

A Survey of Court Interpreters' Use of Direct versus Reported Speech in the Hong Kong Courts

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The findings of my ongoing data-based study of courtroom interpreting in the Hong Kong courts reveal a deviation from the generally held principle which requires professional interpreters to interpret in the first person. It has been observed from the data that when interpreting the speech of legal professionals, the interpreters would invariably avoid speaking in the first person. The shifts are so uniform in the sense that they occur only in one direction—a phenomenon which theories previously advanced fail to explain. This has led me to the hypotheses that interpreters in the Hong Kong courtroom are reluctant to assume the voice of the legal professionals because of their consciousness of the power asymmetry between lay-participants and legal professionals in the courtroom and that the practice has little to do with the content of an utterance. In order to test my hypotheses, an online questionnaire was conducted with court interpreters. The results of this survey seem to contest the widely held view that the use of reported speech is a distancing tactic used by the court interpreter to disclaim responsibility for what was said by the speaker, but lend support to my hypotheses.

Keywords: first-person interpreting, third-person interpreting, direct-speech, reported speech, power asymmetry

1 Introduction

A generally established principle among professional interpreters holds that they should always interpret in “the same grammatical person as the speaker of the source language” (NAJIT, 2004) or in other words “using the first person as if the interpreter does not exist” (ITIA, 2009). There is also a general agreement among researchers on the use of direct speech in interpreting (Colin & Morris, 1996; Gentile, Ozolins, & Vasilakakos, 1996; B. Harris, 1990; Wadensjö, 1998).

In courtroom interpreting, there is a myth about the role of the court interpreter as a mere *conduit* or a translation machine. It is believed that the conception of the court interpreter as a *conduit*, was first initiated out of the need to overcome the evidentiary problem of excluding hearsay evidence (Fenton, 1997; Laster & Taylor, 1994), because in the common law tradition, evidence overheard or acquired second-hand is not admissible. That means when a case involves an interpreter, what the parties hear is technically second-hand information, that is, hearsay evidence. However, with the interpreter perceived as a machine, a non-human, the problem of hearsay evidence is solved.

The use of direct speech helps obscure the interpreter's presence and creates the illusion of direct and dyadic communication between the interlocutors as if the interpreter were invisible or a *mere conduit*, though the invisibility of the interpreter has been proven to be more of a myth than a reality by studies conducted over the past two decades (e.g. Berk-Seligson, 1990; Hale, 2004; Morris, 1995; Wadensjö, 1998).

On the other hand, the use of indirect speech inevitably highlights the presence of the interpreter and may give rise to the problem of hearsay evidence. For example, when the interpreter renders a defendant's guilty plea in indirect speech (i.e. He says he's guilty), the record reflects the voice of the interpreter, not of the defendant, and the plea may thus be considered void and this

has actually led to the nullification of a number of guilty pleas in the United States (NAJIT 2004).

2 Literature review

Despite the prescription of first-person interpreting, empirical studies over the past two decades, demonstrate that interpreters, trained and untrained, depart from this norm and from time to time lapse into the use of third-person interpreting knowingly or unwittingly.

In a study of the US courtroom, Berk-Seligson (1990, pp. 115-116) finds that many interpreters avoid the subject pronouns “I” and “you” particularly when the judge is declaring a sentence, by either changing active to passive voice, thus doing away with the subject pronoun, or by adding “the judge” after the first-person pronoun “I” (I, the judge) or by simply referring to the judge in the third person. Berk-Seligson sees the interpreter’s switch from first-person to third-person reference as a self-protective device against the wrath of the defendant, who might otherwise conclude that the interpreter is speaking for him/herself.

Bot’s study (2005) of interpreter-mediated psychotherapeutic dialogue between patients and therapists in the Netherlands finds that the three *professional* interpreters frequently deviate from the “direct translation” style, by either introducing a reporting verb at the beginning of a rendition, or changing the personal pronoun “I” to “he” or “she”. Bot suggests that interpreters’ deviation from direct translation style may originate from the fact that “they may feel the need to distance themselves from the words they translate and may have doubts regarding the primary speakers’ understanding of their role” (2005, p. 244).

While the subjects of Bot’s study are all professional interpreters with formal training in interpreting, the four subjects in Dubslaff and Martinsen’s study (2005) on interpreters’ use of direct speech versus indirect speech in simulated interpreter-

mediated medical interviews are all untrained interpreters. Like Bot's study, Dubslaff and Martinsen's study suggests that the interpreters shift from first to third-person reference to distance themselves from the source speaker and to disclaim responsibility for the source speaker's utterance when there is an interactional problem.

Leung and Gibbons (2008) suggest that the interpreter's shift from first to third-person reference has to do with his/her personal belief and ideology. They observe from a rape case in Hong Kong that when counsel expresses something which the interpreter does not agree with or finds offensive, she is observed to interpret in the third person by specifying who the *principle* is, drawing on Goffman's (1981) framework of participant roles. Ideology is however a loaded word, as it would be difficult, if not impossible, for any observer to tell if one's deed is a direct result of one's belief. What can be inferred from Leung and Gibbon's argument nonetheless is that the content of an utterance has a direct bearing on the interpreting style adopted, and that when the speaker expresses something offensive (as perceived by a *reasonable* person), the interpreter would use reported speech to make it clear to the audience that she is simply the *animator*, not the *principal*, of the source speaker's words.

In a study of interpreter-mediated court proceedings in three Small Claims Courts in New York City, Angermeyer (2009) observes that all fifteen interpreters, mostly full-time certified interpreters, use third person from time to time to refer to the source speakers. A quantitative analysis of the data shows that interpreters overall use third-person reference more frequently when it is the voice of the arbitrator or an English-speaking litigant that they are interpreting than when the source speaker is a speaker of the LOTE (language other than English).

Angermeyer suggests that the use of first-person interpreting illustrates that interpreters "are less likely to explicitly indicate non-involvement with their fellow native LOTE speakers than with other participants who speak English or another language" because most interpreters are themselves immigrants and non-

native speakers of English. This view is shared by Dubslaff and Martinsen (2005), who suggest that interpreters' preference for direct address with speakers of their mother tongue may reflect their sympathy with their compatriots, which is in line with Anderson's view (2002, p. 211) that interpreters in general are more likely to identify with speakers of their dominant language or mother tongue than with speakers of their other language.

Another reason as suggested by Angermeyer is that interpreters, when interpreting into English, are mindful of the professional norm that prescribes first-person interpreting. If interpreting is done in the third person, arbitrators, other interpreters or anyone concerned with upholding the institutional norms can notice their "non-normative behaviour" (2009, p. 11); whereas when interpreting from English into the LOTE, the LOTE-speaking litigant is the exclusive audience, who may have no knowledge about the institutional norms and is thus less likely to object to the use of third-person reference. Angermeyer views these deictic shifts as a form of accommodation, citing Giles, Coupland & Coupland (1991), and as addressee design following Bell's model of audience design (1984, p. 161).

3 Aims and methodology

The author's ongoing data-based study of 9 interpreter-mediated trials in the Hong Kong courts reveal a certain pattern in the interpreter's switch from first to third-person interpreting: whereas *ngo5* in Cantonese or *wǒ* in Mandarin (meaning 'I' or 'me') is always rendered as 'I' or 'me' in English, the reverse is not always the case. Where the singular first-person pronoun "I" is uttered by the judge or counsel, most of the time it becomes a third-person reference in the Chinese interpretation as illustrated in Examples 1 and 2 below. (Words in italics are the author's translation of the witness's utterance in Cantonese or back-translation of the interpreter's Chinese rendition; see Appendix for the abbreviations and transcription symbols used in this study.)

Example 1, (Wounding, District Court)

1 J And, as well, I've looked at the photographs.

2 I 同理，法官亦都睇過有關(.)嗰啲嘅(.)er 相片㗎喇。

And, the judge too has looked at those (.) related (.) er photos.

Example 2 (Trafficking in Dangerous Drugs, District Court)

1 DC I suggest that was done during some time of the 22nd of August, possibly in the afternoon (.) of it

2 I 喺，咁辯方大律師就向你指出啦，嗰個補錄呢其實做嘅時候呢咁就係八月廿二號㗎.....

Now, the defence counsel is suggesting to you that the post-record was actually made on the 22nd of August...

In terms of the direction of interpreting, interpretation from Chinese into English is always done in the first person, whereas interpretation from English into Chinese is invariably conducted in the third person as shown in the above examples.

At other times, the interpreters are observed to omit the English first-person subject "I" produced by counsel, thus rendering a subjectless sentence in the Chinese interpretation as shown in the following example:

Example 3 (Murder, High Court)

1 D Er...我唔係好專業。

Er...I'm not that professional.

2 I Well, I wouldn't claim myself to be a professional.

3 PC I am not suggesting that you are, Sir.

4 I φ 亦都唔係話你好專業。

φ not suggesting you are very professional.

Note that the first-person pronoun "I" uttered by the prosecution counsel in turn 3 was omitted by the interpreter in turn 4. Example 3 also serves to illustrate the usual first-person interpreting style for utterances produced by lay-participants, as evidenced in the rendition of the Chinese first-person pronoun 我 *ngo5* uttered by the defendant in turn 1 as "I" in turn 2.

To avoid the need to render the pronoun "I" uttered by the legal professionals into Chinese, a less commonly adopted strategy by the interpreter as observed from the court data is to change an active sentence into a passive one. Here is an example:

Example 4 (Theft, Magistracy)

- 1 J Having (.) having reached this factual conclusion, I must (.) bring in a conviction against the defendant as charged
- 2 I 咁呀就呢係考慮咗呢係頭先嗰啲元素之後呢，咁所以呢你係罪名成立㗎。
Now, having considered all the above-mentioned elements, so you are (found) guilty.

The use of a passive voice in the Chinese interpretation in lieu of an active one as shown in Example 4 is marked in that it is ungrammatical as the expected subject in the main clause should be 我 *ngo5* (I), instead of 你 *nei5* (you).

An in-depth analysis of the findings has rendered the theories advanced in studies mentioned above unsatisfactory or inadequate in accounting for the interpreting phenomenon in the Hong Kong courtroom (see Ng, forthcoming). This has thus led me to the hypotheses that interpreters in the Hong Kong courtroom are reluctant to assume the voice of the legal professionals because of their consciousness of the power asymmetry between lay-participants and legal professionals in the courtroom and that the practice has little to do with the content of an utterance.

This study aims to investigate the prevalence of first-person and third-person interpreting styles among court interpreters and to find out the rationale behind their choice of interpreting styles. As we understand that what people claim to do is not necessarily what they do in reality, the results of the study will be compared with the findings of the court data to see if any inconsistency or conformity can be identified between the two, and will be analysed with references made to the respondents' professional profile.

An online questionnaire was designed, using a free online survey tool – Kwik Surveys (<http://www.kwiksurveys.com>). The initial plan was to send the link out to all the some 140 serving full-time court interpreters through the Court Interpreters' Association of the Judiciary, with the help of an ex-colleague, who is an Executive Committee member of the Association. It

was later known that at a subsequent Exco meeting, some members expressed concerns over the use of the survey results and the possibility of “upsetting the senior management team”. Consequently with the help of the same colleague, the link was sent to individual court interpreters (with whom he is or I am acquainted), who were then asked to forward the link to other fellow colleagues close to them. Altogether the link was sent to 53 interpreters, including two retired interpreters, though there is no knowing if any of these primary recipients had helped to forward the link to their colleagues.

The questionnaire consists of 15 closed multiple choice questions, some of which also contain open options and allow respondents to type in their answers in a text box. Questions 1 to 7 deal with the respondents' profiles, which include their native languages and working languages, years of experience in court interpreting, job titles, academic qualifications and interpreter training; questions 8 to 12 inquire about the respondents' interpreting styles adopted for lay and legal participants in court proceedings, and the final three questions (13 to 15) explore the respondents' rationale behind their choice of a first-person or a third-person interpreting style.

4 Results and discussion

A total of 25 questionnaires were filled and collected at the conclusion of a two-month surveying period, which represents a reply rate of 47% (based on a number of 53 primary recipients) or less than 20% of the strength of staff court interpreters in the territory.

4.1 Profile of respondents

4.1.1 Working languages and native language

The majority of the respondents (80%) are trilingual with Cantonese, English and Mandarin as their working languages; Four (16%) are only bilingual and work between English and Cantonese, which are the usual languages spoken in the courts of

Hong Kong; one has four working languages, namely English, Cantonese, Mandarin and Minnan¹ (Figure 1). All of them speak Cantonese as their native language.

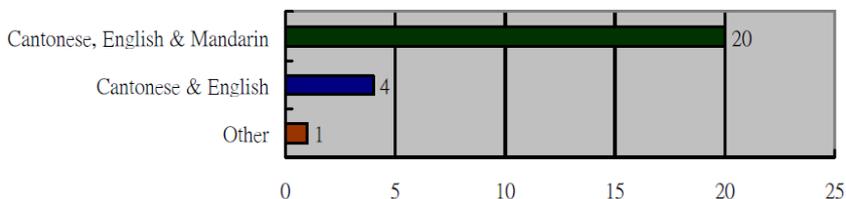


Figure 1: Working languages.

4.1.2 Education level, experience and seniority in court interpreting

84% of the respondents have a Bachelor's Degree and 48% of them hold a Master's Degree, reflecting an overall high educational level of the respondents (Figure 2). Most of the respondents are at the grade of Court Interpreter I or Senior Court Interpreter, accounting for 48% and 40% respectively (Figure 3); two of them are Court Interpreters II and one of them specified in the open option as Lecturer, who is actually a retired Senior Court Interpreter. In Hong Kong, all full-time court interpreters start from Court Interpreter II before they are promoted to higher grades along the ladder. Promotions are both performance- and seniority-based and may also depend on the vacancies of the senior grades.

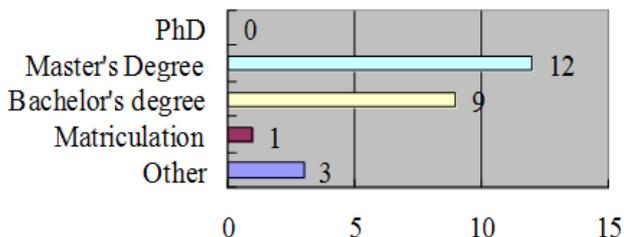


Figure 2: Academic qualification.

¹ A Southern Min dialect.

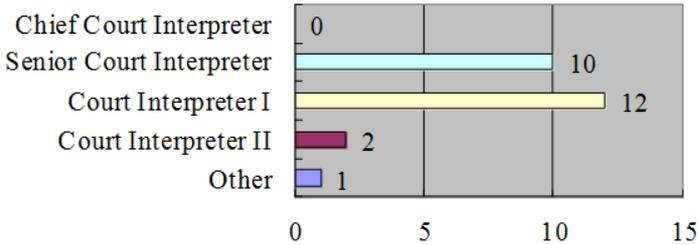


Figure 3: Job titles.

All the respondents have over 3 years of court interpreting experience and over 80% of them have more than 10 years of experience in court interpreting (Figure 4).

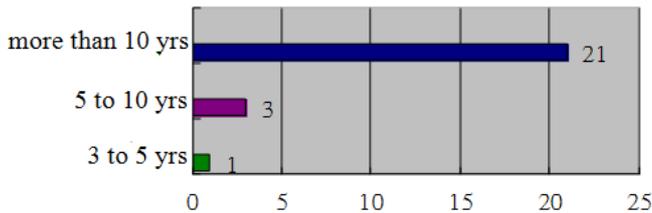


Figure 4: Experience in court interpreting.

4.1.3 Pre-service training

The number of respondents with pre-service training in interpretation and that of those without are roughly the same (see Figure 5), reflecting the lamentable fact that pre-service training has not been a requirement for the job even to this date but is merely considered an advantage.

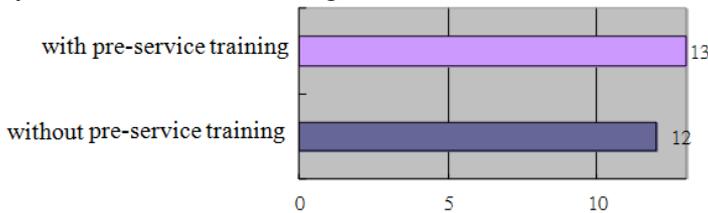


Figure 5: Pre-service training.

Most of the respondents received their training in interpretation from degree or diploma courses run by tertiary institutions, while three of them received their training organized by the Judiciary of Hong Kong. Of the three respondents who claimed to have received training from the Judiciary, two specified that to be a 6-month student interpreter training scheme, a scheme introduced in the early days, which is now replaced by a 4-week induction course for new recruits.

4.1.4 Training in first-person interpreting

Question 7 aims to find out how many of those with pre-service training (13 as indicated by the answers to Question 6) have been trained to interpret in the first person in consecutive interpretation, which necessarily excludes those who have had no formal training in interpreting. Respondents who had responded negatively to Question 6 were thus asked to skip this question and to proceed to Question 8. The results of Question 7 however indicate a total of 18 respondents to this question, of which 11, or 61% claimed to have received training in first-person interpreting while the remaining 39% indicated that they had received no such training (Figure 6).

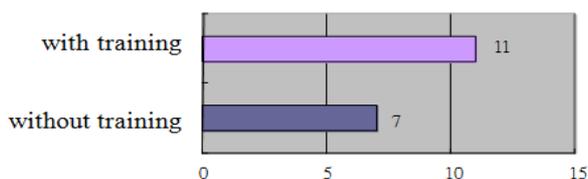


Figure 6: Training in first-person interpreting.

The total number of subjects responding to this question exceeds the number of respondents with pre-service training by five. This suggests that the respondents to this question include five of those whose answer to Question 6 is negative. A review of individual questionnaires produces the following results:

Table 1. Individual responses to Question 7.

Training in first-person interpreting	No		Answer	Total
	Yes	No		
from subjects responding affirmatively to Q.6 i.e. with training	9	4		13
from subjects responding negatively to Q.6 i.e. without training	2	3	7	12

Obviously five of the respondents did not observe the instruction to skip this question. Of these five, two claimed to have received training in first-person interpreting despite their claim to have received no pre-service training. The training they received is presumably on-the-job training. Of the 13 respondents, who claimed to have received pre-service training in interpreting, nine indicated that they had been trained in first-person interpreting, bringing the total number of respondents with this training to 11.

4.2 Interpreting styles for lay and legal participants

Since the court data manifest different approaches adopted by the interpreters in their representation of the voice of different speakers, Questions 8 to 12 deal with the respondents' rendition of the first-person pronoun uttered by lay participants and legal professionals.

4.2.1 Rendition of lay-participants' first-person pronoun

As witnesses in the Hong Kong courts usually testify in Chinese, mostly Cantonese, the local dialect, Question 8 inquires the respondents about their frequency of rendering the Chinese first-person pronoun produced by witnesses or defendants into English in the third person.

Responses to this question largely deviate from the findings of the recorded court proceedings, where the interpreters are found to interpret utterances produced by witnesses and

defendants in the first-person. As many as 48% of the respondents indicated that they would always render the Chinese first-person pronoun *ngo5* as “he” or “she” in English, and in other words use reported speech. (Figure 7)

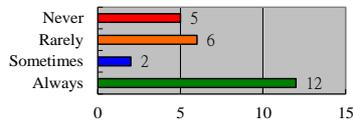


Figure 7: Frequency of 3rd-person interpreting for witness/defendants.

In order to find out whether there is a correlation between the respondents’ interpreting styles and the training they have received, individual questionnaires were reviewed with the following findings produced:

Table 2. Frequencies of third-person interpreting for lay-participants between respondents with and without training.

respondents <u>with</u> training in 1 st person interpreting (11)			respondents <u>without</u> training in 1 st person interpreting (14)		
Always	7	64%	Always	5	36%
Sometimes	2	18%	Sometimes	0	0%
Rarely	1	9%	Rarely	5	36%
Never	1	9%	Never	4	28%

Surprisingly enough, the results show that respondents with training in first-person interpreting are twice as likely to render defendants’/witnesses’ Chinese first-person pronouns into a third-person reference in English as those without such training. The results seem to suggest a negative correlation between the respondents’ adoption of first-person interpreting for witnesses/defendants’ utterances and their training in this respect.

4.2.2 Renditions of legal participants' first-person pronoun

4.2.2.1 As a first-person pronoun in Chinese

In Question 9, the subjects are asked how often they render the English first-person pronoun “I” produced by counsel/judges into its Chinese equivalent *ngo5* in utterances like “I find (the defendant)...”, “I would like to ask you...” or “I put it to you...”

Responses to this question (Figure 9) show that only 12% of the respondents would always assume the voice of the judge or counsel by adopting a first-person interpreting style while close to one third (32%) of them think they would sometimes do that. The results likewise are not entirely consistent with the findings of the recorded proceedings, which manifest few instances, if any, of the judge’s or counsel’s speaker “I” being rendered into its Chinese equivalent *ngo5*.

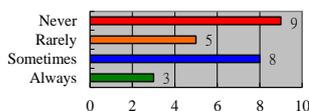


Figure 8: Frequency of first-person interpreting for judges/counsel.

Again to identify any correlation between the respondents’ training in first-person interpreting and their practice of it, individual surveys were examined and the following statistics have been produced.

Table 3. Frequencies of first-person interpreting for legal professionals between respondents with and without training.

respondents <u>with</u> training in 1 st person interpreting (11)		respondents <u>without</u> training in 1 st person interpreting (14)	
Always	2 18%	Always	1 7%
Sometimes	4 37%	Sometimes	4 29%
Rarely	2 18%	Rarely	3 21%
Never	3 27%	Never	6 43%

Contrary to the results of the preceding question, the statistics generated from the individual responses to this question seem however to suggest a positive correlation between the subjects' training and their adoption of first-person interpreting for utterances produced by judges and counsel. That is, the respondents with training in first-person interpreting are more likely than those without to interpret the legal professionals' utterances in the first person.

4.2.2.2 As a third-person reference in Chinese

Question 10 explores how often the respondents would render the English first-person pronoun "I" produced by legal professionals (counsel/judges) into a third-person reference by referring to the speaker in his/her official capacity. Answers to this question show that an overwhelming majority of the respondents would always (72%) or sometimes (20%) adopt this third-person interpreting style for rendering the legal professionals' utterances (Figure 9), which is consistent with the findings from the recorded court proceedings.

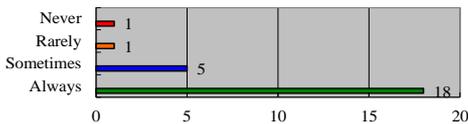


Figure 9: Third person interpreting for legal professionals.

An examination of individual answers to this question seems to suggest that those with training in first-person interpreting are less likely to adopt third-person interpreting for legal professionals than those without (see Table 4 below), consistent with the results of Question 9 as illustrated in Table 3.

Table 4. Frequencies of third-person interpreting for legal professionals between respondents with and without training.

respondents <u>with</u> training in 1 st person interpreting (11)			respondents <u>without</u> training in 1 st person interpreting (14)		
Always	7	64%	Always	11	79%
Sometimes	2	18%	Sometimes	3	21%
Rarely	1	9%	Rarely	0	0%
Never	1	9%	Never	0	0%

4.2.2.3 Use of passives in Chinese interpretation.

In the question that follows, the respondents were asked how often they would render a sentence in the active voice with “I” as the subject uttered by the judge or counsel into a passive voice, thus dispensing with the need to render “I” into its Chinese equivalent, *ngo5*.

Only three (12%) and six (24%) of the respondents respectively chose “always” and “sometimes” as their answers (Figure 11), conforming to the findings of the court data, in which the interpreters are found to use passives only occasionally to avoid the mention of the subject in a sentence like “I convict you...”. The use of passives hardly presented to the rest of the subjects as an option, which nonetheless does not come as a surprise, given that the use of passives in Chinese is far less common than in English.

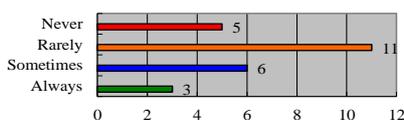


Figure 10: Change of active into agentless passives.

4.2.2.4 Omission/Ellipsis in Chinese interpretation

Question 12 asked the respondents how often they would ellipit the English first-person pronoun “I” in the Chinese interpretation,

thus producing a subjectless sentence such as “向你指出” (ϕ put it to you). The subjectless construction is grammatically allowed in Chinese especially in spoken Chinese where contextually understood information can be ellipted, though the ellipsis may lead to semantic ambiguity as verbs in Chinese have only one basic form and do not conjugate according to the subject or the tense as they do in most Romance languages.

Again the results are consistent with the findings of the court data with 60% of the subjects indicating they would always (24%) or sometimes (36%) adopt this strategy (Figure 11) to avoid the mention of the first-person pronoun in the Chinese interpretation.

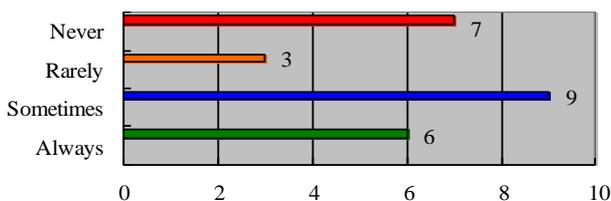


Figure 11: Ellipsis of first-person pronoun subjects in Chinese interpretation.

4.3 Interpreting styles and the rationale behind

The last three questions (questions 13 to 15) aim at exploring the reasons behind the respondents' choice of interpreting styles.

4.3.1 Content of utterances and interpreting styles

Previous studies have suggested the use of reported speech in interpreting as a distancing strategy on the part of the interpreter to disclaim responsibility for the utterances of the speaker (e.g. Berk-Seligson, 1990; Bot, 2005; Dubsloff & Martinsen, 2005; Leung & Gibbons, 2008). Many of these studies suggest content of the utterances as a deciding factor for the interpreter's adoption of reported speech as a distancing strategy. In Question 13, respondents were asked if their choice of interpreting styles had anything to do with the content of the utterances. It is my hypothesis, based on findings of the court data and my own

experience in court interpreting, that the content of the utterances has least to do with the choice in this regard, and this hypothesis seems to be supported by the results of this question. The majority (17 or 68%) responded negatively to this question (Figure 12).

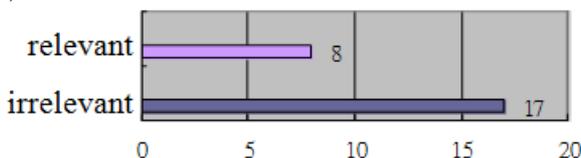


Figure 12: Relevance between content of utterance and interpreting style

Those who had responded affirmatively to this question were asked to explain how the content of the utterances would affect their interpreting styles. The following table contains all the explanations supplied by the eight respondents.

Table 5. Explanations offered for Question 13

-
- 1 Choice of 1st or 3rd person is sometimes made to avoid ambiguity of the content.
 - 2 When I interpret witness' testimony, I always use 'I' but when when [sic.] I interpret counsel's questions, I always use 'counsel put to you that... ...'
 - 3 when I interpret from English to Cantonese/Mandarine [sic.], I always use reported speech. When I interpret from Cantones/Mandarine [sic.] to English I always use First person.
 - 4 如果問題內容令人尷尬，容易令證人台上的證人/ 被告人反感，我一定不會用“我”這個字，以免證人/ 被告人向我發脾氣。
If the content of the question is embarrassing and offensive to the witness/defendant in the witness box, surely I won't use "I", lest the witness/defendant should vent his/her anger on me (my translation).
 - 5 Eg. Witness asked me quietly whether he/she could go to the
-

toilet.

- 6 I think it's better to interpret in direct speech what a witness/defendant says to avoid confusion. But I take care to distance myself from contents like "律師向你指出..... (*counsel puts to you* – my translation)" and "法官裁定 (*judge finds* – my translation)", which may provoke the message recipients and evoke negative feelings.
- 7 e.g. counse [sic] putting [sic]/suggesting question to witness.
- 8 If the original utterance is in direct speech, I will deliver the interpretation in the same of speech especially when it's the evidence of vital witnesses.
-

Obviously, some of the explanations supplied (remarks 2, 3 & 8) nonetheless seem irrelevant and non-responsive in that the respondents merely reiterated what they did without explaining why they did it. These non-responsive answers leave one to wonder whether the question had been correctly comprehended.

Remark 1 suggests that the choice is made out of pragmatic consideration, that is, to avoid ambiguity. While this point is consistent with some studies which suggest that the use of reported speech is to avoid confusion over who the speaker is (e.g. Angermeyer, 2005; 2009), it cannot, in the absence of examples or further elaboration, serve as a valid explanation as it fails to account how his/her choice is affected by the *content* of the utterances.

Only remarks 4 to 7 appear to be valid explanations. Remarks 4, 6 and 7 suggest that a third-person interpreting style is used as a self-protective device against the anger of the defendant or witness when counsel are putting questions to witnesses or judges are delivering their verdicts, which may embarrass, offend or “provoke the message recipients and evoke negative feelings”, consistent with suggestions proposed in previous studies (Berk-Seligson, 1990; Leung & Gibbons, 2008). Interpreting a witness’s request for a toilet break in the third person (Remark 5) may be regarded as a strategy to disclaim

responsibility as well as one to avoid confusion over who is making this request.

Taking into consideration the irrelevant explanations offered by the 4 subjects responding affirmatively to this question, the results of this question may not reflect a true picture of the reality. These 4 respondents should probably have chosen the negative answer, and the actual number of affirmative answers should then be 4 instead of 8.

4.3.2 Different interpreting styles for different speakers

Question 14 asked the respondents if they agreed that on the whole they would interpret utterances produced by witnesses and defendants in the first person and those by the judges and counsel in the third person. Twenty-one (84%) of the respondents responded affirmatively to this question (Figure 13). The results conform to the general observation of the court data, but contradict responses to Question 8, in which close to half of the subjects indicated an indirect third-person interpreting style for witnesses and defendants.



Figure 13: First-person for witness/defendants and third-person for counsel/judges

4.3.3 Rationale behind the styles of interpreting

The last question of the survey aims at identifying all the possible reasons for the different interpreting styles for different speakers. Those who responded affirmatively to the preceding question were asked to state their reasons by choosing from 4 suggested answers and/or by providing their own in the open option, and that multiple answers were allowed. Results have been presented in the following tables (Tables 6 and 7):

Table 6. Options as indicated for Question 15

Option	Suggested answer	No. of replies	Percentage of total no. of replies
A	I feel uneasy assuming the voice of counsel or judges because they are on a higher hierarchical level.	5	12%
B	I don't want to give the impression to all those in court that I am pretending to be the counsel and the judge by assuming their voice.	10	24%
C	I don't want the witnesses/defendants to conclude that I am speaking for myself if the interpretation is done in the first person.	17	40%
D	I just follow what other colleagues (e.g. the interpreter I understudied) are doing.	6	14%
E	Other (Please specify)	4 (see Table 7)	10%

Table 7. Reasons as specified in Option E

Option	Reasons specified
E1	if i were the judge or counsel, i'd want a direct quote of the testimony (2) but on the other hand, i don't want to assume the "responsibility" of counsel challenging witnesses or the judge "talking to" a deft
E2	Please include my explanations in Answer 13 above ² .

² explanation given by this respondent in Answer 13:

If the content of the question is embarrassing and offensive to the witness/defendant in the witness box, surely I won't use "I", lest the witness/defendant should vent his/her anger on me (my translation).

E3	I do that for self-protection. I take care to distance myself from contents like “律師向你指出 (counsel puts to you – my translation).” and “法官裁定 (judge finds – my translation)”, which may provoke the message recipients and evoke negative feelings.
E4	to help witnesses/defendants understand questions more easily.

Results of this question seem to suggest that the respondents' choice of interpreting style is affected by a mixture of factors, some of which are however not supported by the court data.

4.3.4 Psychological factor

Of the answers suggested in the 4 options, Options A and B represent a psychological decision on the part of the respondents, in which the concept of power asymmetry in the courtroom is in play.

In the adversarial common-law courtroom, the imbalance of power between legal professionals and lay-participants is palpable. Walker (1987, pp. 58-59) has identified three sources of power enjoyed by the legal professionals, namely a sociocultural base of power stemming from their roles as participants authorised to resolve disputes in a recognised societal institution, a legal base of power, which stipulates attorneys' right to ask questions and at the same time impose sanctions against those refusing to answer, and a linguistic base of power, which originates from the right to ask questions and thus to manipulate the question forms in order to control the answer to the question put. These sources of power necessarily render judges, as participants authorised to resolve disputes, and counsel, with the stipulated right to ask questions and thus to control witnesses' testimony, in a more powerful position than the lay-participants, witnesses and defendants alike. (see also Atkinson & Drew, 1979; Cotterill, 2003; Gibbons, 1999, 2008; S. Harris, 1984; Maley & Fahey, 1991; Woodbury, 1984.)

This power asymmetry between legal professionals in their roles as the questioners (powerful participants) and lay-participants as answerers (non-powerful participants) in court is also highlighted by Fairclough's definition of power in discourse:

Power in discourse is to do with powerful participants controlling and constraining the contributions of non-powerful participants. (1989, p. 46)

Options A and B accentuate this hierarchical power enjoyed by the legal professionals, the respondents' consciousness of this power asymmetry in the courtroom and thus their uneasiness in assuming the voice of the powerful participants, i.e. the legal professionals, for fear that those unaware of the professional norm of first-person interpreting may regard them as pretending to be the powerful participants. Together these two options were chosen by 15 respondents, accounting for 36% of the total replies. This suggests that there does exist a psychological element in the subjects' choice of interpreting styles, though there is no knowing whether this percentage represents a true picture of the rationale of all the respondents behind their choice of interpreting styles, being that the respondents might not want to admit a deviation from their ethical code for psychological reasons.

The interpreter's uneasiness in assuming the voice of the powerful participants has to be understood in the special context of the Hong Kong courtroom, where interpreting is ironically provided for the linguistic majority and many participants in the court proceedings including bilingual legal professionals share the interpreter's bilingual skills. In Hong Kong, unlike in many other jurisdictions, the defendant and witnesses requiring interpreting services are *not* the exclusive audience of the Cantonese interpretation, which is also accessible to the majority of the participants in the court, including Cantonese monolinguals such as audience in the public gallery and English/Cantonese bilinguals like bilingual legal professionals. In the course of interpreting, the interpreter is conscious of the

presence of these third person audience roles as “auditors”, “overhearers” or “eavesdroppers” (Bell, 1984), especially the bilingual legal professionals, for whom the Cantonese interpretation is in fact not intended. In other words, the shift from a first-person to a third-person interpreting style can be regarded as interpreters’ response to these unaddressed recipients, and they may consider it impertinent to assume the voice of the legal professionals, but wish to show their respect in order to win approval by referring to these powerful participants in their official capacities, just like speakers accommodating their speech style to their audience (Bell, 1984; Giles & Smith, 1979).

4.3.4.1 Pragmatic consideration

If Options A and B are understood as interpreters’ accommodation of interpreting styles to the third person audience roles in the courtroom, Option C, which suggests a pragmatic consideration on the part of the respondents, can be regarded as interpreters’ response to the second person “addressed recipients” (Goffman, 1981) or “addressees” (Bell, 1984) in that it takes into account the lay-participants’ lack of understanding of the role of the interpreter or of the professional norm of first-person interpreting. This option was chosen by 17 respondents, representing 40% of the total replies.

4.3.4.2 Inherited practice

Option D does not represent an informed decision on the part of the interpreter, but a passive or inherited one, in that the interpreter just follows what other interpreters are doing in court. Six respondents marked this option, representing 14% of the total replies, and this has its support from the court data, in which a trainee interpreter’s normative first-person interpreting style for all speakers was “corrected” by his supervising interpreter to a deviant third-person interpreting style for utterances produced by the legal professionals. The supervising interpreter’s “correction” of the trainee interpreter’s style of interpreting might have stemmed from her perception of the power differentials between

lay and professional participants in the judicial proceedings: The trainee interpreter, being new and thus less sensitive to the courtroom hierarchy of power relations, is more ready to assume the voice of all the speakers by using direct speech, which the supervising interpreter must have deemed improper and a want of respect for the powerful participants. Meanwhile, this is evidence that a third-person interpreting style for legal professionals is very much a norm rather an exception in the Hong Kong courtroom.

4.3.4.3 Other reasons

Option E is an open option which allows respondents to provide their own answers in a text box. Altogether four respondents marked this option and made their comments, including one who chose to adopt his/her answer to Question 13 for this question (E2, Table 7), accounting for 10% of the total replies. Of the four respondents, one stated that the strategy was “to help witnesses/defendants understand questions more easily”, which suggests a pragmatic consideration on the part of the respondent. The other three remarks (E1 to E3) representing 7% of the total replies suggest the use of reported speech as a strategy for disclaiming responsibility for the speaker’s utterances which may offend the message recipients, i.e. witnesses or defendants. In other words, the respondents saw this interpreting strategy as a protective device against the possible anger of the witness/defendant, as suggested by Berk-Seligson (1990, p. 116).

5 Conclusion

Notwithstanding the fact that some of the responses seem to contradict each other, the results of this survey as a whole confirm the general practice of two distinct interpreting styles adopted for lay participants and legal professionals respectively in the courts of Hong Kong, which conforms to the findings of the court data. The majority of the respondents admitted that they would adopt first-person interpreting for witnesses/defendants

but not for the legal professionals, regardless of their years of experience in court interpreting and whether or not they have had any training in first-person interpreting.

The majority of the respondents indicated that their choice between first-person and third-person interpreting had nothing to do with the content of an utterance, which is again consistent with the findings of the court data, and supports my hypothesis that the practice has little to do with the content of an utterance. Although a small number of the respondents did indicate the use of reported speech as a strategy to disclaim responsibility for an offensive remark, this content-based discriminatory use of interpreting styles is however not supported by the court data, which manifest a consistent use of reported speech for counsel/judges whether they are challenging the witness/defendant or are simply giving them procedural advice. In other words, the court data show the interpreting styles adopted depend on *who* the speaker is (or the audience are), not *what* is said. The uniformity of this practice as evidenced by the findings of the court data, reinforced by the results of this study, has effectively refuted the widely held view that reported speech is used by interpreters to disclaim responsibility for the SL speaker's words as it fails to explain the interpreting phenomenon in the Hong Kong courtroom.

The results of this study seem to suggest the shift in interpreting styles as interpreters' accommodation to their audience, not merely to the addressee (defendant/witness) as suggested by other studies (e.g. Angermeyer, 2005; 2009), but also to the third person audience roles as auditors, overhearers, eavesdroppers or referees, as Bell (1984) notes, "all third persons, whether absent referees or present auditors and overhearers, influence a speaker's style design which in a way echoes the effect they would have as second person addressees" (p. 161). The interpreters' uneasiness in assuming the voice of the legal professionals and thus the adoption of a third-person interpreting style is evidence of their consciousness of and thus a response to the power asymmetry in the courtroom.

Finally, the results of this study reflect some limitations in the online survey methodology. Firstly, the fact that the questionnaires were completed online makes it impossible to ascertain whether the questions had been correctly understood by the respondents, or to offer them explanations should the need arise. Secondly, the need to ensure the respondents of their anonymity and thus to leave their responses untracked has rendered later clarification of non-responsive or contradictory responses out of the question. In the light of these limitations, some of the questions (Question 13, for example) could have been better formulated, perhaps with detailed elaborate examples included, if ambiguity or misunderstanding were to be avoided. The fact that half of the explanations offered in response to Question 13 appear to be irrelevant and non-responsive is evidence of the respondents misunderstanding the question.

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Appendix: Abbreviations and transcription symbols

J	Judge/Magistrate
I	Interpreter
DC	Defence Counsel
PC	Prosecution Counsel

boldface words in boldface represent elements under discussion in this paper

(.) a dot in parentheses indicates a brief pause of less than a second

ϕ ellipsis/omission

Italics words in italics are the author's translations

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