



"Ethical Omissions" in Thai Court Interpreting: From Error to Strategy

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Introduction

Omission in court interpreting is often perceived as an error that reduces the completeness of the conveyed message (Gile, 2009). However, in certain cases, omissions may be ethically justified (Ethical Omissions), serving to maintain neutrality, prevent misunderstanding, and ensure the efficiency of court proceedings (Hale, 2004; Napier, 2004). Understanding the types of omissions and their application within the Thai judicial context is essential for enhancing the quality of interpreting and upholding justice.

Definition of Ethical Omissions

Ethical Omissions refer to the deliberate exclusion of certain elements from the source message during interpreting for professional and ethical reasons, rather than due to lack of comprehension or skill. Examples of such reasons include:

- Preventing serious misunderstandings by the court or parties
- Avoiding the use of language that violates dignity or fosters bias
- Maintaining interpreter neutrality
- Protecting personal data unrelated to the facts of the case

As Hale (2004) notes, omissions may sometimes involve restructuring information to reduce ambiguity or uncertainty, provided that the core meaning remains unchanged.

Types of Strategic Omissions (Adapted from Napier, 2004)

- Conscious strategic omission: Removing redundant or irrelevant content for conciseness, such as omitting repetitive greetings or ceremonial phrases in testimony.
- Bias-reducing omission: Reducing inflammatory or derogatory remarks to preserve the decorum of court proceedings.
- Cultural adaptation omission: Excluding or adapting culturally specific metaphors that cannot be accurately conveyed to the target audience.
- Confidentiality-driven omission: Skipping personal details unrelated to the substantive issues in the case.



Ethical Challenges

While Ethical Omissions may be well-intentioned, the line between “ethical omission” and “omission due to lack of understanding” can be blurred (Mikkelsen, 2017). Court interpreters should therefore apply the following principles:

- Necessity – Is the omission intended to prevent harm or confusion?
- Transparency – Can the omission be explained to the court?
- Professional compliance – Is the omission consistent with professional codes of conduct for Thai court interpreters?

Examples in the Thai Court Context

- Repeated profanity: The interpreter renders the offensive term once, then informs the court that the speaker repeated the same word to reduce length and avoid psychological impact.
- Irrelevant personal information: Omitting a witness’s phone number or address when unrelated to the case.
- Local cultural metaphors: Replacing a metaphor like “like a tom yum pot spilling over” with a general explanation conveying the same meaning to avoid misinterpretation.

Ethical vs. Non-Ethical Omissions in Thai Court Interpreting

Dimension	Ethical Omissions	Non-Ethical Omissions
Definition	Deliberate omission to preserve clarity, neutrality, legal appropriateness, and cultural relevance without distorting meaning.	Omission due to error, limitations, or lack of understanding, resulting in loss or distortion of information.
Purpose	To prevent misunderstanding, reduce bias, or protect sensitive information unrelated to the case.	No strategic or ethical purpose; often caused by processing constraints or inadequate knowledge.
Typical Causes	– Repetitive or redundant wording– Inflammatory or derogatory language– Culturally specific references not understandable to the court– Protection of privacy	– High speech rate– Memory overload– Lack of legal terminology knowledge– Poor sound quality
Impact	Improves efficiency of proceedings and reduces bias without compromising the parties’ right to information.	May lead to incomplete or inaccurate information, affecting fairness of proceedings.
Transparency	Interpreter can explain the rationale to the court.	Interpreter cannot provide a defensible justification.
Thai Court Examples	– Rendering profanity only once, with a note to the court that the term was repeated– Omitting an irrelevant witness phone number– Recasting a local idiom into an equivalent explanation to avoid misinterpretation	– Missing crucial details due to rapid speech– Forgetting part of a timeline due to short-term memory lapse– Not interpreting “witness protection measures” due to unfamiliarity with the term



Conclusion

In Thai court interpreting, Ethical Omissions can serve as a strategic tool when applied cautiously and with clear ethical reasoning, ensuring that the right to full access to facts is preserved. Training interpreters to distinguish and manage such omissions is vital for raising professional standards in the Thai judicial process.

References

- Barik, H. C. (1975). Simultaneous interpretation: Qualitative and linguistic data. *Language and Speech*, 18(3), 272–297. <https://doi.org/10.1177/002383097501800305>
- Gile, D. (2009). *Basic concepts and models for interpreter and translator training* (Rev. ed.). John Benjamins. <https://doi.org/10.1075/btl.8>
- Hale, S. (2004). *The discourse of court interpreting: Discourse practices of the law, the witness and the interpreter*. John Benjamins. <https://doi.org/10.1075/btl.52>
- Mikkelsen, H. (2017). *Introduction to court interpreting* (2nd ed.). Routledge. <https://doi.org/10.4324/9781315660128>
- Napier, J. (2004). Interpreting omissions: A new perspective. *Interpreting*, 6(2), 117–142. <https://doi.org/10.1075/intp.6.2.03nap>