. But translation and interpretation arose as a need because of the bilingual character of the Ontario. If an English-speaking witness were called to appear in a trial conducted in French, for example, an interpreter would be needed.

Eight interpreters and translators were hired throughout Ontario in areas that are primarily bilingual (mainly the North and the East). Other than their tasks as interpreters and translators, these new staff members were in charge of developing a testing system to recruit more French-English interpreters. Progressively, testing was developed in languages other than French and English to meet the needs of speakers of the other most frequently spoken languages (J Interview, Appendix 4).

The right to an interpreter for speakers of languages other than the two official languages is guaranteed by a variety of covenants at both the international level (United Nation's International Covenant on Civil and Political Rights and the Common Law) and the federal level (the 1982 Canadian Charter of Rights and Freedoms). As mandated by the above-mentioned covenants, no one with a language barrier who needs to access the court system can be denied the right to the assistance of an interpreter. However, in civil cases, the parties generally have to cover the expenses for their own interpreters and no institutional system exists to guarantee that privately hired interpreters meet the necessary qualification standards. The situation is different for criminal court proceedings; anyone charged with a criminal offense has the right to an interpreter free of charge. That means, in practice, that the institutions of the judiciary are in charge of both administering and assuming the costs of interpretation whenever it is needed in a criminal process.

On several occasions between 2007 and 2013 the news media reported on a mismatch between these legal stipulations and the enforcement measures in place to meet the needs for cross-linguistic communication in the court system. In November of 2005, Superior Court Justice Casey Hill identified serious problems in the court interpretation system in Ontario as a result of his judgment in the R. v. Sidhu case and his close examination of the court

interpreters services in Ontario (R. v. Sidhu 2005; Criminal Lawyers' Association 2010). In November 2007, former defendant Avtar Sidhu and others, with the support of Justice Casey Hill and lawyer Anthony Moustacalis initiated a class action suit against the Ministry of the Attorney General of the Province of Ontario (MAG) for inadequate court interpretation services, seeking damages of \$55 million (Edoo et al. 2010).

The suit alleges that “incompetent government-appointed court interpreters have led to miscarriages of justice and even wrongful convictions” (Blatchford 2008). The MAG is alleged to have ignored complaints and inquiries by judges, lawyers, and courts staff regarding interpreter accreditation procedures, qualifications and training that are all insufficiently demanding. In fact, following the 2005 R v. Sidhu’s judgment, the Criminal Lawyer’s Association (CLA) urged the Attorney General for Ontario: (1) “to identify those cases in which inadequate court interpretation may have resulted in a miscarriage of justice”; and (2) “to develop a system for ensuring that court interpretation was restricted to interpreters who were adequately qualified and trained for the task” (Criminal Lawyers’ Association 2010).

According to the 2011 census, only 51.7% of the population spoke English as their mother tongue in Brampton, and Punjabi—Sidhu’s mother tongue—was the second most common language spoken. There are an estimated 4,000 to 5,000 court cases a year requiring Punjabi interpretation at the Brampton courthouse (Blatchford 2009)

Sidhu's case has gotten attention, but it is not the only instance of interpreting services being the source of dispute. The Research Paper for the Association of Canadian Court Administration reports that “the Canadian Legal Information Institute (CanLII) database shows 86,496 results for litigation in which interpretation was an issue. More than 23,000 of these cases were at the appeal level” (Edoo et al. 2010).

As a result of this succession of events, and the fact that one of the class action demands was that an order be issued requiring the testing of all interpreters “using an appropriate test based on proper standards and to provide the testing results to class members” (Edoo et al. 2010), the MAG saw the need to set up a new examination process. All interpreters who work for the MAG, whether freelancers or staff interpreters, were thus required to take a new test throughout 2009 and 2010. The exams, based on actual court cases, were developed for the 25 most in-demand languages in Ontario (bilingual tests). For the remaining languages, interpreters were tested based on an English-only exam.

After a first group of 225 interpreters took the test in 2009 and the results were made public, the controversy burst forth. Almost half of the already working interpreters who took the test in 2009 failed it: of 225 people tested, 108 failed. One of my key informants claimed that the first official results revealed that only 40 interpreters, of the 225 who had taken the test. Several well informed individuals insinuated that the results had been inflated to protect the MAG's image (AI Interview, Appendix 4). Of those who did pass the test, many received a conditional accreditation only. A two-level of accreditation system was thus created after the tests, offering interpreters with lower grades a passing status with conditional accreditation only. Conditionally accredited interpreters could only be resorted to when fully accredited interpreters are not available.

Some interpreters claim that the bilingual test was unrealistic. The past president of the provincial Court Interpreters Association, Stella Rahman, noted that even interpreters with many years of experience failed to meet the expectations. Among judges and lawyers who advocate for quality interpretation as a prerequisite to due process, some came to the alarming realization that the test results might indicate miscarriages of justice. Past court judgments are vulnerable to challenge by the convicted defendants in, or even nullify, past trials in which failing interpreters served. The CLA in fact urged the Ministry to "develop a process for audio recording any criminal trial in which an interpreter is used so as to preserve the best evidence for future review if there are concerns over the adequacy of the interpretation services" (Criminal Lawyers' Association 2010).

On the other hand, several informants noted the advantages of being able to discern two levels of interpreting abilities within the pool of professionals. They claim that a two-tier system as a result of the new testing can show advantages (AI Interview and J Interview, Appendix 4). According to one informant:

One of the outcomes of the new testing is that there are now two accreditation levels. People who don't do as well on the test may still attain the conditional accreditation level, which is a good step because it also means that you have some interpreters whose skills aren't maybe quite as advanced who can be called to do a simpler court proceeding and free up the ones who have better skills so that they can do the trials (J. Interview, Appendix 4).

Other than the court and trial system, there are several other types of legal services that are affected by communication barriers. A study on the linguistic and rural access to legal information and services was commissioned by the Law Foundation of Ontario in 2008 resulting on what was dubbed "The Connecting Report." The Connecting Report, based on extensive consultations with key stakeholders, identifies problems and offers

recommendations on access to justice (Cohl and Thomson 2008). According to the estimate provided in that report, the number of people in Ontario who would need some form of language assistance in 2006 in order to access legal information or legal services was somewhere between 270,000 and 1.8 million.

Ontario has an exceptionally well developed network of legal aid programs, with clinics specializing in many different areas that are relevant to vulnerable populations, including those who may need cross-linguistic and/or cross-cultural assistance: Aboriginal peoples, persons with disabilities, ethno-racial and linguistic groups, etc. (Cohl and Thomson 2008).

In order to serve those populations with a lack of knowledge of the official societal languages, the default institutional strategy seems to be to make every effort to directly offer services in the language of the end-user. This strategy has very good results: “Agencies that directly assist linguistic minorities and rural and remote populations repeatedly told us that the general service and specialty clinics have earned high credibility in the communities they serve” (Cohl and Thomson 2008). The idea is that, receiving legal information and services in your first language should result in the best outcomes. Often the idea of trust is critical and can best be achieved through direct contact with specific communities: “Immigrants and refugees may also be hesitant to seek a legal remedy in their new country because they had negative experiences or perceptions of the legal system in their home country, or because they fear repercussions such as ostracism by their community or deportation” (Cohl and Thomson 2008). Hence, credibility and trust are critical and sensitivity to ethno-racial differences might be more important than language barriers as immigrants and refugees begin to learn to negotiate the Canadian legal system.

That being said, the report also recognized that there are a limited number of front-line workers in community organizations and legal professionals who can serve clients in every language spoken in Ontario. There is, then, an overwhelming need for high-quality interpreter services to improve access to legal information and services for people who are Deaf or who do not speak English or French. That need is far from being met. As the report itself points out, on the one hand, agencies often don’t know how to work effectively with interpreters, while on the other, there is no coordinated roster of interpreters whose qualifications have been assessed; additionally, there is no system in place to secure the necessary resources to remunerate professional interpreters. Furthermore, there is the added challenge that the often-sudden influx of newcomers from unprecedented origins will result

in ever-changing configurations of cross-linguistic communication needs (S Interview, Appendix 4). But the Connecting Report diligently points out that

the major reason we found for both legal and non-legal organizations not using professional legal interpreters is cost. Legal Aid Ontario, for example, covers limited language interpretation for clients on certificates, but calls upon lawyers to “consider whether a friend or family member of the client can attend and assist the client with language issues without charge to legal aid. (Legal Aid Ontario 2007 cited in Cohl and Thomson 2008).

In the case of sign language, however (and as we will see in further detail when we address our next unit of analysis), the Canadian Hearing Society’s Ontario Interpreting Services provides community interpreting services throughout the province. Even if there is an acute shortage of qualified sign language interpreters (clients are advised to book interpreters two to four weeks in advance) effective legislation under the frame of non-discrimination against people with disabilities has helped to sustain the development of professional interpreting services. I will develop this idea in further detail when I analyze the sign language interpreting sub-unit of analysis.

Another sector in the legal realm is services for emergency situations. Hotlines in Ontario generally offer cross-linguistic communication. Several different services provide interpretation through external telephone interpreting services. Some examples are the Findhelp 211 service, Justice Ontario, the Law Society’s complaints and referral lines, the Federation of Metro Tenant’s Association Tenant Hotline, and BC’s LawLine, etc. (Cohl and Thomson 2008).

Finally, it is worth devoting some attention to the Immigration and Refugee Board (IRB). The IRB is an independent tribunal with the responsibility for making decisions on (on thousands of) immigrants’ and refugee’s claims to entitlement to refugee status. Their pool of interpreters includes approximately a thousand professionals. As of 2008, eligibility to enter this pool of interpreters was determined by skills assessments available in 52 languages, which include an official language comprehension test and several interpretation abilities tests. Interpreters receive a two-day orientation, followed by a test on the orientation; then, the first two hearings in which a new interpreter works are audited to check for quality (Cohl and Thomson 2008).

Following the interpreter testing controversy, one of the most obvious challenges that the Ontario Courts face is the scarcity of qualified interpreters. Judge Hill declared that approximately 150,000 hours of interpretation services are required in Ontario every year,

and that the number of available interpreters is insufficient to meet that need (Makin 2013). According to CBC News, as of April 2010, there was only one “fully accredited” Mandarin language court interpreter and only one “fully accredited” Tamil language court interpreter in the Greater Toronto Area, for example, and other languages also face scarcity.

There is a third important retroactive challenge linked to the testing controversy: it is rooted in the fact that the courts had long resorted to unqualified interpreters. Several members of the judiciary have pointed out that previous trials assisted by incompetent interpreters should be reviewed. Mr. Moustacalis, who is involved in the *R. vs. Sidhu* class action case allegedly said: “The province also has an obligation to go back and look at past convictions in cases where they know the interpreters were inadequate” (Kari 2010). Paul Burstein, president of the provincial Criminal Lawyers Association was reported to have claimed: “You can’t just talk about going forward. What about the past five years? Are we going to roll the dice on possible miscarriages of justice because of bad interpreters?” (Kari 2010).

Given the un-updated design of the pre-2009 testing system—which originated in the 1980s and had allegedly remained untouched for two decades—it is not surprising that justice officers are calling into question the validity of previous court proceedings in which interpreters have participated. As one informant explained:

The test that we had administered during the 80s and 90s and up until this new test, it was not really... we were not really looking for people who were totally proficient as interpreters... given the amount of interpreters needed in the court and in languages that were sometimes very obscure, it would have been sometimes very difficult to find very experienced interpreters, so the decision was made for the first test to have it be an aptitude test. For example, instead of doing a simultaneous interpretation exercise, we made them do shadowing (speaking at the same time). After people had passed the test, there was no real training and there were no real training opportunities at all in the province for people who wanted to improve their skills. (AI Interview, Appendix 4)

It seems clear from our consultations that without sufficient budget, challenges are likely to persist in the long run. Some informants seemed convinced that there is a lack of political will to devote the necessary funding to interpreting services.

The attorney general doesn’t seem to have any interest in making the trials go smoother because it costs more money. You know, you’d have to hire more interpreters, you’d have to have computer systems, so that an interpreter would know “Tuesday I am going to be at City Hall in room 126 and Wednesday I am going to be in 205 court in Ethobikoke.” All this requires... And you need a manager... You know! I mean the last time I was up there, it’s just a couple of desks, you know? It’s money! And there weren’t interested even years ago

when governments had money. They certainly are not interested now when it's cutback after cutback! (AB Interview, Appendix 4)

The same informant expressed the opinion that there are an increasing number of languages while there is a decreasing amount of money devoted to interpreting services.

While an update of interpreting fees took place in the same period during which media attention was focusing on court interpreting services, a different key informant also pointed out that the fee increases were the result of a long-needed update to the current cost of living, rather than a raise in interpreters' salaries. According to an informant in a decision-making government position, speaking in 2012:

There is a set regulated fee. 90 dollars is the minimum wage and that is based on 3 hours of interpretation and then there is 30 dollars every hour after that. And then there could be some meal allowances (although rare) if it is outside the jurisdiction there is mileage or travel expenses. So it's basically 30 dollars an hour. Sign language interpreter make a little bit more than that. (D Interview, Appendix 4)

After the results of the exam, in order to address the scarcity problem, clear efforts to recruit more interpreters across the region were immediately set in place (AI Interview, Appendix 4). However, it might be difficult to attract and/or retain interpreters with the necessary aptitudes and skills without further investment in the service. Several indications point toward an underpay of interpreters.

Sign language interpreter wages are consistently higher than those of other community interpreters in Ontario. Two flyers collected during my fieldwork research clearly show that difference in Appendix 8. So are their qualifications: their training and skills demonstration to obtain professional accreditation are much more developed than those of other interpreters. The same is true for court interpreters in British Columbia, on the West Coast of Canada. It is often claimed that British Columbia is the best served jurisdiction in North America in matters of court interpreting, where completion of a two-year court-interpreting program is a prerequisite to the accreditation exam. In 2013, the hourly wage of spoken language court interpreters in British Columbia was \$45 (a wage 33% higher than that of spoken language court interpreters in Ontario and 42% higher than the IRB interpreters in the same province, who are offered \$26 per hour (Immigration and Refugee Board of Canada 2015).

Ms. Hobrough, a Spanish interpreter in Vancouver involved with the creation of the accreditation test who was interviewed by *Globe and Mail* reporter Kirk Makin, had declared

that part of the reason why B.C. is able to attract and retain well-qualified interpreters is that their interpreters are better remunerated than those in other provinces. She declared that “at least, Ontario is trying to do something about it, but it’s going about it backward” (Makin 2010). This declaration implies that education and commensurate compensation should precede, or at least accompany, the imposition of (necessarily) strict accreditation exams. In other words, the availability of a pool of qualified accredited interpreters will not happen miraculously. An encompassing system is needed, with considerable planning and effective allocation of economic resources.

Particular challenges are posed by the difficulty of meeting demands for “new” languages as well as for languages that have been spoken in the region for a long time but for which there is a limited need of interpreters. Once interpreters are found for these little-used languages, it is difficult to keep them on the roster; since their services are only needed periodically their interpreting activity cannot offer them a consistent income source. Additionally, when interpreters only work sporadically, it is more difficult for them to progressively build their skills through practice or to maintain the level of proficiency that they might have gained from specialized training (if such training is even available).

Staff interpreters in the mid-1980s adopted the following strategies as a realistic approach to the available resources: (1) accept interpreters that do not meet the highest standards of interpreting skills; (2) inform the courts that they might need to adapt the pace to the needs of the interpreter; and (3) instruct interpreters to provide accurate and complete renderings even at the cost of a slower pace. The following comments from a key informant are illustrative:

Of course in an ideal world you would have interpreters of the highest possible quality. One of the problems, unfortunately, is that at least so far, it seems to be impossible to get enough interpreters at that quality to provide the courts whenever they need interpreters. [...] One of the things we trained the interpreters to do over the years—knowing that interpreters in different languages, depending on how much experience they had, did not always have the same ability—was to always advise the court if people were speaking too quickly so that the court would slow down, so that they could do a proper job. And the idea was, if you were bringing in an interpreter who had the skills but didn’t have the ability to do simultaneous interpreting at a quick pace, for example, that you could still have them provide an accurate and complete translation if the court was willing to pace itself for the interpreter. (AI Interview, Appendix 4)

Over time, however, for those languages for which demand is known and sustained, it is possible to develop the necessary instruments to guarantee the highest level of professional

quality in interpretation. The LIS program, covered earlier in this chapter, is a clear example of effective development that relies on committed political will. Mechanisms are in place to address the needs even for languages that are new in a specific region (S Interview, Appendix 4). It is surprising that, after decades of the existence of a Court Interpreting Services Department in Ontario, and despite the example of the LIS program, the only other training initiative was a handbook developed in the 1980s and updated on a couple of occasions with “basic information in terms of court proceedings, the role of the interpreter, a code of ethics was put together, guidelines on bias, and so on” (AI Interview, Appendix 4). Coordination among stakeholders, and the willingness to devote public money to sustain training programs and provide competitive compensation to highly qualified professionals is necessary to develop and maintain a system that relies on these experts.

A surprising example of the lack of coordination among stakeholders is the existence of a court interpreter certification system that the MAG (Ministry of the Attorney General) does not utilize. Registered members of the Association of Translators and Interpreters of Ontario are the only interpreters allowed to use the designation “Certified Court Interpreter.” But the statute does not affect the right of non-members to practice as court interpreters and no link is established between this certifying body and the MAG (AI interview, Appendix 4). Why did the MAG not utilize this in-place system for ensuring high quality interpretation services in Ontario courts? Why did the MAG decide to generate its own examination system and implement it suddenly? These are questions I was unable to illuminate through my fieldwork. This decision has certainly resulted in some very difficult circumstances in the provincial courts. Working in coordination with ATIO might have allowed for a more gradual process of building on a pre-existing structure.

Quality monitoring might be clearly deficient regarding Court interpreting, but in other sectors of the justice system, accreditation or training for interpreters is simply non-existent. Particularly in the provision of legal services outside of the courts, language and cultural barriers thus result in systemic institutional barriers. Legal clinics in Ontario often seek to provide culturally sensitive services through community language workers who can offer direct service in the language of the client. Some examples include the Metro Toronto Chinese and Southeast Asian Law Clinic, the South Asian Legal Clinic of Ontario, the Centre for Spanish-Speaking Peoples, the Nishnawbe-Aski Legal Services Corporation (and other clinics serving Aboriginal peoples), the African Canadian Legal Clinic, and French-language clinics (Cohl and Thomson 2008). The ability to provide services in the language of the end-

user in a big variety of languages (direct service; not through an interpreter) might explain why the (complementary) need for quality interpreting services tends to be overlooked in this sector.

Indeed, that direct service is generally preferable does not preclude the very real need for interpreters. In fact, the Connecting Report concluded that a centralized roster of interpreters should be compiled, either in collaboration with the MAG or independently, with the clear goal of relieving individual agencies of the burden of finding, screening, and approving interpreters. The authors of the report recommended the creation of an “Ontario Legal Interpretation Network.” Furthermore, through the Connecting Report it became apparent that there is a generalized “gap between the need for services and the resources available,” which, without doubt, affects interpreting services as well. Due to lack of resources, in fact, we saw earlier that in some cases agencies were urging service providers to resort to family members to provide ad-hoc interpretation (Cohl and Thomson 2008: 58)

As has often been noted in the field of interpreting studies, one of the reasons for the lack of development of an interpreting services system might be a result of the fact that many service providers are unaware of the kind of assistance an interpreter can offer and/or of what the job of the interpreter entails. One of our informants, who is a specialized professional interpreter in the justice sector with decades of experience working with populations from diverse backgrounds offered the following comment:

[I agree that community interpreting is] normalized. I wouldn't say [it's a] profession—but it's a normalized... endeavor now... It's just under-funded. Professions are usually things like “lawyer,” “doctor,” “teacher,” they have to go to a lengthy school for years, and then get certified and there's no lengthy—there is no interpreter school. You know, I think there is a little course. I am not even sure if there is a little course. I think that if you apply to be an interpreter you just have to show proficiency in the language. That's it. So that's what's gonna keep it from being a profession. (AB Interview, Appendix 4)

The previous observation is rather accurate; there is little training available and without higher-level training it is hard for the field to further professionalize. More disconcerting are the further comments this informant offered:

I don't think you need like the three or four years or anything like that. But paralegals have to go through a course. It should be something like that, where you are taught what being a court interpreter is all about, you know. Go through practice sessions and things like that. I think they're just thrown in (AB Interview, Appendix 4).

These observations from such an experienced professional are a clear indication of an institutional lack of understanding of the profession. This informant's comments might rely on their experience with not fully qualified interpreters. It is rare to hear similar critiques regarding UN-type interpreters, for example. While compromises between the ideal and the possible are clearly necessary, the risk that interim, stop-gap solutions present is that, even when much better solutions are possible, it is all too easy for agencies and institutions to become invested in mediocre and inadequate policies and procedures. This can create the impression that no better solutions are possible and effectively preclude the development of a system that can generate qualified interpreters to meet the needs of the changing demographics.

This points to the need for training among service providers in the justice system as well. It is a conclusion that is often heard. Yet the challenge, in my opinion, goes beyond merely offering training. The challenge points us toward implementing sensitization training that is designed to develop understanding at the experiential level as well as the intellectual level. Training should aim to not only explain how to work with an interpreter, it should also tackle what quality interpreting services are capable of and how they can make a difference often beyond what service providers are currently capable of envisioning. If the majority of officers of justice (who, as we will highlight below in the section about groups and communities, have the power to determine whether the interpretation provided is adequate or not) are generally not sensitized to what interpreting entails (both in terms of qualifications and in terms of the service it actually provides), it is difficult to foresee direct steps toward improvement. A key and challenging question regarding training and sensitization is: Who is in a position to impose and enforce adequate and effective training on service professionals in the justice system, and what resources do they have at their disposal?

A final challenge relates to the idea that interpreters' performances vary over time. Often, interpreter performance improves with practice so that more experienced interpreters can be expected to offer better service. But it is also true that lack of motivation can hamper interpreting performance. In several instances of directly observing interpreters work in languages that I am professionally fluent in, I witnessed several attitudes on the part of different interpreters that concern me. These concerns range from clear breaches of the code of conduct as stated by the MAG to important inaccuracies in the rendering of messages to a clear lack of interest in autonomous continuing education (Appendix 4). The challenge here can be summarized as: What can be done to offer incentives for ongoing professional

improvement? And what mechanisms can be set in place to guarantee the quality and integrity of interpretation during legal encounters in which only the interpreter typically has access to the meanings communicated by all parties?

Level of Agenda

Cross-linguistic communication during trials poses such an obvious barrier to due process that it generally is part of the institutional agenda. Historically, this has generally been true across regions internationally. The important question, however, is how this issue is addressed, something I will address in the section on issue conceptualization. For now, let us apply a “level of agenda lens” to the information covered so far by briefly going over a chronological review of the events presented in the previous section.

Because the right to an interpreter in criminal trials is enshrined in the Charter of Rights and Freedoms, the issue becomes, through this official document, automatically part of the institutional agenda (cite the Charter). The enforcement of such a covenant has been facilitated in Ontario since 1985 through the measures taken by the [office of interpreting services of the Ministry of Attorney General and, therefore, it can be claimed that it has been part of the decision-making agenda since then. However, it took Justice Casey Hill’s and lawyer Anthony Moustacalis’ denunciatory actions to position the topic as part of a public conversation. Only when the media covered the news of Sidhu’s trial and other instances of miscarriage of justice due to poor quality interpreting services, with the result that the general public began to recognize it as a public problem, did the issue of court interpreting reach the systemic agenda.

As for other services, institutions, and organizations that are also part of the justice system, the issue of cross-linguistic communication is much more diluted and can perhaps be understood to pertain to the agenda universe rather than to to any other of the Cobb and Elders’ circles (Analytical Tool #4). The language issue is considered by some important stakeholders: some (mainly) third sector organizations (legal clinics) strive to provide services directly in the language of the client with the help of public grants (Cohl 2010). However, generally speaking, as the Connecting Report shows, access to legal information and services is very challenged by language barriers. In what regards interpreting services, the report shows that although there is a need for a coordinated framework around interpreting services provision, such need is also challenged by the general scarcity of economic resources (Cohl and Thomson 2008: 58).

Returning to the case of court interpreting, it is interesting to note how the aspect of chronological progression—in which an issue travels from the agenda universe to the decision agenda—in Cobb and Elders’s hermeneutic conceptualization of the agenda-setting process is absolutely not representative of what has happened in the case of court interpreting. This invites an observation related to Analytical Tool #3 on the different dimensions of the public aspect of public policy. The fact that the right to an interpreter is part of constitutional legal covenants reflects its relevance to individual dignity, hence the importance of offering legally binding guarantees. It is also true that, by and large, members of the majority social group have no directly personal interest in ensuring that the right to an interpreter during court proceedings is effectively implemented. This, then, is a case that illustrates well the tension between the two dimensions of the public that are represented on the two top corners of the triangle in Figure 2 (Chapter Two). Whereas protecting individual rights and dignity is one of the roles of public policy, it is also true that public policy in practice follows the rule of political will, which is heavily influenced by either the desire of the majority, or the desire of the powerful, or both.

Institutional Venue

The institutional venue in the case of court interpreting is rather straightforward: The action is happening at the provincial government level, in the judiciary system, in response to covenants that exist at the international level (the Commonwealth and the UN), at the federal level (the Canadian Charter of Rights and Freedoms), and at the provincial level (the French Languages Services Act). In the case of other kinds of legal services and legal information provision, the institutional venue where interpreting issues are addressed is more diffuse. In most cases, legal information and services across language barriers is offered through agencies and organizations in the third sector field. They generally rely on funding from institutions like Legal Aid services and the Law Foundation of Ontario with generic grants from the Provincial and Federal governments. As we argued above, a need for coordinated action was detected in our research and there certainly is no legislation mandating the provision of cross-linguistic assistance in this sector. Generally speaking, actions are isolated and are the result of individual initiatives rather than an overarching or collaborative policy.

The media is another important venue, which, despite not being technically *institutional*, has had a salient role in this case. Whether the policy actors contacted the media or whether it was the other way around, the press coverage of the Sidhu case as it unfolded

helped bring the issue of court interpreting to the attention of the general public. It helped expose the ways in which public interest is negatively impacted by the lack of interpreters, for example, potential and actual miscarriages of justice, and the backlog in the justice system created by rescheduled and cancelled trials. The media has also helped expose the complexity of the infrastructure required for the provision of an effective interpreting service, in part through reporting on the voice and opinions of various actors and highlighting the diversity of interests involved.

Players

Let us begin by identifying the interest groups from the description section. They are as follows: interpreters as a professional group, the direct users of judicial system services, and justice system professionals. We will comment on each of these groups in that order.

While some interpreters associated through CIAO (Court Interpreter Association of Ontario), inspired by the French Ottawa Region interpreters' strike had attempted to go on strike to pressure for higher rates of compensation the strike was effectively boycotted by individuals willing work for the offered rates. Even when a language-specific interpreter group collectively agreed to go on strike their pressure tactics were easily circumvented by the MAG, which brought in outside interpreters to break the strike:

I am one of the Ottawa region Court accredited French interpreters who fought tooth and nail to get the first significant raise in over 16 years. The Ministry brought interpreters in from far and wide instead of paying the fair rate requested. (Makin 2013, Commentary)

Since the minimum qualifications to become a court interpreter are rather low institutions always have the option to hire someone without credentials, Thus, as attested by the informant below and by the commentary above it is virtually impossible for interpreters to exert any pressure on the institutions in defense of their own interests.

[The interpreters] have no bargaining power at all. They're tolerated by the government because they are necessary, but nothing. The people that have to do it is the Attorney General, cos they're the ones that use interpreters the most, for their own witnesses. [...] They're the ones that should be saying, hey, trials are being delayed, charges are being thrown out because we don't have interpreters, so we've gotta be spending more money. That's a tough sale nowadays. I've never heard the Attorney General lobbying for more interpreters. It's usually angry judges and that does nothing. [...] The government doesn't listen to them. (AB Interview, Appendix 4)

As for the users of the judicial system, the most often affected by interpreter services are immigrant defendants who do not speak one of the official languages. Their interests in having access to the assistance of interpreters have been defended by lawyers and justices on several occasions—as mentioned before. Often, those that are most directly affected by the lack of cross-linguistic communication services are also those in the least favorable positions in society: refugees, immigrants, and individuals with disabilities. Due to the gaps we've identified in this poorly functioning justice system, the voices of the most vulnerable are lost.

Among the users of judicial services, French users stand out in Ontario. In 1985 French became an official language for the courts in Ontario, which triggered the establishment of a more formal court interpreting service. This blazed the trail for expanded interpreter services in other languages, including aboriginal languages from the North of Ontario and those of immigrant groups. French-language speakers compose a discrete interest group with specific interests and wield a greater degree of influence on the decision agenda than other service users.

Deaf service users also compose a discrete interest group with specific interests. I will discuss their specific situation below. Here, I wish to highlight the fact that sign language interpreters are better paid, and also better prepared than other interpreters in the justice system (see Appendix 8). Whereas \$90 was the minimum daily fee for a court interpreter in 2013, the minimum for sign language interpreters working in the courts is \$120 per day. The informant, who gave us this rate, and who works at the decision-making level, easily justified the difference by asserting that: “They have an industry rate outside of courts. They're not lowering their fees to come and work at the courts. They're not giving us a discount because we're [the] court. They're specialty. They're a specialty net and we need them more than they need us, I guess! So yeah, we have to pay a premium for them” (D Interview, Appendix 4).

Justice system professionals (judges and justices, court administrators, lawyers, etc.) are also users of interpreter services. Without the assistance of interpreters they cannot fulfill their tasks when language barriers are present. They are an interest group with clear stakes, but only some are vocal about the need for systemic improvement. In fact, as noted earlier, given some of the testimonies collected during our fieldwork, we must wonder whether justice system professionals are in a position to accurately evaluate the quality and adequacy of the interpreting services they are provided with. And yet, according to the Charter of Rights and Freedoms, it is up to them to decide on the suitability of the interpreter. Without a

satisfactory system capable of providing them with the necessary tools to determine such suitability the system as a whole seems doomed to wobble. At any rate, justice system professionals are a powerful interest group, in spite of the fact that they are not always aware of the problems that are within their power to solve.

Nevertheless, justice system professionals do play a key role. They are in a good position to catalyze the formation of interest networks, though their motivations might be purely moral rather than their own vested interests. That is, they might be closer to the essence of what we identified in Chapter Two as an ideational community. And yet, their knowledge of the interpreting field is, generally speaking, very limited, which hampers their capacity to become effective policy entrepreneurs.

Finally, let's turn to a brief analysis of conceptions of deservedness. Whether interpreting services are deserved or not is in actuality a moot point in the case of the criminal courts because of the numerous covenants, including the highly esteemed Canadian Charter of Rights, that guarantee the right to an interpreter.

However, despite the Charter and despite Canadian official support for multiculturalism, public opinion on language issues is rather polarized. English and French are institutionally to deserve 100% of the institutional space whereas, as explained in Part One of this chapter, other languages receive, at best, a secondary level of attention. Public opinion seems to follow this trend regarding the provision of court interpreting services. In the statement below, we might fault one of our informants for mistaking the part for the whole by assuming that a majority of the public is bigoted.

[The government is not concerned about the public image] because it's usually, it's often... there's no interpreter for the accused. And the public doesn't care about the accused. The majority of the public are people who voted for Rob Ford, they want the guy kicking out the strong up, you know, they don't even want them to have a trial. You know? (AB Interview, Appendix 4)

This same informant also declared: "The more liberal part of the public feels, like I do, that everyone should have a right to a fair trial and understand what's going on." Whether the majority of the public is bigoted or not, the fact is that expressions of intolerance are common when foreign languages are involved. Very good examples can be found in the comments sections of newspaper articles that cover interpreting services problems. Comment sections on the Internet tend to attract more extreme comments than in forums in which commentators must reveal their identity. However, an analysis of these news comments does

reveal a shared narrative of entitlement for English and French as official languages and lack of deservedness for other languages. That English and French are official languages is the explicit justification provided by many commentators to support their arguments against the universal provision of interpreting services.

In the case of court interpreting and the public perception of deservedness, then, there are two distinct groups: the speakers of official languages, and those who need interpreters because they don't speak the official language. The first group's entitlement is unquestioned, whereas public discourse often constructs the second group's as highly contingent and questionable. However, it is the case that some informants did argue for universal deservedness on the basis of multiculturalism. We have analyzed this narrative in Part One of this chapter and will expand our discussion of this topic in the next section.

Issue conceptualization

I have found the narrative of Canadian multiculturalism that underlies the moral duty to provide interpreter assistance in court proceedings to be manifest on several occasions. In 1994 the Tran case was the first to reach the Supreme Court regarding the right to an interpreter. Tran, who was found guilty, argued that his right to the assistance of an interpreter had not been fully observed since his interpreter had summarized his evidence instead of providing an accurate and contemporaneous translation and that the interpreter had furthermore appeared as a witness in his case. The court ordered a new trial after it concluded that "a multicultural society can only be preserved and fostered if those who speak languages other than English and French are given real and substantive access to the criminal justice system" (Supreme Court of Canada 1994).

In *R. v. Rybak* (Court of Appeal for Ontario 2008) in which one of the grounds for appeal was the claim of not receiving the full measure of interpreter assistance, Justice Watt—writing for the Court of Appeal—argued that the guarantee in Section 14 not only "ensures that a person charged with a crime hears the case against him or her, and is furnished with a full opportunity to answer it," it also "displays an affinity for our claim of multi-culturalism, partially demonstrated by s. 27 of the Charter. (para 67)" (Lee 2009).

The multicultural character of Canada was also invoked by one of my key informants during an interview about court interpreting in Ontario.

There is a public interest in a sustained system that support citizens in overcoming language barriers.[...] You know, Canada, is... except if you are an aboriginal person—you are an immigrant. So you're asking Canadians, what do you think about language barriers... you know my ancestors came to Canada, they couldn't speak English. [...]They had to overcome that. [...] They had help along the way to do so. It's much nicer to come into to a society that supports multilingualism. (D Interview, Appendix 4)

The first actions for the improvement of interpretation quality in the 1980s, however, were taken as a result French Services Act. Bilingualism, rather than multiculturalism, seems to have been a more convincing frame to develop quality systems of interpretation than multiculturalism has been. French speakers have access to justice with a judge in their own language, so the need for interpreters arises when two defendants speak different languages or when the witnesses speak a language different than the language spoken in court (D Interview, Appendix 4). It is therefore unlikely that the need for interpretation in French would have been higher than the need for interpretation in other languages (even back in the 1980s when the first quality measures were set up and multiculturalism indicators—however high—were still lower than today).

“The right to an interpreter” is addressed and guaranteed by several legal instruments, which recognize the need for cross-linguistic communication in court proceedings. The rationale behind the guaranteed presence of the interpreter is the value placed on due process and fair trial. The right to an interpreter is guaranteed in criminal court, and the burden is on the state to make sure that interpreter services are available. According to one of my informants, the imposition of the burden on the state follows the logic that if the state is prosecuting you, the state must ensure that you get a fair trial by providing you with an interpreter if you need one (D Interview, Appendix 4). According to a different informant:

Presumption of innocence in our systems, which means the Crown has to prove you guilty beyond a reasonable doubt, and if you can't understand, that's the whole foundation. Being able to understand the process and hear the witnesses, being able to cross-examine the witnesses, put forth your own version of the events and none of that can happen without being able to understand the language. (AB Interview, Appendix 4)

By this same token, in civil court, cross linguistic communication is a right in a slightly different way: the right to an interpreter is not negated, but access to an interpreter is also not guaranteed, in the sense that the burden falls on the defendants to find their own interpreters and pay for their services. This is a subtlety that is also significant when determining the public dimension of the individual need for autonomous communication.

Here, civil proceedings and legal information and services fall in a similar pocket. There is a certain awareness that a significant share of the population needs language services; generally speaking, however, assistance for autonomous cross-linguistic communication is left to the private realm. But members of society that need language assistance for access to services are often the least economically well-off (Cohl and Thomson 2008). After being asked about whether the interpreter should be a private concern, one of our informants, who serves the criminal justice system asserted: “The basis of our system is that everybody, rich or poor, gets a right, so I disagree with that. If the government does not provide interpreters, it’s not gonna happen.” In fact, considerations of impecuniosity have been considered in Canadian jurisprudence. The British Columbia courts:

in *Wyllie v. Wyllie* (1987) the court stated that it is unclear whether a court could be ordered to pay for interpreter fees in civil litigation when the claimant is unable to do so. The court suggested that the bold language used in s.14 might lead to an obligation for courts to pay interpreter’s fees when a person demonstrates impecuniosity. (Edoo et al. 2010: 10)

But a fair justice system is not made only of fair trials. It is also about equal access to justice. If you face systemic and financial barriers that prevent you from accessing basic legal information regarding your rights or from engaging in a civil suit, is the system just? Even though we are talking about individual rights, could there be an argument that society at large can benefit from providing cross-linguistic access to justice to individuals that do not speak the societal language? One of our informants pointed to the effect of generating trust that a fair system can offer:

They seem grateful that they’re able to communicate. Because that’s the barrier. The barrier is being able to communicate and ask the questions. Hum... sometimes there’s a bit of a cultural barrier when it comes to court because in some communities across the globe court systems are not the same and they can instill fear in their citizens. So you wanna make sure that if someone is new and they’re facing a charge, that they can kind of understand that we’re neutral. There is a process here. It’s fair. And they can have some confidence in the court system, right? So to me it’s about building confidence and allowing accessibility. (D Interview, Appendix 4)

But even in the cases in which the Crown takes full responsibility for providing interpreters, is the legal requirement of “the presence” of an interpreter enough to guarantee the individual need for autonomous communication across language barriers? Can any intermediary provide the desired autonomy across languages? Judge Casey Hill has shown Ontario that the answer is no.

Legal provisions don't address the importance of the quality in interpretation, how to measure it, or how to offer guarantees. Since the R. v. Tran case in 1994, some guidelines for assessing the quality of court interpretation are available through jurisprudence. Through that case, the Supreme Court established that the appropriate standards for assessing the quality of interpretation in criminal proceedings could be synthetically reflected through the concepts of continuity, precision, impartiality, competency and contemporaneousness. The concept of continuity means that "[b]reaks and interruptions in interpretation are not to be encouraged or allowed" (Supreme Court of Canada 1994: 42). As for the concept of contemporaneousness, it is meant to reflect the fact that the interpretation must be provided as the court proceedings are taking place. For that reason, and to be able to better detect inaccuracies, the simultaneous mode of interpreting was favored over the consecutive mode.

According to Lee (2009), however, "the current state of court interpretation in Ontario is such that it often falls far below the standard articulated in Tran." The Sidhu case that made the news is not the only one of recent years in Ontario. In 2003, Janusz Rybak was convicted of second-degree murder. He appealed the conviction. Among the grounds for appeal was his claim that he had been denied his constitutionally-mandated right to adequate interpreter assistance. His Polish-language interpreter was unaccredited. "In 2008, the Ontario Court of Appeal dismissed the appeal, noting that even if the interpretation was inadequate, the accused had not raised this issue in a timely fashion, and there was no evidence that the result was a miscarriage of justice" (Edoo et al. 2010).

The issue of the quality of interpreter services refers back to my discussion of the need for autonomous cross-linguistic communication in the justice system outside of the criminal courtroom. The following comment is an extract from the Connecting Report:

We heard about the myriad challenges legal and community organizations face in trying to provide interpreters for their clients. These include a shortage of qualified language and sign language interpreters, a lack of clear and consistent standards for interpreting in legal settings, a lack of protocols and training for legal and community organizations using interpreters, and insufficient funding to cover the cost of interpreters. Some college training programs exist for community interpreting, but there is no regulatory framework or mandatory certification process. (Cohl and Thomson 2008: 76)

In the light of such commentary, when asking the question "what is public?" we must consider the role of public institutions in guaranteeing the availability of the necessary resources. If there are no professional interpreters available, what does it take to train and maintain interpreters in the job market? If the market mechanisms are failing to provide

society with services that are necessary for such basic needs as equal access to justice, what can the public sphere do to correct such a social problem?

Sign Language Interpreting

Through the strength of anti-discriminatory legislation and the work of associations of the Deaf and hard of hearing, as well as their own professional associations, sign language interpreters enjoy a higher level of professionalization than other interpreters that work in the same settings (Q Interview, Appendix 4). However, no overarching institutional policy exists to guarantee consistent standards across sectors and settings. Some ministries have established their own guidelines for minimum qualification in conjunction with the Canadian Hearing Society, but they are implemented with varying degrees of rigor (E Interview, Appendix 4). In this last subunit of analysis I analyze some of the characteristics of this situation.

Description

The following commentary during one of the interviews I conducted shows clear indications that sign language interpreting is more advanced than other fields of interpreting in terms of professionalization:

Sometimes we work with our spoken language colleagues in Court room for example and we realize that many of them are just operating with two languages and very little formal training and that's not been our experience for a long time, so that makes it different. (Q Interview, Appendix 4).

American Sign Language (ASL) and the *Langue des Signes du Québec* (LSQ) benefit in many cases from a degree of legitimacy comparable to that of English and French. This is visible in Appendix 11 and was also indirectly mentioned in my interviews: One of my informants pointed out that this contributed to the development of sign language interpreters' professionalism.

Whenever French language interpreters were being used, then ASL and LSQ interpreters were being used. So the language has been treated equally in the development of policies, the development of access, the development of services through our federal government, so I think that that consciousness comes from both the policy level of how governments recognize access and how people are trained, and so the fact that they are formally trained, you know you can't really be an ASL English interpreter anymore and have just picked it up off the street. (Q Interview, Appendix 4)

Ontario is host to the largest interpreter referral service in Canada, the Ontario Interpreter Services (OIS) (Q Interview, Appendix 4). The OIS is only one of the services that are provided by the Canadian Hearing Society (CHS) Ontario branch. The CHS was founded in 1940 to serve the communities of people who are culturally Deaf, oral deaf, deafened, and hard of hearing. Other than providing services that remove barriers to communication, advance hearing health, the CHS has a very important role as an advocate and promotes equity for those who belong to these communities (The Canadian Hearing Society 2013a)

In 2013, the Canadian Hearing Society issued a position paper on challenges affecting the Deaf and interpreter communities. Despite the privileged level of professionalization of community interpreters as a professional body, important challenges remain to be overcome. Among the key issues and challenges identified by the CHS are: (1) a shortage of qualified interpreters; (2) a lack of standards regarding the quality of interpreting; (3) the recruitment, retention, and on-going professional development of qualified interpreters; (4) and a lack of education about how to use interpreting services effectively. (The Canadian Hearing Society 2013b)

Regarding this last challenge, the following quote from a sign language interpreter that I interviewed is illustrative of a lack of sensitivity to what it actually means to communicate effectively. Often, education needs involve more than explaining the role of the interpreter and how to collaborate with this professional; often a deeper level of sensitization is required for service users to realize how important effective communication is and what it takes:

When a Deaf person is a bit of a hard of hearing individual, who can talk a little bit for themselves and depend on their residual hearing but often prefers an interpreter, often doesn't get one... because the service provider will be like: "Well, we're communicating fine, right?" So, they'll write back and forth and give them a note and think that they understand what was written on that piece of paper or they'll talk to them and depending on the response they get back they may think, oh yeah, they understand them. But really they have no idea what they're saying! [...] And it happens a lot that I show up and "Oh, you know, we don't really need you, we've been writing back and forth all this time, we're doing well---. "Let me just check in with them, ok, let's see what they think," you know, and so we go in and, sure enough! we're there for another hour and a half/two hours because they had that false sense of understanding that they thought this person is understanding and then all of a sudden they have not really been understanding them at all! (AJ Interview, Appendix 4)

When service providers do realize that they need interpreters and do take the steps to hire interpreters, there is no guarantee, with the system currently in place that they will

receive professional services, because there is no mechanism to impose mandatory screening that will ensure a minimum level of competency and qualification for interpreters:

[I]f it's a market model, then we risk not having good public outcomes. So..., one of the service agencies that's emerged for example in Edmonton sends community interpreters out, they send sign language interpreters out, but they have absolutely no screening so people may be trained may not be trained, may be members may not be members [of a professional association], they have not way of gaining feedback, they work with some of the most marginalized communities in the most difficult circumstances. And so, it's a model that I don't think serves the community very well in terms of public outcomes and if we talk about quality of care, if the interpretation is poor, the quality of care is poor. The number of errors go up, the number of complications for people go up, the number of times they have to go back to the doctor cos they didn't understand the first or second time goes up... (Q Interview, Appendix 4)

Given the lack of sensitivity in the general public to issues of effective cross-linguistic communication, and what we referred to just above, market mechanisms fail to ensure a quality model. To put it simply, consumers do not have enough information to know what services will best serve their own interest (as agencies providing services or as end-users), or what is best for the common good.

Generally speaking, professional associations are often in a good position to set up certification processes. However, only through the governments' intervention can such certification become an effective screening for the public interest. As pointed out by one of my informants, the Ontario Association of Sign Language Interpreters (OASLI), for example, does not have a legal status to regulate the interpreting profession, as do colleges that regulate teachers, doctors, social workers, or geologists. "There is no governing body in Ontario that has legal responsibility to set standards for levels of sign language interpreter skills and minimum qualifications" (Q Interview, Appendix 4). The Association of Visual Language Interpreters of Canada (AVLIC) offers a (voluntary) certification process for its members that is set up in four different phases. Organizations such as the CHS could make this high level certification mandatory for its members to ensure the highest proficiency. However, as was rightly pointed out by one of the informants: "The higher the standard, then the smaller the pool. So, it's a bit of a conundrum. If you want standards, you are going to lose interpreters. So it's a bit of a fine line" (Q Interview, Appendix 4).

Other than the lack of criteria by uninformed or un-sensitized consumers of interpreting services, there is an added danger associated with the lack of institutional

intervention to regulate interpreting services. Interpreters are in a very powerful position that they can—and sometimes do—take advantage of:

There is no protection title. Let's say that an interpreter was to abuse a consumer. It could be financial abuse. Sometimes the interpreters will double dip. Who is accountable for that, who is the one that is the watchdog? Even if you fire that interpreter for that particular contract assignment, that interpreter could go anywhere else and work. So there's no regulations in place. [...] Interpreters have a lot of control, a lot of power. (Q Interview, Appendix 4)

In the analysis of this same informant, quality control mechanisms should be a shared responsibility of different stakeholders, including those coming from the private, the public and the third sectors, with organizations like colleges and universities doing their share.

Most of the progress in institutional involvement achieved so far has relied on existing legislation that guarantees the rights of people with disabilities. I discussed this idea in the introduction regarding the case of the United States. A similar process has taken place in Canada. "Several Deaf people successfully brought human rights complaints against post-secondary institutions, for example: 'you must hire qualified interpreters for me in order to access education'," declared one of my informants (AP Interview, Appendix 4).

When, in 1997, the Western Institute for the Deaf and Hard of Hearing (WIDHH) stopped receiving funding from the provincial government of British Columbia this organization took the government to court. The conflict was taken to the Supreme Court of Canada and ended up in the Eldridge decision, which I discussed above in the previous section on healthcare interpreting.

The Ontario Human Rights Commission (OHRC) sets standards for how individuals, employers, service providers, and policy-makers should act to ensure compliance with the Human Rights Code. The Ontario Human Rights Code prohibits actions that discriminate against people on the basis of disability, among other protected grounds. The OHRC policy and guidelines on disability and the duty to accommodate, establishes that:

Preventing and removing barriers means persons with disabilities should be able to access their environment and face the same duties and requirements as everyone else with dignity and without impediment. Where barriers continue to exist because it is impossible to remove those barriers at a given point in time, then accommodation should be provided to the extent possible, short of undue hardship. (Ontario Human Rights Commission, n.d.)

The concept of undue hardship clearly puts the financial burden on the organization or service that is required to accommodate needs to enable access. But it does so in a way that is sensitive to different financial circumstances and opens the door to sharing the burden with

government institutions in the relevant sector, thus effectively converting solutions to accommodation into a shared responsibility. One of my informants offered the following two examples: To operate, a driver's school receives a license from the Ministry of Transportation. If the school is able to show that they operate on a small financial margin and thus lack the resources to accommodate the need for interpreting services, it becomes the Ministry of Transportation's responsibility to find the funding to subsidize interpreting services for access to the driver's school. The example of membership-based association provides an illustration of a different configuration of shared financial burden: an association can easily increase membership fees to accommodate the needs of a Deaf or hard of hearing person that wishes to join the association and participate in its activities.

As this informant was giving examples, they handed to me the leaflets on Human Rights included in Appendix 9 and declared: "If you give this to any employer that is denying access... This is a simple brochure that you can hand to them, and it is very powerful!" (Q Interview, Appendix 4). This illustrates the power of a "rights" framework when it is supported by official institutions.

However, the reality of financial restrictions is powerful, which came up during my fieldwork:

[During difficult] economic times, people don't wanna put forward money for access, you know, so the interpreters are viewed as a very expensive service, a very expensive accommodation, and couldn't we just get away with [captioning] or something like that... So I think there's a need to constantly be vigilant around that access because people will bury policies and hospitals will return to trying to get away with using the janitor to interpret even though they know they shouldn't be. (Q Interview, Appendix 4)

A practical solution that reduces costs and increases availability is remote interpreting (like it is the case with telephone interpreting in healthcare). Remote interpreting in the sign language interpreting world, is referred to as Video Relay Service (VRS). It allows for real time communication between people who can hear and people who are Deaf and hard of hearing via interpreters' videophones technology. It requires, however, coordinated management and technological investment. As of 2012, Canada was one of only two countries in the G8 that did not have the capacity of offer VRS (The Canadian Hearing Society 2012).

Level of Agenda

Of all the subunits I have considered in this study, sign language interpreting enjoys the strongest support from legal provisions. At the federal level, Section 15 of the Canadian Charter of Rights and Freedoms guarantees persons with disabilities the right to equal protection and equal benefit of the law, without discrimination by the government, its agents, or its delegates. In the realm of human rights legislation, the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act both protect the right to accommodations for access. The Ontario Human Rights Commission's Policy and Guidelines on the *Duty to Accommodate* is specific about the ways in which non-discrimination measures should be applied in order to comply with the provisions of the Ontario Human Rights Code.

However, as we have seen, no general policy for enforcement side exists. Progress has been achieved mainly through the actions of associations, which advocate for the rights of the Deaf and hard of hearing, with the backing of human rights legislation; yet, though there are some exceptions, by and large, governmental actions are non-existent. So, what does this mean for the level of agenda of this subunit of analysis? The issue is definitely part of the systemic agenda, and is generally only actively being considered by authoritative decision-makers when particular issues are brought to the attention of a particular ministry by active advocates, such as the CHS. That was the case with the CHS initiative to provide training to members of school boards regarding bilingual education and the right to specialized interpreters for children who are sign language speakers (AC Interview, Appendix 4). The CHS persistently, over several years, engaged with the Minister of Education regarding the need to develop and provide this training before it was able to secure funding. Only in isolated cases is there active intervention by the government, such as the recent federal decision to have the Canadian Radio-Television and Telecommunications Commission take responsibility for the provision of VRS. Only in cases such as this can we say that the issue of sign language interpreting has made it to the decision agenda, despite the array of legal instruments protecting the rights of people who are Deaf, oral deaf, deafened, or hard of hearing.

Institutional Venue

The need for sign language interpreting is probably even more ubiquitous than the other cases of interpreting considered in this study. All aspects of life, without limitations or exceptions,

are covered are covered by different legal covenants to protect sign language users against discrimination on the basis of disability. Deaf people are entitled to exercise civil, political, social, economic, and cultural rights on an equal basis with everyone else. This means that every ministry, and every department in every ministry, is potentially affected by the need to take measures to avoid discrimination. The concept of undue hardship for an organization, pursuant to the duty to accommodate discussed above, offer a good example: the Ministry of Transportation might need to intervene to offer funding if a driver's school shows financial inability to provide interpreting services.

Players

The critical actors in this case are very clearly the different associations: the associations for the Deaf and hard of hearing, as well as the associations for sign language professionals. They tend to collaborate and they are often expected to have concurrent goals. As I have pointed out, however, sometimes interpreters have interests that are against the interests of the Deaf and hard of hearing communities. A majority of the AVLIC interpreters who work in educational settings, for example, have a vested interest in maintaining lower certification standards for that particular field and have lobbied AVLIC in that direction, while the Deaf community has protested that educational interpreters should have a higher command of sign language, or even be native speakers, since they are critical for childrens' instruction (AJ Interview, Appendix 4).

That a community exists that is ready to get organized to fight for their rights (through associations, for example) is a salient aspect of this case. In no other of the cases that I study here have I been able to identify an advocacy group for the end users of interpreting services. In fact, as I will discuss next in the section on issue conceptualization, the existence of organized advocacy in this community is important not only because it constitutes a clear and cohesive interest group, but also because society at large is able to identify a group that is deserving of accommodation. Under such circumstances, human rights legislation around the concept of disability have helped position people who are Deaf and hard of hearing in Schneider, Ingram, and Deleon's category of dependents (Schneider, Ingram, and Deleon 2014; see Analytical Tool # 4).

Although society at large perceives hearing loss or deafness as a disability and thus fair cause for accommodations, a Deaf community exists with strong cultural ties that defines members' identities. For the Deaf community, sign language is important not only as an

instrumental communication tool, but, just as with spoken languages, as a cultural vehicle and an expression of identity. One of my key informants also pointed out that the fight for human rights brings people together even across borders and across sign languages:

People, I think, see their identity as having different layers but all part of a common Deaf life narrative, a common Deaf experience, and there are so many things that are in common around the world that Deaf people hold.... So there can be some common identity features and some common... I think almost, what you would say is a mindset... So, you know, the fight for human rights is a common experience around the world, or the need for access to human rights processes; the support for bilingual education: common need... but then locally there can be all kinds of other layers of identity that come into it. (Q Interview, Appendix 4)

Issue Conceptualization

A cultural argument for the right to sign language interpreters is possible and sensible. In fact, sign language speakers rightly advance the argument that they belong to minority language communities. Nevertheless, effective issue conceptualization is articulated around the notion of disability in this case. The legislation we referenced in the section on the level of agenda orbits, in all cases, around the concept of disability rights. And yet, the disability label is not something the Deaf community happily embraces:

People who are deaf don't want to call themselves disabled. The disability tax credit, however, allows us to pay less taxes. As somebody with a disability, I get that service. If I don't want to label myself as someone with a disability, then I'm not going to be able to get the tax credit; I'm not gonna be able to get the service. So, for the disability tax credit, I'm willing to say, "Absolutely, I have a disability." (Q Interview, Appendix 4)

In the previous commentary, the disability framework seems to simply be endured in a passive way in order to benefit from a special program. However, another informant made it clear that the Deaf community has been able and willing to proactively endorse the human rights disability framework in order to obtain the accommodations they need: "While the Deaf community wouldn't view themselves as disability community, they've actually used the legislation effectively to say, you have to give me access to education, healthcare, all aspects of life" (Q Interview, Appendix 4). This is, again, an indication that a legal framework—though not necessarily a guarantee for immediate enforcement—is a powerful tool for communities that have identified themselves as being harmed in the status quo. The community is able to use legislation as one more tool to advance its interests. Human Rights frameworks are indeed powerful, as one of my informants had noted while showing me the leaflets included in Appendix 9. Another informant declared:

If it's talking about access, how will we get our access needs met, we might have to use disability funding, we might have to use disability frameworks. But if we are gonna talk about me as an identity then I'll talk about me as a language user in a minority community, and that my identity is firmly grounded there. (Q Interview, Appendix 4)

Besides the effective power of legislation, a second dimension is also relevant in the legal prohibition against discrimination on the basis of disability. Disability is both involuntary and irreversible, and it is generally not perceived as a threat to the hegemonic culture. Considered in this light, it is easy for the public to sympathetically perceive a sign language speaker for whom an interpreter is hired as a deviant but deserving individual who is entitled to public resources. An immigrant who needs accommodation measures to communicate with speakers of the official languages is often not perceived by the public with a similar level of sympathy (Schneider, Ingram, and Deleon 2014). One commentator expressed a related idea:

The people that we work with who are Deaf will always be Deaf, so unlike spoken language communities where there is an expectation that people will eventually learn enough of English and will be able to function in their L2 or L4, whatever it is. That's not the nature of access for Deaf people and so we're a little bit fortunate in that way. (Q Interview, Appendix 4)

To close this last section on issue conceptualization I offer the following reflection: disability and accommodation are concepts that go hand in hand. Ensuring access to services is an issue conceptualization that places the emphasis on the needs of a party who is in a condition of exception. Interpreting services, however, provide a link between two parties. Access is bi-directional, just as communication is. In this sense, the concept of accommodation may be misleading, both in terms of what interpreting involves and what can be expected from quality interpreting services, and in terms of who interpreters are serving. An interpreter at a doctor's consultation does not only serve the Deaf patient, they also serve the medical staff, who would otherwise be unable to do their work, and thus offer the social service that contributes to society. If interpreters and their services were understood as just another profession making a unique and valuable contribution to society, rather than an accommodation measure for exceptional circumstances, then the public at large might be more willing to accept and support the cost of setting up the logistic and regulatory frameworks that are needed to ensure quality interpreting services. I will expand on this idea in the Chapter Five, as I discuss some of the results from this analysis chapter.

Concluding Remarks

Chapter 4 addresses the question: What is *actually* public about the individual need for autonomous communication despite language barriers? I took the province of Ontario as a significant case to investigate the extent to which society is ready to address cross-linguistic communication problems when they affect individuals' wellbeing. The study I designed to answer this question was guided by the following operational questions (which I introduced in Chapter Three): What initiatives in the field of community interpreting have been developed in Ontario at the institutional level? What groups can be identified for each of the initiatives? Who is identified as the target group? Which are the institutional venues where those initiatives have been developed? What is the issue conceptualization underlying a given initiative? What contextual discourses exist outside the specific field in which the initiative has taken place that can constrain or enable the development of the initiative?

I devoted Part One of this chapter to providing contextual information on the institutional framework in which initiatives to assist cross-linguistic communication are embedded. This framework is important not only because of the formal structures within which policies are developed and implemented (legal instruments and governmental bodies), but also because of the official narratives that these institutions disseminate into the public culture of the region. "Multiculturalism within a bilingual framework" is a phrase that effectively carries the message that, while cultures from diverse backgrounds are welcome and encouraged in Canada, when it comes to languages, the symbolic primacy of English and French in the public imaginary is institutionally constructed. The official languages of the country are entitled to public support and development, while the other languages of this multicultural society are constructed as undeserving.

Within such a framework, it is not surprising then, that among my five subunits of analysis in Part Two of this chapter actual public policies to support cross-linguistic communication are the exception. The institutionalization of community interpreting in Ontario is very limited. The salient exception is the LIS program of the Ontario Ministry of Citizenship and Immigration for assistance to victims of gender-based violence. The recent development of the Toronto Language Services in the healthcare sector is the other case of an institutionalization of a measure that, albeit limited to over-the-phone interpretation and to

the city of Toronto, is a story of governmental institutions successfully coordinating among different organizations and stakeholders to provide services. The case of court interpretation, on the other hand, is a story of failure in that governmental intervention is a direct result of constitutional provisions (the right to an interpreter for criminal proceedings) but has produced very unsuccessful policies. The settlement sector is, in all logic, the place to expect effective public policy for assisted cross-linguistic communication. Yet, despite the existence of concrete, cost-effective recommendations based on a series of studies commissioned by the federal government (CIC), no institutional initiatives had been undertaken as of June 2013. Finally, sign language interpreting is the sector of the community interpreting profession that is the most professionalized. This is thanks to activism and advocacy by non-profit organizations and associations of the Deaf and hard of hearing, who have put forward a variety of initiatives with the backing of disability rights legislation. Governmental intervention would be helpful to overcome the important challenges that remain, such as the scarcity of fully qualified interpreters or the absence of a regulatory body for the profession. Public policy, in this field too, is almost non-existent.

Generally speaking, I found the most advancement towards guaranteeing quality interpreting measures wherever groups of individuals affected by language barriers could either be identified as a target group or identify themselves as an affected group, notably, women victims of violence, members of the Deaf community, and the minority French speakers of Ontario. Membership in a group that is constructed as deserving is certainly an advantage. Other driving forces for the development of community interpreting include the existence of supporting legislation (e.g., the Charter of Rights for criminal proceedings or the Ontario Human Rights Code for sign language interpreting), the perception of a liability risk by advantaged stakeholders (e.g., healthcare interpreting), or the perception by institutions that resorting to interpreting services is a better use of resources (e.g., the argument of cost effectiveness in healthcare).

Issue conceptualizations across sectors vary based on the circumstances under which initiatives are developed: from protection of vulnerable populations (LIS program), to access to services (settlement sector), to risk management and social wellbeing (healthcare sector), to due process and equal access to justice (justice system), to disability rights (sign language interpreting). Such a variety of circumstances and justifications for the utilization of professional community interpreting services to assist communication makes it difficult to

discern a common interest throughout sectors other than potential corporatist interests by interpreters.

Yet addressing the issue of cross-linguistic communication from a trans-sectorial and trans-ministerial perspective would bring clear benefits. The TC LIHN is a good example of the benefits that can be realized from a coordinated approach to the management and provision of interpreting services. In this instance, a clear advantage was cost reduction due to economy of scale and greater standards consistency due to economy of scope. An institutional approach to community interpreting coordinated across ministries would potentially amplify these advantages. Retaining qualified interpreters, an important challenge highlighted during my fieldwork research, would be facilitated by market regulation that ensured fair and evenly applied compensation. Furthermore, an institutionally mandated screening process is imperative to ensure minimum qualifications for interpreters across all sectors. As the experience in the field of sign language interpreting has shown, regulation by and for professional bodies is not enough.

An important impediment to coordinated approaches of this kind is the lack of one responsible body to take the lead in developing an overarching policy. In Ontario, however, the Ministry of Citizenship and Immigration is very well positioned to undertake this role. The settlement sector, for which it shares responsibility with the CIC at the federal level, has a trans-sectorial mandate already. Groups such as French speakers or members of the Deaf community that are not immigrants are not affected by settlement sector activities. Nevertheless, the LIS program includes these groups in its purview, constituting a successful and exemplary initiative by this Ministry. Given that such a successful coordination effort is clearly not only possible but also part of the experience of the Ministry of Citizenship and Immigration, one is left to wonder whether the lack of an encompassing, province-wide policy to ensure effective cross-linguistic communication is due to a lack of awareness of the need or to a lack of political will.

When there is an evident lack of political will, advocacy groups become critical for the development of policy. However, a crucial characteristic of this policy issue is the lack of singular, cohesive, easily identifiable target groups. French speakers, victims of gender-based violence, and members of the Deaf community are the exceptions—and, not coincidentally, represent the only fields in which substantial progress has been made. The majority of people affected by the lack of institutionalized programs for community interpreting are immigrants, who are constructed as undeserving of any “special treatment” in the public imaginary. As a

result it is hard for immigrants to consider themselves to be entitled to assistance with language-related issues. I will examine this in more detail in Chapter Five. For now, Bowen's words reinforce the idea that advocacy and activism is difficult to rally in this field:

In Canada there are four constituencies who may face barriers to health care due to having a non-official first language: First Nations and Inuit communities, Newcomers to Canada (immigrants and refugees), Deaf persons, and depending on location of residence, speakers of official languages (French and English). Provision of language access services, and rights to such services for each of these constituencies are shaped by a distinct historical, legal and political context. Although many of the issues faced by patients may be the same, there has historically been little joint advocacy or even sharing of expertise between these four language constituencies. (2001:13)

Not only is it hard for diverse groups to identify shared interests in cross-linguistic communication as a basis for alliance, it is also difficult for both policy actors, in general, and for society at large to understand, in the absence of easily identifiable and discreetly definable target groups, that it is necessary to intervene with public resources. All in all, identity plays an important role at different levels: (1) without a group identity, it is difficult to generate advocacy actions; and (2) hegemonic groups, which have vested interests in preserving their identity-based advantages, tend to zealously oppose language policies that do not benefit their own languages.

To summarize, then, the answer to my question—What is *actually* public about the individual need for autonomous communication despite language barriers? —is framed by the following challenges identified in my study of the case of Ontario: (1) there is a rising public awareness of the need for cross-linguistic communication assistance among diverse groups; (2) there is a general lack of public policies for communication assistance, which negatively impacts the public good (3) in order to provide quality interpreting services, an institutionalized, coordinated, and regulated approach is necessary; and (4) the absence of a discrete affected group that can feel entitled to policy actions and that can be constructed as deserving by society at large has a negative impact on the likelihood for this policy issue to reach the decision agenda.

I delve deeper into the intersection of social identity with conceptions of deservedness and entitlement in Chapter Five. I argue that the challenges summarized above are posed by the well-worn tack of deploying group identity to make claims to rights. I propose that a conceptual reorientation away from identity-based claims and toward the right to communication presents a fresh, accessible, and practical solution.

References

- Abraham, Diana, Marco Fiola, Beth Hoen, Axelle Janczur, and Kristofer Nielsen. 2006. "SAPHC Toronto Regional Report: An Overview of the History, Development and Current State of Interpreter Services in Ontario."
- Access Alliance. 2015. "R.I.O Network—Remote Interpretation Ontario." Accessed November 26.
<http://accessalliance.ca/programs-services/language-services/r-i-o-network-remote-interpretation-ontario/>.
- Andrew, Caroline, and Rachida Abdourhamane Hima. 2011. "Federal Policies on Immigrant Settlement." In *Immigrant Settlement Policy in Canadian Municipalities*, edited by Erin Tolley and Robert Young, 49-72. McGill-Queen's University Press.
- Assembly of First Nations. 2007. "National First Nations Language Strategy." Halifax.
- . 2012. "AFN Indigenous Languages Update." <http://www.afn.ca/en/afn-indigenous-languages-update-oct.-25-2012>
- Banting, Keith, and Will Kymlicka. 2010. "Canadian Multiculturalism: Global Anxieties and Local Debates." *British Journal of Canadian Studies* 23 (1): 43-72.
- Bascaramurty, Dakshana. 2012. "Pilot Program Delivers Over-the-phone Medical Interpretation." *The Globe and Mail*, June 20.
- Beaujot, Roderic. 1998. "Demographic Considerations in Canadian Language Policy." In *Language and Politics in the United States and Canada. Myths and Realities*, edited by Thomas Ricento and Barbara Burnaby, 71-83. Mahwah, New Jersey: Lawrence Erlbaum Associates.
- Biles, J., E. Tolley, C. Andrew, and M. Burstein. 2011. "Integration and Inclusion in Ontario: The Sleeping Giant Stirs." In *Integration and Inclusion of Newcomers and Minorities across Canada*, edited by John Biles and Meyer Burstein, 195-246. Montreal; Kingston: McGill-Queen's University Press.
- Blatchford, Christie. 2008. "Ontario Justice Lost in Translation, Lawsuit to Allege." *The Globe and Mail*, April 14.
- . 2009. No Title. *The Globe and Mail*, April 8.
<http://www.theglobeandmail.com/news/national/christie-blatchford/article1131163/>?
- Bloemraad, By Irene. 2011. "The Debate Over Multiculturalism: Philosophy, Politics, and Policy." *Policy*: 1-6.
- Bowen, S. 2001. *Language Barriers in Access to Health Care*. Ottawa, Ont.: Health Canada.
- Brooks, Stephen. 1989. *Public Policy in Canada*. Toronto: McClelland and Stewart Inc.

- Burnaby, Barbara. 1997. "Language Policy and Political Issues in Education." In *Encyclopedia of Language and Education*, 1:149-58. Springer Netherlands.
- . 2015. "Language Policy." *The Canadian Encyclopedia*.
<http://www.thecanadianencyclopedia.ca/en/>.
- CanadaBound Immigrant. 2015. "Celebrating Canada's Multiculturalism Day on June 27."
<http://www.canadaboundimmigrant.com/diversity/article.php?id=478>.
- Centre for Canadian Language Benchmarks. 2012. "Canadian Language Benchmarks—English as a Second Language for Adults." Ottawa.
- Challinor, A.E. 2011. "Canada's Immigration Policy: A Focus on Human Capital." *The Online Journal of the Migration Policy Institute*.
- CISOC. 2015. "CILISAT." Accessed November 13.
<http://www.cisoc.net/en/cilisat>.
- Citizenship and Immigration Canada. 2006. "Canada-Ontario-Toronto Memorandum of Understanding on Immigration and Settlement."
<http://www.migrationpolicy.org/article/canadas-immigration-policy-focus-human-capital>.
- . 2012. "Evaluation of the Multiculturalism Program."
<http://www.cic.gc.ca/english/resources/evaluation/multi/index.asp>
- Cohl, Karen, and George Thomson. 2010. "Access to Language Interpretation in Community Legal Settings, Report to the Law Foundation of Ontario." November.
<http://www.communitylegalcentre.ca/connectingregions/docs/LangInterpReport-DraftReport.pdf>.
- Cohl, Karen, and George Thomson. 2008. "Connecting Across Language and Distance: Linguistic and Rural Access to Legal Information and Services." The Law Foundation of Ontario, December.
- Court of Appeal for Ontario. 2008. "R. v. Rybak, 2008 ONCA 354 (CANLII)."
- CRICH Survey Research Unit. 2014. "Reducing the Language Accessibility GAP."
- Criminal Lawyers' Association. 2010. "The Criminal Lawyers' Association (Ontario) 'CLA' Calls for an Immediate Inquiry into Ontario's Inadequate Court Interpretation Services."
- Dewing, Michael. 2013. *Le Multiculturalisme Canadien*. Canada, Library of Parliament.
- Dorin, Jacques, Michèle Kaltemback, and Sheryl Rahal. 2007. *Canadian Civilization*. Presses Univ. du Mirail.
- Edoo, Annalisa, Lynn Fournier-Ruggles, Charine Mattis, Kaitlyn Matulewicz, and Farlon Rogers. 2010. "White Paper on Quality Court Interpretation Services." Toronto: York University.

- Federation of Canadian Municipalities. 2011. *Starting on Solid Ground: The Municipal Role in Immigrant Settlement*. Ottawa, Ont.: Federation of Canadian Municipalities (Fédération canadienne des municipalités).
- Fettes, Mark. 1998. "Life on the Edge: Canada's Aboriginal Languages under Official Bilingualism." In *Language and Politics in the United States and Canada. Myths and Realities*, edited by T. Ricento and Barbara Burnaby, 117-49. Mahwah, N.J.: Lawrence Earlbaum Associates.
- Government of Canada. 2015. "Department of Citizenship and Immigration."
- Government of Canada Justice Laws Website. 2015a. "Immigration and Refugee Protection Act S.C. 2001, c.27."
<http://laws-lois.justice.gc.ca/eng/acts/i-2.5/page-1.html>.
- . 2015b. "Official Language Act (R.S.C. 1985, c.31 (4th Supp.)."
<http://laws-lois.justice.gc.ca/eng/acts/O-3.01/>.
- . 2015c. "Immigration and Refugee Protection Regulations." September.
<http://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/FullText.html>.
- Government of Ontario. 2007. *Ontario First Nation, Metis, and Inuit Education Policy Framework: Delivering Quality Education to Aboriginal Students Iin Ontario's Provincially Funded Schools*. Toronto, Ont.: Ministry of Education, Aboriginal Education Office.
- . 2014. "Language Interpreter Services (LIS) Program."
http://www.grants.gov.on.ca/GrantsPortal/en/OntarioGrants/GrantOpportunities/OSA_PQA005148.
- Gunn, Alexander. 2012. "Immigration and Multi-Level Governance in Canada and Europe: The Role of Municipalities as Integration 'Policy Innovators.'"
<https://labs.carleton.ca/canadaeurope/2012/immigration-and-multi-level-governance-in-canada-and-europe-the-role-of-municipalities-as-integration-policy-innovators/>.
- Haque, Eve. 2012. *Multiculturalism Within a Bilingual Framework: Language, Race, and Belonging in Canada*. University of Toronto Press.
- Healthcare Interpretation and Information and Education Network. 2002. "Position Paper on Interpretation in Health Care in Toronto." Toronto.
- Healthcare Interpretation Network. 2007. "National Standard Guide for Community Interpreting Services."
http://www.multi-languages.com/materials/National_Standard_Guide_for_Community_Interpreting_Services.pdf.
- . 2015. "Our Mandate."
<http://hintnet.org/mission-and-values/>.
- Immigration and Refugee Board of Canada. 2015. "Interpretation Service Contractor Solicitation—Toronto."

<http://www.irb-cisr.gc.ca/Eng/BoaCom/interpret/Pages/SouSolTor.aspx>.

- Joy, Richard. 1967. *Languages in Conflict: The Canadian Experience*. Ottawa: Self-published.
- Kari, Shannon. 2010. "Test Scores Put Ontario Court Cases in Jeopardy; Interpreters Flunk." *National Post*, April 15.
- King, Ruth. 1998. "Language in Ontario." In *Language in Canada*, 400-414. Cambridge: Cambridge University Press.
- Lee, Regina. 2009. "Protecting the Right of Interpreter Assistance."
<http://www.thecourt.ca/2009/01/17/protecting-the-right-to-interpreter-assistance/>.
- Legislative Assembly of Ontario. 2001. "Bill 108 An Act to Provide for an English and French Languages Policy for the City of Ottawa."
- Leman, Marc. 1999. "Canadian Multiculturalism." Political and Social Affairs Division of the Parliamentary Research Service, Library of Parliament.
- MacMillan, C. Michael. 1998. *The Practice of Language Rights in Canada*. University of Toronto Press.
- Makin, Kirk. 2010. "Judges Scramble for Court Interpreters; Shortage Leads to Drastic Measures, Conference Told." *The Globe and Mail*. November 6.
- . 2013. "Lack of Interpreters in Ontario Courts Becoming Intolerable, Judge Says." *The Globe and Mail*, May 21.
- Millar, Jeffrey Darren. 2014. "The Revaluation of the National Language in a Post-National Era: Language Policy and the Governance of Migration and Citizenship." York University, Toronto, Ontario.
- Ministry of Attorney General. n.d. "How to Apply for an Interpreter."
<http://www.attorneygeneral.jus.gov.on.ca/english/courts/interpreters/faqs.asp>.
- Ministry of Citizenship and Culture Act. 1990. "Ministry of Citizenship and Culture Act, R.S.O. 1990, C. M.18 | Ontario.ca, 1990."
<http://www.ontario.ca/laws/statute/90m18>.
- Ministry of Citizenship and Immigration. 2005. "Domestic Violence Action Plan for Ontario."
<http://www.women.gov.on.ca/owd/docs/dvap.pdf>
- Ontario Human Rights Commission. 2015. "The Duty to Accommodate." Accessed December 4.
<http://www.ohrc.on.ca/en/policy-and-guidelines-disability-and-duty-accommodate/4-duty-accommodate#fn19>.
- Ontario Ministry of Citizenship Immigration and International Trade. 2015. "About the Ministry of Citizenship, Immigration and International Trade."
<http://www.citizenship.gov.on.ca/english/aboutus/>

- Ontario Native Affairs Secretariat. 2005. "Ontario's New Approach to Aboriginal Affairs."
<http://www.chiefs-of-ontario.org/sites/default/files/files/New%20Approach%20to%20Aboriginal%20Affairs.pdf>
- Ontario Office of Francophone Affairs. 2014a. "Designation of an Area under the French Language Services Act."
<http://www.ofa.gov.on.ca/en/flsa-designation.html>.
- . 2014b. "Frequently Asked Questions."
<http://www.ofa.gov.on.ca/en/faq.html>.
- . 2014c. "Portrait of the Francophone Community in Ontario."
<http://www.ofa.gov.on.ca/en/franco.html>.
- . 2014d. "The French Language Services Act: An Overview."
<http://www.ofa.gov.on.ca/en/flsa.html>.
- Ontario Women's Directorate. 2013. "Timeline 1983-2013—July 1988 Wife Assault Is Criminal."
<http://www.women.gov.on.ca/owd/english/about/timeline/#13>.
- . 2014. "About the Ontario Women's Directorate."
<http://www.women.gov.on.ca/owd/english/about/index.shtml>.
- . 2015. "Ontario Investing \$9.3 Million to Support Survivors of Sexual Violence." Province Continuing Support for Language Interpreter Services Program."
<https://news.ontario.ca/owd/en/2015/05/ontario-investing-93-million-to-support-survivors-of-sexual-violence.html>.
- Phillips, Nelson, and Cynthia Hardy. 2002. *Discourse Analysis: Investigating Processes of Social Construction*. SAGE Publications.
- PSTG Consulting. 2009. "A Study of the Need for Language Interpretation and Translation Services (LITS) in the Delivery of Immigrant Settlement Programs." Ottawa, Ont.: Citizenship and Immigration Canada.
- . 2010. "Language Interpretation Project—Developing Guidelines and Standards to Guide the Delivery of Interpretation in the Settlement Sector in Ontario."
http://wiki.settlementatwork.org/w/uploads/Developing_Guidelines_and_Standards_to_Guide_the_Delivery_of_Interpretation_in_the_Settlement_Sector_Final_Report_April_2010.pdf.
- . 2011. "Language Interpretation: The Preferred Option for Addressing Language Barriers to Service Access for Newcomers in Ontario. A Review of the Evidence."
http://wiki.settlementatwork.org/w/uploads/Final_Report_Language_Interpretation_The_PREFERRED_option_for_addressing_language_barriers.pdf.
- R. v. Sidhu—Court File No. SCA(P) 7131/03. 2005.

- Reitz, Jeffrey G. 2004. "Canada: Immigration and Nation-Building in the Transition to a Knowledge Economy." In *Controlling Immigration: A Global Perspective*, edited by Wayne A. Cornelius. Stanford University Press.
- Schneider, Anne, Helen Ingram, and Peter DeLeon. 2014. "Democratic Policy Design: Social Construction of Target Populations." In *Theories of the Policy Process*, edited by PA Sabatier and C. Weible, 3rd ed. Westview Press.
- Settlement at Work. 2011. "Let's Talk. An Interpretation Toolkit for Service Providers Working with Immigrants in Ontario."
http://wiki.secteurétablissement.org/w/index.php/Let's_talk.
- Statistics Canada. 2013. "Immigration and Ethnocultural Diversity in Canada. National Household Survey, 2011." *Analytical Document* 99-010-X20 (99): 23.
- Supreme Court of Canada. 1994. "R. v. Tran, 1994, 2 SCR 951 CanLII 56 (SCC)."
- Tate, Karla. 2011. "Disability and Health Care: The Eldridge Case (PRB 01-2E)." Political and Social Affairs Division A; Government of Canada. Ottawa: Parliamentary Research Branch.
- The Canadian Hearing Society. 2012. "Position Paper on National Video Relay Services." Updated 2015.
<http://www.chs.ca/canadian-hearing-society-position-paper-national-video-relay-services>.
- . 2013a. "Ontario Interpreting Services."
<http://www.chs.ca/services/ontario-interpreting-services>
- . 2013b. "Position Paper on Challenges Affecting the Deaf and Interpreter Communities."
- Tolley, Erin, and Robert Young. 2011. *Immigrant Settlement Policy in Canadian Municipalities*, edited by Erin Tolley and Robert Young. Montreal; Kingston: McGill-Queen's University Press.
- Truth and Reconciliation Commission of Canada. 2015. *Honouring the Truth, Reconciling for the Future*.
<http://www.trc.ca/websites/trcinstitution/index.php?p=26>.
- UNHCR. 2000. "Convention and Protocol Relating to the Status of Refugees."
<http://www.unhcr.org/3b66c2aa10.html>.
- University of Ottawa Site for Language Management in Canada. 2015a. "Broad-Based Language Policies in the Provinces—Ontario." Accessed November 13.
https://slmc.uottawa.ca/?q=broad-based_policy_on.
- . 2015b. "The First Nations and First Languages." Accessed November 14.
https://slmc.uottawa.ca/first_languages.
- . 2015. "Broad-Based Language Policies in the Provinces—Ontario."
https://slmc.uottawa.ca/?q=broad-based_policy_on.

Vaillancourt, François, and Olivier Coche. 2009. "Official Language Policies at the Federal Level in Canada ." *Studies in Language Policy*. Vancouver, B.C.: Fraser Institute.

Vaillancourt, François, Olivier Coche, Marc Antoine Cadieux, and Jamie Lee Ronson. 2012. "Studies in Official Language Policies of the Canadian Provinces." Vancouver, B.C.: Fraser Institute. January.

CHAPTER FIVE

..... DISCUSSION

One main take-away from my case study is that aspects of identity carry much weight in the development—or lack thereof—of initiatives that contribute to the institutionalization of community interpreting. In this chapter, I will delve into two different facets of this: (1) language is a very sensitive issue for identity and legitimacy for language-related claims that do not relate to official languages is hard to obtain; and (2) the lack of a collective identity per se is a debilitating feature in the social, political, and institutional systems under which public policies are developed. While both (1) and (2) paint a rather gloomy picture for the future of community interpreting institutionalization, I argue that identifying these contextual traits is critical to a better understanding of the normative components of the social issue that I address here, and that with a better understanding, a more tactical framework is possible.

My discussion of issues of “language and identity” in Part One of this chapter and issues of “identity and institutions” in Part Two will lead to a consideration of the concept of “communication rights” in Part Three. Communication rights represent a constructive approach to the definition of the social problem that I am tackling with this study, which presents normative relevance and tactical advantages given the contextual traits identified in Parts One and Two. It would be fair to say that Part Three encapsulates the main contribution of this study.

For the sake of argument throughout this chapter, let's imagine that Mr. Sosa is a construction worker of Portuguese origin who gets injured at the worksite. He needs to receive healthcare assistance to treat his injury. Although he has been living in Ontario for more than 30 years, his life typically revolves around the Portuguese community of Toronto (depicted in Appendix 3). He speaks Portuguese at home, at work, and at the neighborhood bakery where he meets with friends for coffee in the afternoon. He goes to Portuguese events at the community center and reads books in Portuguese from the public library. His command of English is sufficient to get by at the grocery store, but he is far from sufficiently fluent to communicate about specialized topics. Given these circumstances, when Mr. Sosa seeks treatment for his injury his interaction with medical staff is limited by the language barrier.

As I showed in Chapter Four, despite the fact that Ontario is a jurisdiction with some advanced measures for cross-linguistic communication (depending on the type of service required), Mr. Sosa's needs still may not be successfully accommodated. The chances of obtaining professional assistance for cross-linguistic communication needs depend on which service-providing organization or institution is involved. There are no guarantees and the risk of miscommunication is, all things considered, rather high.

Ontario, however, is host to paradigmatic multiculturalism, both demographically and by political positioning, as was covered in Chapter Four. The public sphere, at least officially, has readily acknowledged cultural differences for decades. Thus, one would expect the province to be fertile ground for the institutionalization of community interpreting as a guarantee for effective cross-linguistic communication. In this chapter I will discuss the reasons why the reality of cross-linguistic communication accommodation in Ontario is not so straightforward.

I will resort to contributions from the field of political theory to develop insights into the normative and tactical dimensions of my research question in light of the empirical observations presented in the previous chapter. With the awareness of multiculturalism as a source of tension in modern societies, finding normative grounds that address the needs to recognize, accommodate, and respect difference has generated an extensive and varied literature. Overcoming oppression through social, political, and cultural contestation has been understood by scholars and activists to require a renewed approach to critical social theory.

Explorations of the concept of recognition, particularly, respond to an interest in establishing alternative sources of meaning and normative considerations. I will explore some of the tensions between recognitional equality and recognitional distinctness. Three seminal contributions by three different scholars will help me address both normative and explanatory considerations for my study: Charles Taylor in Part One and Nancy Fraser and Axel Honneth in Part Two will shed light onto the question: What *should* be public about the individual need for autonomous communication?

Within what could be considered to be an ongoing public conversation that reputedly started with Taylor's 1992 book, *Multiculturalism and The Politics of Recognition: An Essay*, the three authors have exposed differing stances with explicit points of agreement and of discordance. In the next few pages, I will use some of their exchange to reflect on my subject matter. I will focus on aspects of their theories that bring to the surface dimensions of the

institutionalization of community interpreting that could easily remain unnoticed to the naked eye. As a result of looking at my empirical data through the lens of normative theory, I will be able to address conceptions of deservedness (the granting side) and conceptions of entitlement (the claiming side) regarding the latent cross-linguistic communication conflict. These two notions will be addressed recurrently in Parts One and Two of this chapter, as our understanding develops through exploring the different theoretical approaches.

Part One: Language and Identity

This section discusses aspects of language and identity and their relationship to the process of institutionalization of community interpreting. It builds on Taylor's approach to the politics of difference and the need for different kinds of recognition. I discuss why his account is an interesting step toward a better understanding of the normative concepts that can support the social claim for further institutionalization of community interpreting: the need for cross-linguistic communication might share Taylor's starting point, but the nature of this social problem is not successfully addressed by his theoretical approach. Empirical examples from Chapter Four shall help articulate the discussion together with Analytical Tools #3 and #5 on dimensions of "the public" and on groups and conceptions of deservedness respectively (which were introduced in Chapter Two).

Taylor and the Politics of Difference

By celebrating, supporting, and accommodating cultural differences, the multicultural model blurs lines between the public and private realms (Banting 2005: 102). Institutions are expected to account for cultural diversity and, hence, variant conceptions of how to live a good life; yet, in the political liberal tradition the question of how to live a good life was formerly deemed to pertain to the private domain. For this reason, achieving a social order that smoothly encompasses diversity poses both practical and normative challenges. Charles Taylor awoke general interest in this issue with his 1992 book *Multiculturalism and the Politics of Recognition: An Essay* by depicting two conflicting approaches to recognition. Recognition has become central to liberal politics, in Taylor's account, with an evolving interpretation that has come to oppose two divergent approaches to the same concept through a process in which "a new understanding of the human social condition imparts a radically new meaning to an old principle" (1992: 39).

Traditional liberalism is based on the principle of equal dignity, according to which all humans have equal rights: their entitlements are inherent in their human nature and they need to be recognized regardless of personal characteristics such as race, gender, and color. Traditional liberalism follows the principle of granting "an identical basket of rights and

immunities,” avoiding favoring some individuals over others through state neutrality and difference blindness (Taylor 1992: 38).

State neutrality, however, is not possible in practice as institutions and decisions are always informed by one hegemonic culture, tradition, world vision, or set of preferences. To resist assimilation to a dominant majority (e.g., differentiated ethnic and cultural groups), or to achieve emancipation from a repressive status quo (e.g., feminist claims), the recognition of different unique identities is essential and requires what Taylor calls a “politics of difference.” Thus, difference blindness in this approach equates to neglecting and disparaging individuals who belong to non-dominant groups.

Taylor notes that, while they both stem from concerns and claims for rights and universal dignity, the two visions of “the politics of recognition” are not compatible. The first one, the “politics of equal dignity,” demands that all abide by the same rules. The “politics of difference” requires that different treatment be applied to different collectivities. Taylor discusses this practical dilemma by addressing the case of Québec with regards to the place of French Canadian language and culture in the Canadian Charter of Rights of 1982, which mandates individual rights and nondiscrimination (i.e., equal treatment).

Quebeckers in Canada pursue the collective goal of ensuring the survival of their culture. Toward this end, Québec passed several laws regarding language to counter the hegemony English: businesses with more than fifty employees need to be run in French, commercial signs should be in French, francophones and immigrants cannot send their children to English-language schools. An alternative reading of these measures is that English speakers are banned from setting up businesses in English, putting up signs in English, and so on.

According to the politics of equal dignity, Taylor observes, giving French speakers and English speakers different rights would be unacceptable. In this “rights-liberalism” defended by Dworkin, Rawls, and Ackerman, discrimination is avoided by stressing individual autonomy and state neutrality as fundamental principles of liberalism.

Taylor advocates for a middle-ground model of rights-liberalism where neither the “politics of equal dignity” is followed in its pure form, nor is the “politics of difference” taken to the extreme. According to his account, certain fundamental and crucial rights need to remain unquestionable (“life, liberty, due process, free speech, free practice of religion, and

so on”) but other rights, such as language rights should be more flexible, to leave room for legitimate collective aspirations—like Québecker’s survival goals.

How does Taylor’s approach translate to the need for cross-linguistic communication? Coming back to the hypothetical experience of Mr. Sosa, introduced above, his membership in a cultural group that speaks a non-official language is the reason for his lack of fluency in an official language, which impedes his ability to communicate effectively with service providers. His differentiated cultural identity thus prevents him from attaining equal access to healthcare (and other basic services). Language difference is the source of the problem. Cultural identity—which is intricately intertwined with language—is, for that reason, a critical aspect that needs to be understood and addressed for effective problem formulation. But I will also argue that, whereas cultural difference may be at the source of the problem, cultural recognition as Taylor defines it for the French community, is not the definitive solution for individuals like Mr. Sosa. This observation is important, as it offers critical insights into conceptions of deservedness and conceptions of entitlement, as I discuss next.

Drawing on the notion of perceptions of deservedness introduced through Analytical Tool # 2, I address the way in which the public imaginary around language and identity interferes with the progress of the issue of assisted cross-linguistic communication toward the decision agenda. I look at two sides of the same coin. Is a given (cultural) group perceived as deserving of public resources to address its interests and needs? Considerations of deservedness arise from the “granting side.” The flip-side of the coin is the “claiming side”; whether that same group feels entitled to claim such resources or accommodations is something internal to the groups benefiting from a desired potential policy. I will address each of those dimensions in the next sections.

Conceptions of Deservedness (Part One)

As is clear both from the institutional framework and the subunits of analysis presented in Chapter Four, in Canada French and English occupy a very privileged position that is defended with zeal by both official institutions and the public at large. Because symbolic space is limited, only a few languages can benefit from institutional recognition. For that reason tensions arise whenever more than one language claims official recognition. Canadian bilingual history is, as I have explained, old in practice but rather recent in its official dimension, and has not been devoid of tensions.

Canadian identity has been constructed around the idea that two official languages coexist. Concepts of deservedness of institutional recognition for any other languages enjoy no currency. In fact, to address claims by language groups other than English and French when the Royal Commission on Biculturalism and Bilingualism was appointed, the idea of a multiculturalism that would coexist with official bilingualism was put forth. Macmillan makes this important distinction between bilingualism and multiculturalism very clear:

[The] multicultural mosaic is celebrated, but not meant as an extension of language rights to other languages than English and French. [...] The government sought to accommodate allophone opposition to their exclusion from official language policy through [the means of multiculturalism]. Furthermore it could hardly be otherwise because it was simply presumed that all other language groups must in fact assimilate to one of the two principal languages of Canadian society. (1998: 195)

Multiculturalism policy is, in fact, (strikingly) inattentive to language promotion efforts for languages other than French and English, and the so-called “heritage languages” are clearly not considered deserving of symbolic presence in the institutions:

In Ontario, a proposal to permit heritage languages as languages of instruction was quietly dropped in the face of substantial opposition from the anglophone majority. The controversy in Ontario clearly indicated that the public did not perceive ethnic communities to have rights to minority language education. (MacMillan 1998: 201)

The frame “multiculturalism within a bilingual framework” is effective at conveying a deliberate approach that trumps cultural aspirations that relate to language through the narrative of official bilingualism. The effectiveness of such a frame was confirmed by one of my key informants when they were reflecting on potential explanations for the underdevelopment of community interpreting:

I think there is something to do with our notion of multiculturalism too. I mean, language is not... I guess it's seen as... Successful integration means you speak English or French and there is so much of a focus in Canada about our bilingualism, that it's in fact taking away from a discourse around other language access issues. So... you know, that's the only thing I could think why we don't have any policy frame around that... (O Interview, Appendix 4)

This helps explain why “translation and interpretation happen in [Toronto] on a daily basis, but the training opportunity focuses mainly on English and French and not on other languages,” as Professor Marco Fiola declared when commenting on the recent development of a Tamil legal interpretation online tool (Feung 2014). In fact, the goal of translating (and interpreting) from and into French is often not so much in response to logistical needs; it can often stem from purely instrumental motivations to ensure French language rights. Appendix

10 shows a leaflet I picked up at the Centre Francophone de Toronto during my fieldwork. The document encourages accessing services in French. The underlying message—as can be inferred from the very title of the leaflet (“Vivre mieux à Toronto c’est...”)—is far from a concern about effective communication and much closer to an advocacy for life in French. It is the space that French occupies in one’s life and in the public sphere that is important and promoted.

Immigration policies in Canada have attributed increasing salience to the language aspect in recent years, as a result, according to Millar, of a neo-liberal transformation of the immigration regime (2013). The rationale is that proficiency in official languages is a good predictor of professional success and hence of immigrants’ successful contribution to the Canadian economy. That language loss is used as an indication of assimilation into the dominant culture is a telling fact regarding the expectations from newcomers not only in Canada, but in any other receiving country:

Language is arguably the main badge of ethnic identity and is certainly the most effective protection against the loss of other aspects of ethno-cultural distinctiveness when one group comes into contact with another. It is for this reasons that the rate of language loss among ethnolinguistic groups is often used as an indication of the level of their assimilation into the dominant culture. (Brooks 1989: 295)

All these considerations offer a clear picture regarding potential claims by speakers of non-official languages. Language is an important dimension of ethnic and cultural identity, and yet it is deliberately omitted by official multiculturalism in order to protect the languages that have been endorsed as symbolizing national unity: English and French. The public conception that languages other than the official ones deserve public support is almost nil, in so far as a claim for support is constructed or perceived as an identity claim. This statement is based on my close observation of the case of Ontario, but it likely holds true broadly, in that most other regions of the world tend to have more conservative approaches to diversity.

Appendix 12 presents a picture that was taken in 2013, at the end of my second fieldwork research stay, in the context of the triennial international conference on community interpreting, *Critical Link*, that was held in Toronto that year. It illustrates how key stakeholders in the field of community interpreting have chosen to align with the language rights frame to advocate for the advancement of community interpreting. There are certainly important advantages in aligning a social cause with existing rights frameworks. This is referred to in public policy discourse as issue expansion. I argue here, however, that given that the core of language rights claims rely heavily on identity issues, this is not a framework

that will help effectively position the issue of cross-linguistic communication in the wider systemic agenda. I will continue this discussion under the section on conceptions of deservedness in Part Two.

Conceptions of Entitlement (Part One)

On the claiming side, similar considerations pertain. Speakers of minority languages generally only feel entitled to claims around language when they can prove historical and/or territorial legitimacy. But, it is immigrant groups that comprise the majority of (potential) end-users of community interpreting services. Immigrant populations don't feel entitled to claims related to their mother tongues; "since allophone groups are often composed of relatively recent immigrant groups, it is conventionally maintained that they are not entitled to claim language rights in any event" (MacMillan 1998: 196).

The need to ensure effective communication across language barriers is not satisfactorily addressed by either of the two approaches to recognition explored so far. In spite of the badges at the Critical Link indicating that some stakeholders are jumping on the bandwagon of language rights claims, the essence of ensuring effective measures for cross-linguistic communication is not a matter of collective identity rights. As opposed to the case of Québec, used by Taylor as an example, the case of Mr. Sosa is not a case of collective aspirations by a cultural group. It is a case of individual rights being threatened by circumstances that originate in cultural differences. Preserving cultural differences is not the end goal, communication is. Cultural differences are the origin of a circumstance that requires specific measures to mitigate. The normative consideration underlying the case of Mr. Sosa is not so much that justice is possible only if cultural differences are recognized, rather, it is that a just system requires the recognition that cultural differences entail different needs.

On the claiming side, then, conceptions of entitlement are reinforced under an issue conceptualization that avoids stressing the centrality of language as an expression of identity and focuses more on language as a vehicle for communication. Addressing effective communication across languages and cultures requires going beyond difference, while, at the same time, recognizing specific needs that arise from difference. In fact, I argue that autonomous and effective cross-linguistic communication involves leaving the identity-laden

conception of language behind. Language, here, should be regarded as an instrument, not as an end in itself.

Competing for symbolic space for non-official languages in the public sphere is not the same as competing for economic and logistic resources for accommodating cross-linguistic communication. Both symbolic and material resources are limited. For that reason, neither of these claims is straightforward. They both involve conflicts between groups, as discussed in Cobb and Elder's definition of an issue (1983, see Chapter Two). The types of interests that these groups may fight for are different, however. Understanding the best ways to formulate a claim in a way that remains essentially true to a legitimate claim against injustice can be empowering. I will continue the discussion of conceptions of entitlement after I explore related contributions by Fraser and by Honneth in Part Two.

Part Two: Identity and Institutions

Taylor's take on recognition has proved helpful to tackle aspects of language and identity as they relate to this study. This section discusses aspects of identity and institutions and their impact on the process of institutionalization of community interpreting. Fraser's analysis on recognition, which she presents in the form of a dialogue with other political theorists, including Taylor, offers a complementary opportunity to delve further into normative considerations. Fraser's concept of participatory parity informs my theoretical analysis and effectively illuminates potentially successful conceptions of deservedness. However, while her normative proposition conveniently maps onto the issue of assisted cross-linguistic communication, there remains the pragmatic problem of the plausibility of political struggle for progress in this specific domain. Interestingly, Honneth—who, perhaps, represents the third corner of a historically triangulated discourse that has placed recognition in the center of the stage from the mid-1990s through the mid-2000s—identified such pragmatic considerations in his own discussion. It is these considerations that will inform the second look I will take at conceptions of entitlement.

Fraser and Participatory Parity

Fraser critiques Taylor's approach for overemphasizing aspects of cultural identity at the expense of other components of justice, such as material wellbeing. She argues that identity-based theories of recognition conflict with the politics of redistribution of material resources because the former promotes group differentiation, whereas the latter calls for abolishing economic circumstances that favor a given group (e.g., French speakers in Québec).

Nancy Fraser suggests a different approach to a politics of recognition that not only accounts for the politics of cultural difference but also is congruent with the social politics of equality. She proposes a shift from a model that relies on identity to a model based on status: "what requires recognition is not group-specific identity but rather the status of group members as full partners in social interaction" (Fraser 2001). Guaranteeing the potential for individuals to be full partners in social interaction is what Fraser calls "participatory parity." The status model aims at recognizing the right of everyone, across groups and differences, to

participate under equal circumstances. Recognition of difference is important when that difference accounts for a diminished participatory status of an individual, in other words, when their socially constructed role impedes their participation as a peer in societal interactions. Among the social elements identified by Fraser as having the potential to preclude members of society from participating on par with others are institutionalized conceptions and value patterns regarding difference, *as well as* material inequality and economic dependence.

It is worth noting that identity, here, is relevant for reasons that are different than in Taylor's reflections. Identity-related considerations come into play not so much as claim, but rather as a condition that might be the source of unequal participatory status. Fraser uses the example of queer theory to illustrate the difference between identity politics and other kinds of approaches. Gay-identity politics aims to revalue gay and lesbian identity, whereas, in Queer theory homosexuality is treated as a construct that is part of a binary conception of sexuality and the goal is to reify neither gay nor heterosexual identity, but rather to eliminate oppression by moving away from binary constructions and sustaining a sexual field of multiple and ever-shifting differences (Fraser 2001).

To return to the case of Mr. Sosa, identity as a claim could take the form of members of the Portuguese community claiming the right to have publicly supported Portuguese healthcare facilities in their neighborhood in order to be able to live their lives in Portuguese, in a manner similar to the French community in Toronto (see Appendix 12). This would guarantee that Mr. Sosa could receive adequate care. If the focus was, on the other hand, to ensure participatory parity, the Portuguese community could claim assistance for cross-linguistic communication in healthcare organizations without engaging on identity claims.

Focusing on status and participation opportunities in the social order, Fraser is able to position the analysis of recognition away from interpretations dependent on (culturally informed) subjective conceptions of the good. When collective, internal, perceptions of the good are the focus of the debate, there is, inevitably an invitation for the external perception regarding the collectivity at hand to play an important role. Fraser brings about an approach to recognition that leaves as little space as possible for external considerations of a given identity to have a stake in the rights of people that are "different." This is of pivotal importance when challenging institutionalized conceptions and value-patterns regarding difference at the core. Fraser seeks an approach that is closer to universally applicable claims

of what is right. Closer, that is, to integrating the need for recognition within a model of justice; closer to finding a just social order.

Conceptions of Deservedness (Part Two)

I left my discussion of conceptions of deservedness in Part One on the idea that the field of language rights is closely related to social action, which, nonetheless, cannot successfully frame the issue of cross-linguistic communication in a way that is true to the essence of the problem or effectively elicit sympathy among the general public. The main reason for this is that language rights claims both rely on and target issues related to identity, while identity claims are not the end-goal of cross-linguistic communication advocacy.

With Fraser's concept of participatory parity, I now have the conceptual tools to move past the centrality of cultural claims when considering issues of justice and recognition. The very term that describes the concept, participatory parity, more accurately describes the essence of the social problem I analyze here than Taylor's concepts considered above. The unique contribution that community interpreting offers to society is providing individuals from different cultural backgrounds with the ability to communicate despite their language differences; that is, it helps individuals participate in shared conversations despite their differences.

If participatory parity is a useful concept, then under what conditions can society (the granting side) help promote parity in the case of cross-linguistic communication? The first condition is for society to be capable of identifying the need for corrective actions. I showed through my empirical analysis both that language barriers are still a great source of injustice in Ontario and that mainstream society continues to fail to identify language barriers as a social problem. The reason for that, takes us back to conceptions of identity that I have considered above: needs for effective communication across languages might not (ideally) lean on identity claims, but given that language vehicles for imagined communities are such a strong and omnipresent narrative it can be hard for social actors to see past the identity-laden conception of language to be able to identify sources of injustice. Such a narrative is part of the constructed social conditions that Honneth identifies as determining the means of articulation of social movement. As I explore these concepts next, Honneth will lead us to the second round of considerations regarding entitlement.

Honneth and the Means of Articulation of Social Movements

In 1995, Axel Honneth suggested that a critical social theory is needed “according to which processes of societal change are to be explained with reference to the normative claims that are structurally inherent in relations of mutual recognition” (Honneth 1995: 1). Honneth aligns with Taylor in that recognition is essential to self-realization. However, unlike Taylor, his understanding of justice is exclusively based on individuals as entities subject to injustices and not groups. In that, he is in agreement with Fraser. Fraser and Honneth also concur on the importance of both principles of recognition and redistribution to address injustices. The idea of interaction or participatory parity is also present in Honneth’s conceptualization of recognition, but not as centrally as in Fraser’s theory. Two aspects of Honneth’s approach to recognition are particularly interesting for this study: his distinction between individual rights and collective claims, and his identification that the constructed cultural and political environment are critical to whether situations of injustice rise to the surface in the form of political claims.

In Honneth’s conceptualization of justice, the individual’s experiences of disrespect are the fundamental indicator of injustice. Based on this idea, recognition happens at the individual level. This positioning of the concept of justice normatively belongs in the sphere of individual experiences. However, Honneth is also sensitive to the idea that in order to formulate claims of injustice collective political action is necessary. He observes that a socially generated framework of emancipatory discourse, as well as an awareness of common experiences of injustice, is necessary for individual frustrations to develop into social struggles (McQueen 2015). “Feelings of having been unjustly treated can lead to collective action to the extent to which they come to be experienced by an entire circle of subjects as typical for their social situation” (Honneth 1996: 165).

Conversely, feelings of social injustice, moral injustice, and social injury may not emerge in social movements and may remain absent from the public arena. This subsequent idea is central to Honneth’s argument: critical theory should pay attention to instances of injustice that are not raised in the public sphere. Issues such as poverty in rural environments or among single mothers with low training qualifications do not generally reach the political agenda and yet deserve attention if an effective normative theory of justice and recognition is to be achieved.

In Honneth's analysis, whether an issue is addressed in the form of social movements depends on the cultural environment and the political circumstances in which lack of recognition takes place:

Empirically, whether the cognitive potential inherent in feeling hurt or ashamed becomes a moral-political conviction depends above all on how the affected subject's cultural-political environment is constructed: only if the means of articulation of a social movement are available can the experience of disrespect become a source of motivation for acts of political resistance. The developmental logic of such collective movements can, however, be discovered via an analysis that attempts to explain social struggles on the basis of the dynamics of moral experiences. (Honneth 1996: 138-39)

The availability of "means of articulation of a social movement" heavily depends on some of the issues I analyze in this study; particularly critical is the question of whether social constructions around a public policy problem contribute to or hamper the development of emancipatory movements. Issue conceptualization plays crucial role in helping those affected by a particular circumstance to feel a "moral political conviction" that motivates them to take political action. Means of articulation, issue conceptualizations, and conceptions of entitlement are thus interconnected.

Schneider, Ingram, and DeLeon's theory (on which Analytical Tool #2 is based) proposes that "policy designs have both material and symbolic (reputational or interpretive) effects on target populations that impact their attitudes and political participation. These effects occur through structuring of opportunities that shape life experiences and subtle messages about how government works and how they are likely to be treated" (2014: 116). Inspired both by Honneth and by Schneider et al. I will propose in the next subsection a framework that addresses and circumvents some of the challenges I have delineated in my analysis of the politics of recognition.

Conceptions of Entitlement (Part Two)

In this chapter, I have explicated the critical impact of identity on conceptions of deservedness and entitlement for language-related policies. I closed the section on conceptions of entitlement in Part One with a reflection on the empowering consequences of effective frames. Here, I propose a frame that is not only empowering by virtue of providing normative clarity, but also offers tactical advantages.

From a normative point of view, I dismissed the frame of language rights because it points at collective identity claims. While language is the origin of the problem it is not the end goal. Communication is the end goal. A framework that is true to the essence of the problem should focus on communication. For that reason, I propose to align with the framework of communication rights, rather than language rights. As I discuss in Part Three, communication rights is an existing framework that addresses injustices in macro level exchanges. It shares essential moral considerations with the type of guarantees that are required at the micro level, when language barriers need to be overcome for interpersonal communication.

As for the tactical advantages, communication rights is a frame that suggests connection and exchange, contrary to language rights, which immediately points at the existence of Otherness. Also, by not relying on identity-laden concepts, communication rights, if effectively exploited as a frame, can help overcome the difficulties that stem from the narrative of language and national identity that I have discussed above in Parts One and Two of this chapter. I discuss other advantages of this in Part Three.

Most significantly, communication rights help identify legitimate claims. Mr. Sosa may not feel entitled to demand that Portuguese be spoken by his healthcare team, however, the frame of communication rights allows him to look at his situation from a different angle and find legitimacy in a claim that effective measures need to be in place for him to communicate effectively with his healthcare team despite the existence of language barriers. By placing communication at the center of the issue and shifting language to the periphery, not only is the focus not on identity, the issue conceptualization becomes a problem shared by all parties participating in the communicative event. Thus, the power relations inherent in minority/majority language issues are relegated to the background.

Part Three: Communication Rights

Either through generic conceptualization of recognition (Honneth) or through a combination of redistribution and recognition (Fraser), for a correct normative framing of the issue, conceptions of group-based identity are to be avoided. Rather, the social claim should be alongside individual needs and rights. Toward this end, in Part Two I proposed the framework of communication rights. While this is a new proposition for the field of community interpreting, it has been put forward by social movements internationally to address macro-social communication. In Part Three I delve into this concept in more depth. I start by talking about the benefits of an alternative frame, then I contextualize the origins of this framework, and, finally, I review some of the advantages in using the frame of communication rights to advance the institutionalization of community interpreting.

An Alternative Frame

The notion of communication rights offers a powerful alternative to the frames of language rights, language access, or the right to an interpreter. As compared to a conceptualization that gives centrality to language, focusing on the communication aspect offers the primary advantage of uncluttering the solutions panorama. An issue definition that allows foreseeing solutions is a powerful issue definition.

As I discussed in Chapter Two, Kingdon's theory relies on the idea that "normally, before a subject can attain a solid position on a decision agenda, a viable alternative is available for decision makers to consider" (Kingdon 1995: 142). Birkland offers a couple of examples to illustrate Kingdon's concept of the window of opportunity that opens when our perception of a problem changes (2007: 68). In the 1930s, unemployment and economic privation shifted from being perceived exclusively as a failure of individual initiative to being understood as a collective economic problem that required governmental intervention. The ban on smoking in public places ceased to be a matter of contention once it became clear that "passive smoking" also has an impact on health, and not just the active action of smoking. Bringing the notion of passive smoking to the forefront, the problem became conceptualized as an issue of preventing public assaults (Moran, Rein, and Goodin 2006).

Mapping this idea of shifting conceptualizations onto my terrain clarifies how the notions of language rights and measures for cross-linguistic communication compare and how the latter could generate a shift that can open windows of opportunity. Due to efficiency considerations and, simply put, power relations, not every language can have the same status in any given jurisdiction; generally only one—or a few—languages can occupy the privileged position. While language rights are an important societal and global consideration, it is difficult to find clear, actionable ways to enforce universal language rights; political theorists have only relatively recently started to grapple with the competing demands that language rights claims entail (Patten and Kymlicka 2003). However, when returning our attention to the central problem of communication and individual basic rights and dignity in multicultural societies, tangible concrete measures can be imagined that facilitate bringing the issue to the public agenda. It becomes possible to provide speakers of different languages with the necessary measures to communicate in specific circumstances that are critical to their wellbeing. A policy framework that guarantees communication rights for all individuals can be compatible with a policy framework that (in the case of Canada) ensures a privileged position for French and English. A policy framework that guarantees language rights for all cultural communities that coexist in Canada, on the other hand, would make it very difficult to reconcile competing demands for symbolic space in national institutions. Communication rights is a frame that offers actionable solutions rather than a normative consideration (the rights of all language communities) that is difficult to implement through policy.

A second advantage of this alternative, I argue, is that finding an effective frame for the problem to which community interpreting brings a solution helps the general public realize that what they thought was a condition to be accepted—the inability to communicate effectively with people of different cultural and linguistic backgrounds—is in fact a problem that can be solved. In public policy analysis jargon, conditions and problems are different. “Conditions—that is, things that exist that are bothersome but about which people and governments cannot do anything—can develop over time into problems as people develop ways to address these conditions” (Birkland 2007: 71). The most powerful aspect of an alternative frame is perhaps precisely the opportunity it offers to generate a new understanding that can be incorporated into the public imaginary. Proactive actions by advocating actors have more impact when the public imaginary can place their actions within a narrative familiar to the general public. Language issues are not only a matter of contention internationally, they are also so multidimensional that they generally become either

dogmatically simplified or difficult to comprehend by the general public. It is thus of paramount importance, in order to successfully bring the issue of cross-linguistic communication to the public agenda, to advance a frame that is conceptually graspable and practically actionable.

Finally, it is worth noting that an understanding that it is possible and necessary to communicate with people who are different from us has an important effect on the way the social fabric is woven. Thinking in terms of communication rights both requires and helps generate a shift in the conceptualization of difference, from the typical recognition of difference per se to the recognition that difference brings about different needs, both for the individual and the collectivity. Rather than reproducing old models of difference and division, a communication rights frame involves understanding the needs of individuals from a renewed angle.

Its Origins

“It is hard to imagine a world in which struggles for social justice can prevail without the assertion of communicative power. Communicative power, as well as the social, economic and cultural conditions, and rights needed to exercise it are fundamental to the pursuit of social justice” (Padovani and Calabrese 2014). Such are the final sentences of the book *Communication Rights and Social Justice. Historical Accounts of Transnational Mobilizations*. Since the 1970s, the expressions “right to communicate” and “communication rights” have been coined in parallel processes by social activists. They both similarly advocate recognizing communication as a basic human right that is key to the exercise of other human rights. I mentioned these movements briefly in Chapter Two. Below, I will refer to these different but converging movements under the single expression of communication rights. According to proponents of communication rights, ensuring freedom of speech is not enough. Rather, ensuring that everyone’s voice can be heard and that everyone has an opportunity to speak is also required. Communication conditions vary according to sociocultural and socioeconomic circumstances for different people. A situation in which only the privileged individuals can (in a figurative sense) hear and be heard, leaves the least privileged out of the exchange, allowing only a limited number of world visions to be disseminated and reified.

Since the beginnings of these movements, communication rights claims have addressed media and global exchanges and resistance to the dominance of a single hegemonic culture. This communications rights frame relies on a macro level conception of communication. I contend that promoting the same values and underlying concepts for micro-level communication offers a successful framework for the advancement of measures that ensure effective cross-linguistic communication. Thus, a concept of communication rights as it is to be applied at the micro level—that is, in interpersonal encounters—is pertinent.

In the absence of effective in-place measures, language barriers can pose a challenge to respect for basic human rights. Language and cultural barriers become an impediment to being heard and preclude the capacity of individuals to make crucial decisions autonomously, hence eroding respect for the dignity of all participants. In face-to-face and micro level communication, too, the right to communicate is a pre-requisite for the exercise of other human rights (e.g., fair trial, freedom, access to healthcare, etc.).

Its Value

I have already mentioned some of the merits of the communication rights frame. One aspect I have not yet addressed is the meta-dimension of this concept (for which Analytical tool # 1 is a helpful visual reference). Communication rights can potentially affect anyone. As a social problem it is not confined within borders; language barriers in multicultural societies are in large proportion related to migration trends. Thus, communication rights is a global issue. Effective macro-level global communication can help establish momentum for demands regarding effective micro-level communication rights in local public agendas. The essence of communication rights addresses core human values of dignity and respect. As such, this frame offers the potential to bring people together across cultures and countries. The need to address local interpersonal communication needs across language barriers (the topic of this study) can be aided by effective macro-level communication, which can help identify shared sources of oppression across communities and borders. While the policy measures to ensure cross-linguistic communication may operate at the local level, the problem is global.

Communication rights show a circular dimension in another way. Communication rights involve recognizing individuals across differences in a way that departs from a traditional understanding of multiculturalism (according to which different cultures are

understood as silos that need to be preserved). By the very nature of communication (and of integration through communication), cultures and differences and individualities are understood—under the communication rights frame—to be evolving entities that are influenced by one another. Also, conceptualizing communication rights as a matter of parity in participation, as a matter of equal status in the interaction, and as a matter of equal chances to hear and be heard, brings communication rights to the core of the concept of recognition. Addressing communication rights involves a process of recognition, as I showed above, but also, through the exercise of communication rights, individuals become recognized in their individuality. Thus the concept of recognition is also encapsulated in the essence of communication rights. When Mr. Sosa's doctor decides to book an interpreter to ensure smooth communication between the two of them, Mr Sosa's individual dignity is recognized through ensuring his right to understand and be understood.

Concluding Remarks

In order to explore to answer the question *what should be public about the individual need for autonomous communication despite language barriers*, in this chapter, I have resorted to contributions from the field of political theory on the topic of recognition. Through Taylor's work I established that cultural differences are the origin of the social problem I study here, but should not be the object of political contention. Fraser makes clear that parity in social interaction is the goal. Language difference is the barrier to parity in the social problem I address in this study. Using Honneth's work I focus attention on the fact that only some conditions of injustice gain political voice and that the constructed cultural and political environment impacts the ability of individuals to perceive their condition as an injustice that needs to be fought against.

I argue that, in order to establish effective measures to overcome the barriers to communication posed by language differences, society needs to see past the identity dimension of language. Language is a symbol of national unity and constitutes an omnipresent narrative in the cultural and political environment. In the case of cross-linguistic communication measures, what needs to be considered as deserving public support is not language diversity, rather it is the critical importance of communication (with or without barriers) for the respect of individual dignity and to ensure participatory parity. To capture this as the essence of the social problem, I propose an alignment with the frame of communication rights.

Such a frame not only captures the normative essence of the problem at hand, it also helps move away from connotations of collective language identity that are, in my analysis, a hindrance to the development of community interpreting. I argue that both the granting side and the claiming side of this social issue need to see past identity; as a result, it will become easier for (potential) grantors to establish sympathy toward individuals affected by communication barriers, and it will become more likely that (potential) claimants will identify the problematic situations of miscommunication as a shared experience of injustice that can and needs to be prevented. Conceiving the institutionalization of community interpreting under the frame of communication rights presents a critical tactical advantage.

Under this frame potential claims for access to interpreting services need not be perceived as a threat to societal expressions of collective identity through language.

References

- Banting, Keith G. 2005. "The Multicultural Welfare State: International Experience and North American Narratives." *Social Policy and Administration* 39(2): 98-115.
- Birkland, Thomas A. 2007. "Agenda Setting in Public Policy." In *Handbook of Public Policy Analysis. Theory, Politics, and Methods*. Boca Raton: CRC Press.
- Brooks, Stephen. 1989. *Public Policy in Canada*. Toronto: McClelland and Stewart Inc.
- Cobb, Roger William, and Charles D. Elder. 1983. *Participation in American Politics: The Dynamics of Agenda-Building*. Johns Hopkins University Press.
- Feung, Nicholas. 2014. "Tamil Legal Interpretation Boosted by New Online Tool." *Toronto Star*, May 29.
- Fraser, N. 2001. "Recognition without Ethics?" *Theory, Culture & Society* 18(2-3): 21-42.
- Honneth, Axel. 1995. *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. 1st ed. Polity Press; Blackwell Publishers Ltd.
- Kingdon, John W. 1995. *Agendas, Alternatives, and Public Policies*. HarperCollins College.
- MacMillan, C. Michael. 1998. *The Practice of Language Rights in Canada*. University of Toronto Press.
- McQueen, Paddy. 2015. "Recognition, Social and Political." *Internet Encyclopedia of Philosophy*.
http://www.iep.utm.edu/recog_sp/#SH3b.
- Millar, Jeffrey Darren. 2013. "An Interdiscursive Analysis of Language and Immigrant Integration Policy Discourse in Canada." *Critical Discourse Studies* 10(1): 18-31.
- Moran, Michael, Martin Rein, and Robert E. Goodin. 2006. *The Oxford Handbook of Public Policy*. Oxford University Press.
- Padovani, Claudia, and Andrew Calabrese. 2014. *Communication Rights and Social Justice: Historical Accounts of Transnational Mobilizations*. Palgrave Macmillan.
- Patten, Alan, and Will Kymlicka. 2003. "Language Rights and Political Theory: Context, Issues, and Approaches." In *Language Rights and Political Theory*, edited by Will Kymlicka and Alan Patten, 1-51. Oxford University Press.
- Schneider, Anne, Helen Ingram, and Peter DeLeon. 2014. "Democratic Policy Design: Social Construction of Target Populations." In *Theories of the Policy Process*, edited by P. A. Sabatier and C. Weible, 3rd ed. Westview Press.
- Taylor, Charles. 1992. *Multiculturalism and the Politics of Recognition: An Essay*. Princeton University Press.

CHAPTER SIX

…… CONCLUSION ……

Three last questions remain to be addressed to cover the goals I have set for this project. In the light of the results from my research: What can stakeholders do to foster the institutionalization of community interpreting? What can institutions do to effectively address the need for autonomous communication despite language barriers? What can community interpreters do in their capacity as social actors and what can they do in their capacity as professionals to contribute to the development of their profession given its political dimension?

Chapter six closes my dissertation with some suggested answers to those questions in Part Two. Before that, Part One reviews, in a schematic style, the work I have presented here and its contributions.

Part One: Summary

In an attempt to very succinctly capture the contribution of this dissertation, the following summary presents the key elements of my work using a bullet-point format:

- **The social problem:** For members of society with restricted proficiency in the main societal language(s), community interpreting most often means the critical difference between enjoying basic rights or basic rights violation. Community interpreting, however, can only service society efficiently provided adequate infrastructure is in place; hence the need for public policy in matters of cross-cultural communication which to date, is rather exceptional.
- **The research goal:**
 - To gain a more sophisticated understanding of what is involved in the institutionalization of community interpreting through close empirical observation, systematic analysis, and conceptual developments, with a motivation to generate policy-relevant information that can help advance measures of assistance for cross-linguistic communication.
 - With a focus on agenda-setting and problem definition, scrutinizing the essence of the public problem and developing strategic abilities to communicate about it.
- **The research question:** On the the premises that: (1) community interpreting serves the purpose of enabling autonomous communication between agents that need to interact to ensure at least one of the parties' wellbeing despite language barriers, and (2) community interpreting is a matter of public concern, then: What is public about the individual need for autonomous communication despite language barriers?
- **Axis of the research:**
 - Primary axis 1: What *is actually* public in the individual need for autonomous communication despite language barriers? (Descriptive axis)
 - Primary axis 2: What *should be* public in the individual need for autonomous communication despite language barriers? (Normative axis)
 - Secondary axis: Recommendations for practice inspired on the results of my research. What *can* be done?

- **Methodology:** In-depth analysis of the case of Ontario, focusing on five (potential) policy subsystems. Qualitative approach with semi-structured interviews and documentary research as the main sources of empirical data.
- **Analytical procedures:**
 - I developed four graphic analytical tools to visually capture complex concepts that inform my analysis. Those tools rely on theoretical concepts from the fields of communication and public policy analysis. They address: (1) the multi-layered dimensions of communication; (2) the public dimension that is addressed by public policy; (3) different factors affecting agenda-setting; and (4) the social construction of deservedness of different (potential) policy target groups.
 - I used qualitative research software (ATLAS.ti) to code my empirical data and transcribe particularly illustrative excerpts.
 - Based on the information collected, I described and compared five different sub-units of analysis (five (potential) policy systems) to paint a granular picture of the situation of community interpreting in Ontario.
- **Findings:**
 - There is a general lack of public policies for communication assistance, which negatively impacts the public good
 - In order to provide quality interpreting services, an institutionalized, coordinated, and regulated approach is necessary.
 - Addressing the issue of cross-linguistic communication from a trans-sectorial and trans-ministerial perspective would bring clear benefits.
 - A crucial characteristic of this policy issue is the lack of singular, cohesive, easily identifiable target groups. In the case of Ontario, French speakers, victims of gender-based violence, and members of the Deaf community are the exceptions—and, not coincidentally, represent the only fields in which substantial progress has been made.
 - The absence of a discrete affected group that can feel entitled to policy actions and that can be constructed as deserving by society at large has a negative impact on the likelihood for this policy issue to reach the decision agenda.
 - Identity plays an important role in the institutionalization of community interpreting at different levels: (1) without a group identity, it is difficult to generate advocacy actions; and (2) hegemonic groups, which have vested interests in preserving their

identity-based advantages, tend to zealously oppose language policies that do not benefit their own languages.

- **Normative considerations:** In order to establish effective measures to overcome the barriers to communication posed by language differences, society should see past the identity dimension of language. Language is a symbol of national unity and constitutes an omnipresent narrative in the cultural and political environment. In the case of cross-linguistic communication measures, what needs to be considered as deserving public support is not language diversity, rather it is the critical importance of communication (with or without barriers) for the respect of individual dignity and to ensure participatory parity.
- **Proposition:** A conceptual reorientation away from identity-based claims and toward the right to communication presents a fresh, accessible, and practical approach. The frame of communication rights not only captures the normative essence of the problem at hand, it also helps move away from connotations of collective language identity that are, in my analysis, a hindrance to the development of community interpreting. I argue that if both the granting side and the claiming side of this social issue are able to see past identity, it will become easier for (potential) grantors to establish sympathy toward individuals affected by communication barriers, and it will become more likely that (potential) claimants will identify the problematic situations of miscommunication as a shared experience of injustice that can and needs to be prevented.

Part Two: Recommendations

Many of the following recommendations are directly related to the framework of the right to communication that I argue for in this dissertation. Others were sparked by the process of close study analysis and represent inspired suggestions rather than documented ones assertions. This section's aim is to share reflections; it is absolutely not my goal to prescribe actions.

Stakeholders

The following suggestions could inspire stakeholder actions to foster the institutionalization of community interpreting:

- Identify institutional venues that are fit for trans-sectorial issues and approach them with concrete suggestions. In the case of Ontario, a previously mentioned example would be the Ministry of Citizenship and Immigration. The Ontario Public Service also offers a perfect institutional framework.
- Approach human rights commissions, ombudsmen and any other institution that serves as a watchdog for basic rights to make sure that the right to communication is in their purview.
- Rely on the argument that communication rights are important across sectors. Use legislation that is specific to different sectors and addresses aspects of equal access, non-discrimination, informed consent, the right to an interpreter, etc., to support the idea that communication rights are an underlying concept to other basic rights that have long been recognized.
- Establish trans-national stakeholder networks to advocate for communication rights in the presence of language barriers. This policy problem is a global issue that requires local intervention by governmental organizations. There is certainly opportunity for collaboration across borders.

Institutions

To effectively address the need of individuals for autonomous communication despite language barriers, institutions could consider the following ideas:

- Language policy is often used as a synonym for language planning. This is symptomatic of a limited vision of the needs that arise from language diversity. I suggest that communication issues be addressed under the folder of language policies, but not under the approach of language rights.
- Direction, planning, coordination, regulation and secured funding are needed in the community interpreting sector to ensure quality and guarantee effective cross-linguistic communication. These are needs that require governmental intervention for the public good.
- A centralized approach to the provision of interpreting services can help gain efficiency and guarantee a sustainable system, even for languages of lesser diffusion.
- Both the study of the LIS program and of the sign language sector have inspired the following reflection: the government resources for the institutionalization of community interpreting are needed to finance a leading role by an authoritative institution. Service provision itself may be subsidized in some cases, but the financial burden can be shared among stakeholders, as long as there is effective governmental intervention in this regard.
- Regulating professions is traditionally the role of professional organizations. However, the government has some role in granting the institutions a certain level of authority. The ATIO (Association of Translators and Interpreters of Ontario) was granted a reserved title to certify its members who are professionals in different fields of the language industry: translators, conference interpreters, court interpreters and terminologists. Community interpreting should be part of that list.
- Ensure that effective data gathering mechanisms are in place to be able to inform future policies on the basis of needs-assessments.
- Institute a cross-ministerial advocacy organism. Oversees the programs in place, identifies opportunities, serves as a contact point for demands or concerns regarding the right to communication. It could even be the watchdog for quality control. This idea is inspired by the existence of an Office of the Commissioner of Official Languages, which has a mandate to promote Canadian linguistic duality and oversee the full implementation of the Official Languages Act.

- Exploit the opportunities that technology brings for economy of scope and economy of scale. Again, a trans-sectorial approach is beneficial not only for interpreting services, but also other services that increasingly rely on videoconferencing. Setting up the necessary technology can make sense if more than one type of needs can be met.

Community interpreters

Given the critical social function that their profession fulfills, community interpreters, in their capacity as professionals, have an important role to play as social actors. The following are some reflections related to their unique social role:

- When advocating for the profession, bring back to the foreground the unique contribution that community interpreters offer to society by guaranteeing communicative autonomy in the interest of observing basic rights.
- Whenever client education is necessary, approach sensitizing by referring to communication-related experiences that (potential) purchasers of interpreting services may have had in their own lives. Client education should not only consist of rules on how to work with an interpreter, it should put forth critical aspects of cross-linguistic communication from a sensitizing perspective.

Concluding remarks

I would like to devote the final remarks of this dissertation to reflect on future developments. Since my empirical data collection concluded, exciting progress has taken place in Ontario, bringing the Province back to a beacon position in the international panorama.

On December 1st 2015, the recently created Ontario Council on Community Interpreting (OCCI) officially launched the OCCI Accredited Community Interpreter framework and accreditation process. The Council is made of over twenty organizations, which is a warrant for certain weight in the field. The Council mainly comprises third sector organizations that are part of the LIS Program, professional association in the language industry and post-secondary institutions that offer interpreting training programs; but no governmental body is involved. The representative power that these partners secure as a collective will certainly take this initiative far despite the fact that no official regulation makes the OCCI accreditation compulsory.

I will closely follow the evolution of this initiative. Its level of success will be very informative of aspects that I have only been able to address tangentially in this dissertation. Only if all stakeholders are willing to take part in a voluntary accreditation system—including purchasers of interpreting services—can it become an effective driver for professionalization. In the absence of enforcing regulation, market laws represent a latent risk that could easily trump the process in a field in which consumers are often blind to differences in the quality of service.

This research has delved into the idea that traditional constructions around groups and identities are limiting for effective problem conceptualizations and can hinder agenda-setting. An interesting complement to this study, particularly in the light of the latest developments in Ontario, could focus on mapping actors in the field in order to look at power relations and divergent and convergent interests. It would allow to identify loci for tensions and opportunities for public policy actions to address them. Concrete interventions proposals have more chances of advancing in the political agenda than vague claims. Identifying tensions and solutions, then, would provide excellent insights on how to advance in the institutionalization of community interpreting.

APPENDICES

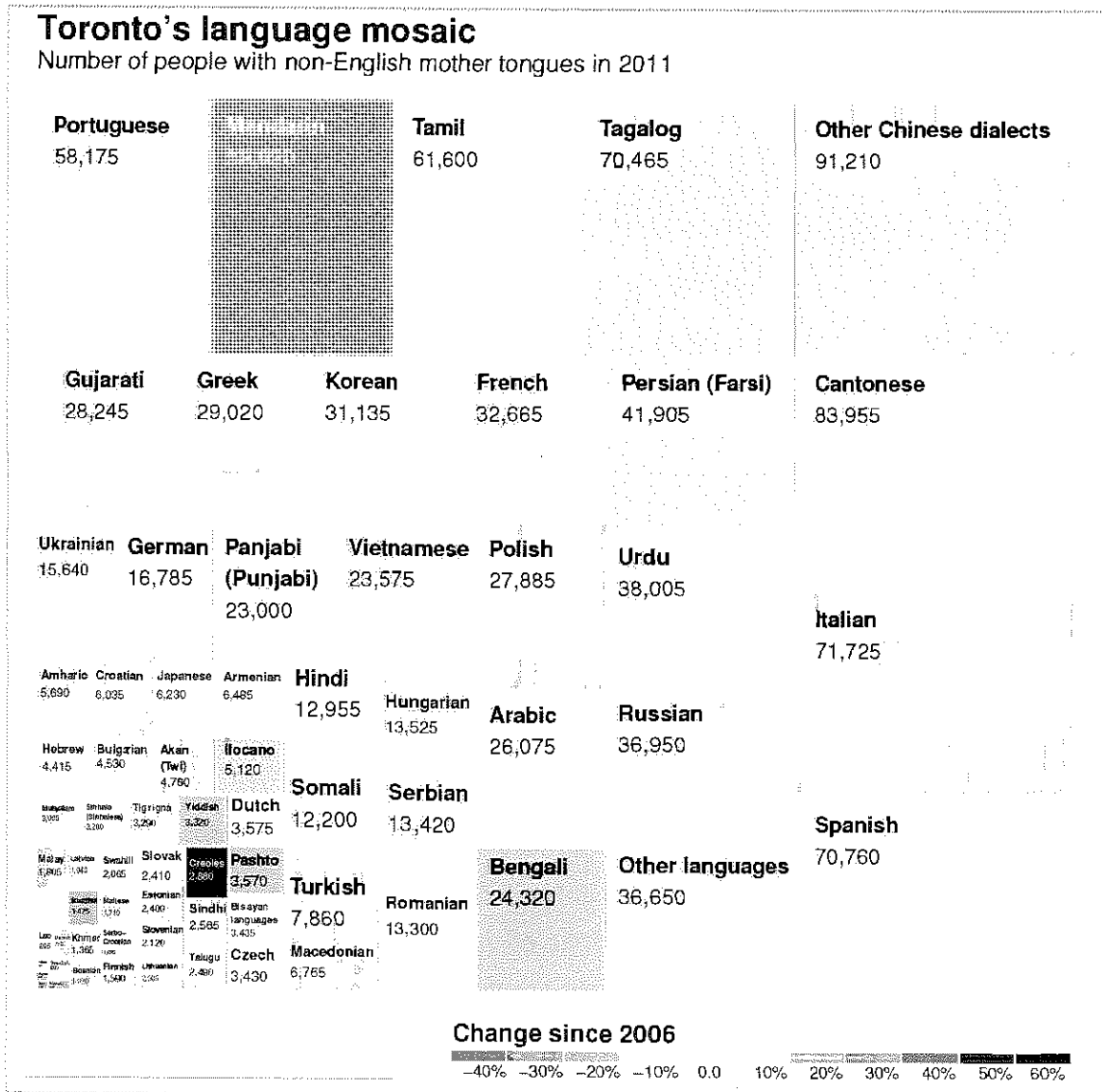
Appendix 1. Non-Official Languages in Canada and Ontario

LANGUAGE SPOKEN AT HOME: TOP 10 NON-OFFICIAL LANGUAGES (% OF TOTAL POPULATION)

	CANADA			ONTARIO	
	#	%		#	%
Total Responses	33,121,175	100.0%	Total Responses	12,722,060	100.0%
Non-official Languages	3,673,865	11.1%	Non-official Languages	1,827,970	14.4%
Chinese Languages	794,020	2.4%	Chinese Languages	361,565	3.0%
Panjabi (Punjabi)	317,075	1.0%	Panjabi (Punjabi)	124,100	1.0%
Spanish	252,015	0.8%	Spanish	106,725	0.8%
Arabic	181,790	0.5%	Italian	88,835	0.7%
Tagalog (Pilipino, Filipino)	161,080	0.5%	Tamil	83,645	0.7%
Italian	139,480	0.4%	Urdu	83,520	0.7%
German	126,375	0.4%	Arabic	76,410	0.6%
Persian (Farsi)	118,930	0.4%	Portuguese	70,210	0.6%
Urdu	113,785	0.3%	Persian (Farsi)	69,200	0.5%
Russian	109,735	0.3%	Tagalog (Pilipino, Filipino)	65,225	0.5%

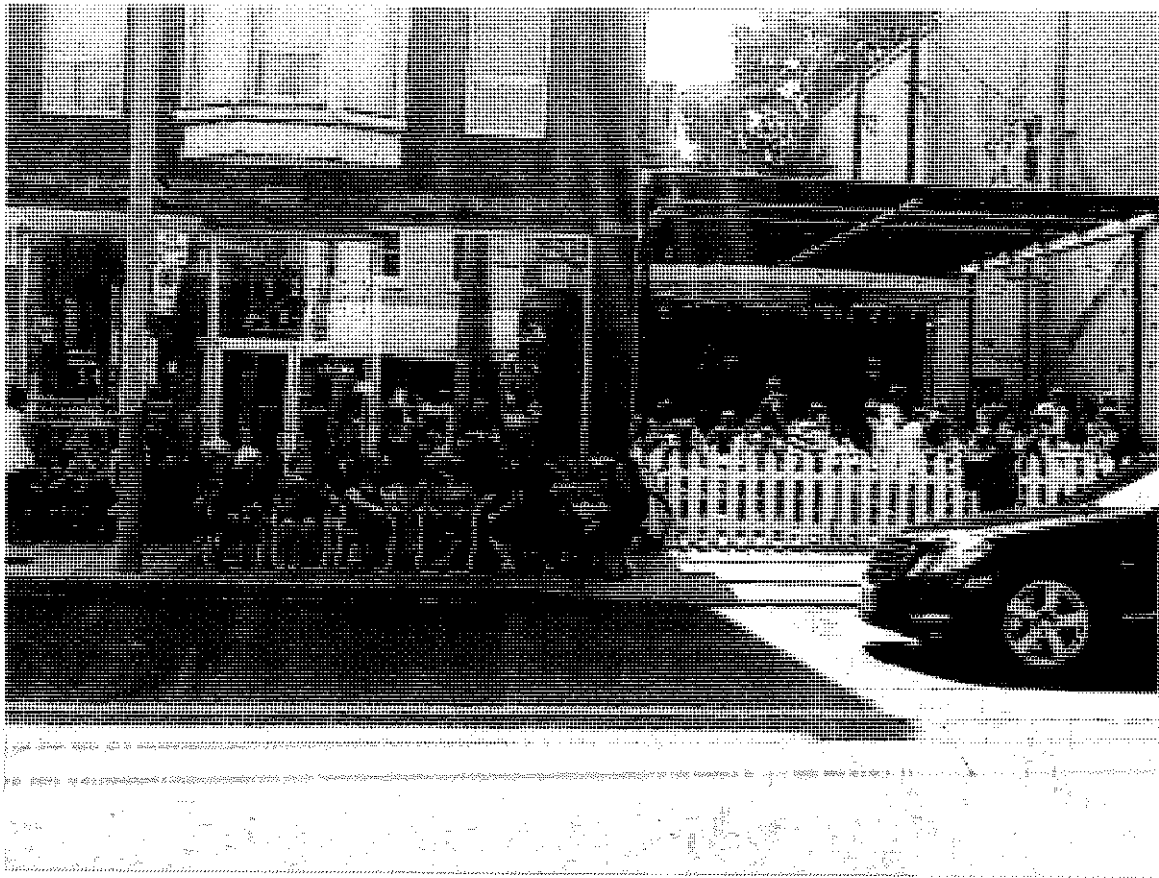
11.1% of Canadian residents and 14.4% of Ontarians speak a language other than English or French at home. (Source: Planning and Building Department, City of Mississauga, 2012)

Appendix 2. Toronto: Multilingual City



(Source: City of Toronto, 2012)

Appendix 3. Multicultural Neighborhood



This picture was taken while I was doing fieldwork research in the summer of 2013 on Ossington Street, in the "Little Portugal" neighborhood (also known as "Portugal Village") of Toronto. It effectively depicts generational and cultural differences. Young Torontonians socialize under the sunshine in a new trendy terrace on a sunny late Friday afternoon. Elderly Portuguese Torontonians have taken their foldable chairs out to gather in the shade offered by the taller buildings on a warm early Friday evening. Portuguese was in 2011 among the first five non-official languages spoken in Toronto, although with a 10% decrease since 2006 in the number of residents who speak it at home. (City of Toronto, 2012)

Appendix 4. Fieldwork: interview types

POSITION	PROGRAM					
	LIS pgm.	Settlement sector	Healthcare sector	Justice system	Sign lang. interpreting sector	Other
Gvt: decision-making	A	B	C	D	E	F
Gvt: execution	G	H	I	J	K	L
Third sector: decision-making	M	N	O	P	Q	R
Third sector: execution	S	T	U	V	W	X
Specialized professional	Y	Z	AA	AB	AC	AD
Interpreter	AF	AG	AH	AI	AJ	AK
Other	AL	AM	AN	AO	AP	AQ

Appendix 5. Letter of Informed Consent

Letter of Informed Consent for your Participation in a Social Science Research Project

To whom it may concern:

This letter informs you of the procedures regarding field research for the following project:

Title of Project:	The institutionalization of Community Interpreting: the case of Ontario
Principal Investigator:	Sofia García-Beyaert, PhD Student sofia.garcia@uab.es
Advisor:	Dr. Joan Subirats Humet joan.subirats@uab.cat
Doctoral Program:	Public Policy and Social Transformation Institute of Government and Public Policy (IGOP) http://igop.uab.cat Universitat Autònoma de Barcelona (Spain)

The purpose of this research study is to explore the way in which community interpreting has developed and/or is being developed as an institutionalized professional activity in Ontario. Also of interest is how different stakeholders in the process understand the activity and its place in society.

Field-research for this project involves interviewing key informants. As a key informant, I have approached you to interview you on the topic. During the interview I will ask you about events that shall help me trace the process of institutionalization for community interpreting in Ontario. I will also ask you about your opinion regarding such processes. I shall use visual prompts that shall help structure the interview. I will take notes and record the interview. You can ask me not to. The interview will take about 60 to 90 minutes.

The data ensuing from the interviews will be stored digitally and secured with password protection options. In the event of a publication or presentation resulting from the research, no personally identifiable information will be shared. In such publications or presentations, the information obtained from you might be tagged according to a key informant category. The tags will be of the following kind: "user of community interpreting services", "professional community interpreter", "provincial government agent", "agent in the private language service industry", etc. I will decide how to assign such a tag to your case combining 1) considerations for the analysis and 2) confidentiality considerations. You can ask me to decide with you which tag should be assigned to you if you consider this important for confidentiality reasons.

Please contact me at (647) 217 2829 with questions or concerns about this study. Your decision to be in this research is voluntary. You can stop at any time. You do not have to answer any questions you do not want to answer. Your signature below or an email confirming that you have read this letter and that you agree to take part in this research study according to the information outlined above shall serve as proof of agreement.

Looking forward to meeting with you.

Sincerely,

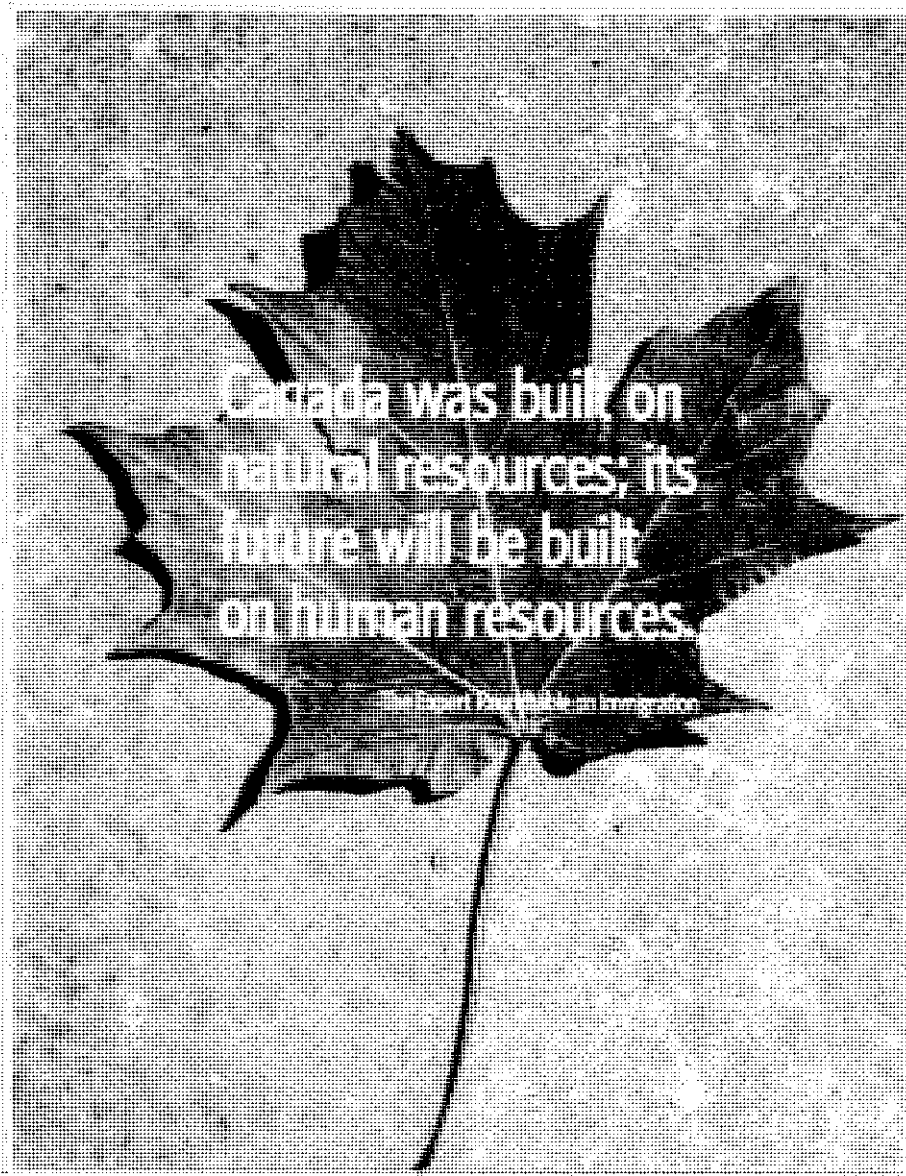
Sofia García-Beyaert

SIGNATURE:

NAME:

DATE:

Appendix 6. Human Capital Rationale Behind Immigration Policy



The back of the *Expanding Our Routes To Success: The Final Report* by the Ontario Expert Roundtable on Immigration shows the image above. It is a good illustration of the weight of the human capital rationale behind immigration policies in Canada and in Ontario. (Source: The Expert Roundtable on Immigration, 2012)

Appendix 7. LIS Program Leaflet

VICTIMS OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE AND HUMAN TRAFFICKING HAVE A VOICE

FREE LANGUAGE INTERPRETER SERVICES

Who can request this service?

The LIS program is available to victims who communicate with a service provider in English, French, or another language. It is available to victims who are being trafficked.

Who can request this service?

Under the LIS program, all service providers who work with victims of domestic violence and sexual violence or those exploited through human trafficking are eligible to access language interpreters on behalf of their clients. Eligible service providers include social, health care, legal services including hospitals, shelters, Legal Aid Ontario, sexual assault centres and Domestic Violence Court Programs.

Who delivers the Language Interpreter Services?

The LIS program is delivered through eight non-profit agencies across the province.

Each agency recruits and maintains a roster of qualified interpreters who complete a recognized training program and pass a language proficiency test. Interpreters are also trained on sector-specific terminology.

The work of interpreters is guided by rigorous program delivery standards and a Code of Ethics as set out by the National Standards Guide for Community Interpreting Services (NSGIS).

LIS non-profit agencies across the province:



How do service providers request this service?

Service providers should contact an agency that delivers interpreter services under the LIS program in their area. For information on the geographic coverage, services and eligibility criteria, access www.languageinterpreters.on.ca, section Geographic Scope of Agencies.



www.languageinterpreters.on.ca

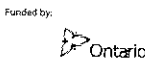
**Southwestern Ontario
Across Languages Translation and Interpretation Service**
129 Wellington Street
London, Ontario N6B 2K7
Tel: 1-866-893-7247; 519-842-7247
e-mail: info@acrosslangues.org
www.acrosslangues.org

Kitchener-Waterloo Multicultural Centre
102 King Street West
Kitchener, Ontario N2G 1A6
Tel: 519-745-2593
e-mail: interpreters@kwmc-ort.com
www.kwmc.on.ca

The Multicultural Council of Windsor & Essex County
245 Janette Avenue
Windsor, Ontario N9A 4Z2
Tel: 519-255-1127
e-mail: languageservices@themcc.com
www.themcc.com

**Niagara and Hamilton Regions
Interpreters Niagara Hamilton, Information Niagara**
235 Mansfield Rd, Unit #10
St. Catharines, Ontario L2W 1A5
Tel: 905-682-1900, Ext. 218
e-mail: interpreters@informationlagara.com
www.informationlagara.com

For the agency in your geographic region go to www.languageinterpreters.on.ca



interpreters@immigrantwomenservices.com
www.immigrantwomenservices.com

**Northern Ontario
Thunder Bay Multicultural Association**
17 N. Court Street
Thunder Bay, Ontario P7A 4T4
Tel: 807-345-0551; 1-866-831-1144
e-mail: info@tbma.ca
www.thunderbay.org
Kenora
Tel: 1-888-242-5061

VICTIMS OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE AND HUMAN TRAFFICKING HAVE A VOICE

FREE LANGUAGE INTERPRETER SERVICES

Appendix 8. Interpreters' Rates

New Rates for Daytime, Onsite Interpreting Services

Category A

\$120 per interpreter for up to two hours of service;
\$60 per interpreter for every additional hour or
part thereof.

This non-negotiable rate applies, but is not limited to:

- hospitals, businesses, banks, and insurance companies;
- municipal, provincial, and federal governments;
- crown corporations, and government agencies, tribunals, boards, and commissions (such as the Ontario Human Rights Commission, the Income Tax Appeal Board, the Immigration and Refugee Board of Canada, and the Ontario Municipal Board)
- school boards
- private businesses (such as employers, veterinary services, private schools, etc.).

Category B

\$110 per interpreter for up to two hours of service;
\$55 per interpreter for every additional hour or
part thereof.

This rate applies, but is not limited to non-profit charitable agencies that have charitable registration numbers. This, however, does not include hospitals.

This rate may be negotiable under certain circumstances and for a limited time.

Coordination Fee

New this April, an Assignment Coordination Fee of \$25 per request applies to all assignments under both categories A and B.



CHS | SCO
CANADIAN HEARING SOCIETY
SOCIÉTÉ CANADIENNE DE L'OUÏE

Founded in 1940, CHS is a not-for-profit agency and the leading provider of services, products and information that remove barriers to communication, advance hearing health, and promote equity for people who are culturally Deaf, oral deaf, deafened and hard of hearing.

All revenue generated by Ontario Interpreting Services is returned to the program to support the delivery of services for which funding is not available.



MCIS
Non-Profit Language Services

RECRUITING

Interpreters
Translators
Transcribers
Language Services

EARN
Up to \$25/hr
Conditions Apply

Specializing in:
Interpreting Services
Translating Services
Transcription Services

Apply Online

www.recruit.mcis.on.ca

careers@mcis.on.ca

Appendix 9. Human Rights Leaflets

Disability and Human Rights

Some examples of accommodations include:

- Increased flexibility in work hours or break times
- Providing reading materials in alternative formats including digitized text, Braille or large print
- Providing sign language interpreters or real time captioning for persons who are deaf, deafened or hard of hearing so they can take part in meetings
- Putting in automatic entry doors and making washrooms accessible in the workplace or the common areas of a condominium
- In some cases, changing job duties, retraining or assigning a person to another job.

CASRA
Canadian Association of
Statutory Human Rights Agencies
Association canadienne des
commissions et conseils des droits de la personne

ACCESS

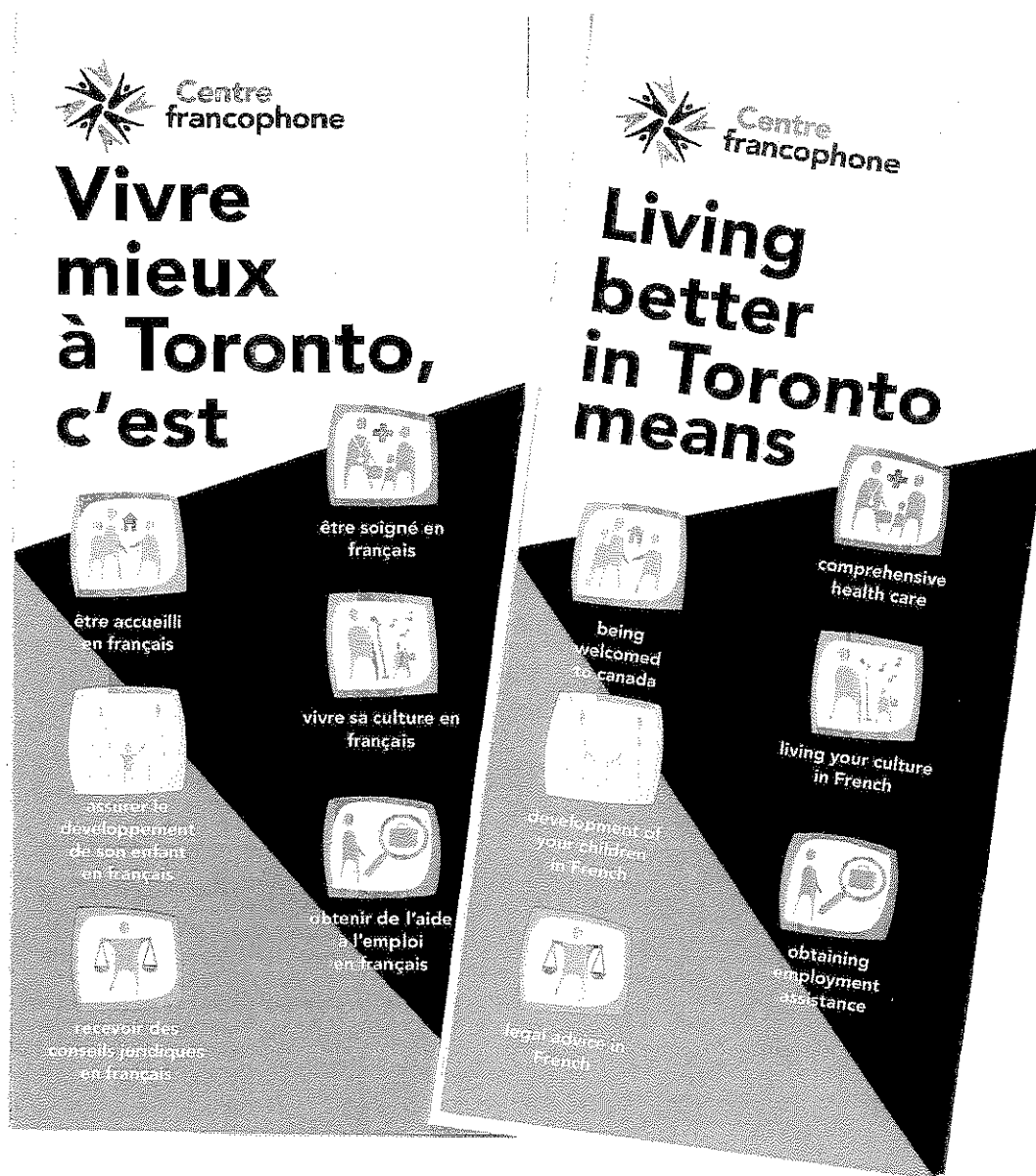
**Canada and the UN
Convention on the
Rights of
Persons with
Disabilities**

**Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne**

Access to information:

- Provide public information and services in the ways people with disabilities need including Braille, sign language and other kinds of communication. For example, make sure website information can be read using large print and speech technology. Provide sign language or captioning for official meetings. Urge private companies and the mass media to do the same (Article 21).

Appendix 10. Bilingualism in Practice



These leaflets were picked up during my fieldwork from the Centre Francophone de Toronto, which is the “the main entry point for Francophones who live or plan to settle in Toronto” (Centre Francophone de Toronto, n.d.). Two aspects are worth highlighting from these two documents. One is the idea of “living” in French that is promoted through these leaflets. This is a concept that is different from the concept of cross-linguistic communication. The second aspect worth highlighting is the lesser insistence on the French dimension of services in the English version of the leaflet: for example, “être soigné en français” becomes “comprehensive health care” in the English leaflet.

Appendix 11. (A Partial) ‘Language Portal of Canada’

1

Government of Canada / Gouvernement du Canada

Canada

Language Portal of Canada
www.ourlanguages.gc.ca

Français Home Contact Us Help Search canada.ca

Home > Discover > Languages in Canada > Sign Languages

Language Portal

- About the Portal
- Site Map
- What's New?
- Headlines - Archived

Well Written, Well Said

TERMIUM Plus®

Writing Tools

Gateway to English | Le français sans secrets

Quizzes

Discover

- Dictionaries and Publications
- Languages in Canada
- Language Training
- Language Professions
- Standardization
- Francophonie

Sign Languages

SHARE THIS PAGE

Go to

- General
- Official Languages
- Aboriginal Languages
- Sign Languages

General

Definitions

Government of Canada / Gouvernement du Canada

Canada

Language Portal of Canada
www.ourlanguages.gc.ca

Français Home Contact Us Help Search canada.ca

Home > Discover > Language Professions > Translation and Interpretation

Language Portal

- About the Portal
- Site Map
- What's New?
- Headlines - Archived

Well Written, Well Said

TERMIUM Plus®

Writing Tools

Gateway to English | Le français sans secrets

Quizzes

Discover

- Dictionaries and Publications
- Languages in Canada
- Language Training
- Language Professions
- Standardization
- Francophonie

Translation and Interpretation

SHARE THIS PAGE

Definition

- Translator (Translation Bureau)
- Translators, Terminologists and Interpreters: National Occupational Classification (Human Resources and Skills Development Canada)
- What is a Conference Interpreter? (Association of Translators and Interpreters of Ontario)
- What is a Court Interpreter? (Association of Translators and Interpreters of Ontario)
- What is a Terminologist? (Association of Translators and Interpreters of Ontario)
- What is a Translator? (Association of Translators and Interpreters of Ontario)

Go to

- Translation and Interpretation
- Terminology
- Writing and Editing
- Technolinguistics and Localization
- Language Professions - Professional Associations and others
- Events
- Periodicals, Newsletters, Studies
- Other useful links

2

The above snapshots are from an official Federal government website. The *Language Portal of Canada* only considers a few of the languages that are spoken in Canada. The categories to which quick links are provided on the right-hand side in snapshot 1 (Government of Canada - Public Works and Government Services Canada—Translation Bureau, 2014) also summarize the languages addressed under “Discover/Languages in Canada” (left-hand side of the same page)(Government of Canada—Public Works and Government Services Canada—Translation Bureau, 2015a). There is no generic category for languages other than the official languages, aboriginal languages and sign languages. Snapshot 2 (Government of Canada—Public Works and Government Services Canada—Translation Bureau, 2015b) shows a list of

Language Professions under the category *Translation and Interpretation*. Although Court Interpreter is listed, Community Interpreter, which is a profession that typically serves only minority language speakers that are not francophones or anglophones, are notably absent from the list.

Appendix 12. "Language Rights" Frame



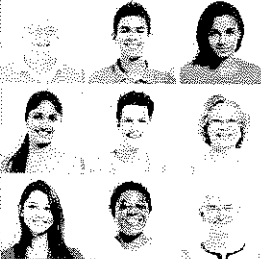
The above pictures were taken during the Critical Link 2013 Conference in Toronto. The NCIHC (the National Council on Interpreting in Health Care) is a “multidisciplinary organization whose mission is to promote and enhance *language access* in health care in the United States” (National Council on Interpreting in Health Care (n.d.) webpage, my emphasis). The badges were available for participants to take and wear at one of the stands of the conference venue.

Appendix 13. End-User Education On Interpreting Services

How Do I Ask For Help?

Give this page to your healthcare provider. It will let them know that you understand the role of an interpreter and wish to have one at your next appointment.

"I understand the role of an interpreter and I wish to have one at my next appointment to help me communicate effectively with my healthcare provider."



Frequently Asked Questions

Can I ask for an interpreter with the same background or gender as me?
You can make your wishes known when requesting an interpreter, but there is no guarantee your request can be fulfilled.

How can I be sure that my interpreter will not talk about what goes on in my appointment?
Professional interpreters are required to keep all information confidential. If they discuss anything from your appointment, they can be held responsible. You can ask your interpreter to destroy any notes they take during the appointment, at home or you.



If I feel embarrassed, do I have to talk about personal things in front of my interpreter?
It is important to be honest during your appointment so that your healthcare provider can understand your health condition. You can feel safe to speak openly when working with the interpreter.

Can a friend or family member interpret for me?
Even if a friend or family member can speak English, using a professional interpreter is the best way to ensure accurate communication. Your family and friends can be part of your support team.

Can I call my interpreter if I have a question about my health care?
No, you should not contact the interpreter. Interpreters are a communication aid, not a healthcare provider.

How much will it cost?
Many healthcare providers will provide an interpreter for free. If your healthcare provider requires you to pay, ask about the cost before your appointment, or for a referral to a healthcare provider who will not charge for providing an interpreter.

Working with your PROFESSIONAL INTERPRETER





Do I Need an Interpreter?

If you or a family member feels more comfortable speaking in a language other than English, you may need a professional interpreter. Interpreters can improve your communication with your healthcare provider by allowing both parties to speak easily in their own language.

The quality of healthcare you receive can be improved by having an interpreter at your appointment. For example, an interpreter will support the conversation you have with your healthcare provider when discussing:

- Medical tests
- Your symptoms and diagnosis
- Informed consent by patient
- Treatment options
- Medication instructions and medical directions
- Follow-up appointments
- Other healthcare needs



What Should an Interpreter Do?

- Interpret everything that is said by everyone present
- Keep all information confidential
- Be neutral and not favour anyone in the conversation
- Show respect toward everyone present
- Provide interpretation without bringing in their own personal values, beliefs or ideas
- Maintain professional limits
- Avoid conflicts of interest by not interpreting for neighbours, family or friends

Professional interpreters cannot act on your behalf. They will not add or take away from what you have said in your appointment.

A Professional Interpreter is Required to:

- Interpret everything that is said by everyone present
- Keep all information confidential
- Be neutral and not favour anyone in the conversation
- Show respect toward everyone present
- Provide interpretation without bringing in their own personal values, beliefs or ideas
- Maintain professional limits
- Avoid conflicts of interest by not interpreting for neighbours, family or friends

Professional interpreters cannot act on your behalf. They will not add or take away from what you have said in your appointment.



How Do I Get an Interpreter?

Accessing an interpreter for you or a family member is easy.

- 1 Ask your Healthcare Provider.** Let them know as early as possible that you would like an interpreter for your upcoming appointment.
 - If a referral to a healthcare provider when does provide language services:
 - at language schools
 - at settlement services
 - at social service offices
 - at welcome centres
 - at employment centres
 - school settlement workers
- 2 Find a Clinic that works with Newcomers.** If your healthcare provider cannot arrange an interpreter, ask:
 - for a referral to a healthcare provider when does provide language services:
 - at language schools
 - at settlement services
 - at social service offices
 - at welcome centres
 - at employment centres
 - school settlement workers
- 3 Ask in Your Community.** If your healthcare provider cannot provide an interpreter, ask people in your community where professional interpreter services are available for free. Ask at community centres, at your place of worship, your neighbours or family friends.

Types of Interpretation

There are 2 common types of interpretation:

- 1 Face-to-Face Interpretation** where an interpreter is present at the appointment for you or your family member.
 
- 2 Over the Phone or Video Interpretation** where interpretation is done remotely by an interpreter.
 

Your healthcare provider will arrange for the type of interpretation based on factors such as type, complexity and length of appointment, as well as availability of suitable interpreters.

Working with Your Interpreter

- Express your preference. When requesting an interpreter before your appointment, state your language or dialect and any other preference.
- Arrive on time. Interpreters are booked for the time of your appointment, and may have to leave if there is a delay.
- Speak directly to your healthcare provider. You should talk and respond to questions as if the healthcare provider understands your language. The interpreter will repeat in English exactly what you said.
- Cancel in advance. Tell your healthcare provider before your appointment if you need to cancel so the interpreter can be available for other patients.
- Understand interpreter limits. Interpreters cannot provide advice before, during or after your appointment. Do not contact the interpreter outside of your appointment.
- Know your rights. If you believe the message is not being clearly communicated, let the healthcare provider know and if needed, ask for a different interpreter. **You have a right to be heard.**

This brochure exists in multiple languages. It was developed by HIN, in collaboration with Access Alliance as a guide for Limited English Proficient clients and their families. (Healthcare Interpretation Network, 2014)

References

- Centre Francophone de Toronto. (n.d.). Mission, Vision and Values | CFT.
<http://www.centrefranco.org/en/cft/mission-vision-and-values/>.
- City of Toronto. (2012). 2011 Census: Language. Toronto.
https://www1.toronto.ca/city_of_toronto/social_development_finance_administratio_n/files/pdf/language_2011_backgrounder.pdf.
- Government of Canada—Public Works and Government Services Canada—Translation Bureau. (2015a, June 1). Languages in Canada—Discover—Language Portal of Canada. Retrieved November 30, 2015.
<https://www.noslangues-ourlanguages.gc.ca/decouvrir-discover/langue-language/langue-language-eng.html>.
- Government of Canada—Public Works and Government Services Canada—Translation Bureau. (2015b, July 15). Translation and Interpretation—Language Professions—Discover—Language Portal of Canada.
<https://www.noslangues-ourlanguages.gc.ca/decouvrir-discover/professions/interpretation-eng.html#a1>.
- Government of Canada—Public Works and Government Services Canada—Translation Bureau. (2014, June 1). Sign Languages—Languages in Canada—Discover—Language Portal of Canada.
<https://www.noslangues-ourlanguages.gc.ca/decouvrir-discover/langue-language/signes-sign-eng.html>.
- Healthcare Interpretation Network. (2014). Working with your Professional Interpreter. Toronto: Toronto Central Local Health Integration Network.
<http://hintnet.org/working-with-your-professional-interpreter-guide-now-available-for-distribution/>.
- National Council on Interpreting in Health Care. (n.d.). Webpage.
<http://www.ncihc.org/>.
- Planning and Building Department—City of Mississauga. (2012). 2011 Census Results Language, Mississauga Data, December(4).
http://www5.mississauga.ca/research_catalogue/K_5_2011_Census_Language.pdf.
- The Expert Roundtable on Immigration. (2012). Expanding our Routes to Success: The Final Report. Queen's Printer for Ontario.
http://www.citizenship.gov.on.ca/english/keyinitiatives/imm_str/roundtable/roundtable.pdf.

