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**LEGAL INTERPRETING IN BRITAIN:
THE CHINESE EXPERIENCE**

by

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LEGAL INTERPRETING IN BRITAIN: THE CHINESE EXPERIENCE

Introduction: Legislation and entitlement to interpreting services in England¹

In principle, all courts in Britain have the duty to appoint an interpreter where the need arises. In practice, interpreting services are provided on an *ad hoc* basis. As a result, those who do not understand or speak English have been denied their right to use their own languages in courts. When a case arises in which interpreting services are required, it is often the case that an interpreter is not available or the interpreter is not trained to interpret in legal settings. Furthermore, there are major constraints on the work of the interpreters who are appointed and this, in turn, affects the quality of the interpreting. The mere existence of interpreting services without qualified interpreters means that the Government is only paying lip service to linguistic minorities concerning their rights to be represented in the legal system.

Cases involving non-English speakers in the British courtroom have a long history. Concern about the use of interpreters and about the efficiency of interpretation has been voiced since the late nineteenth century². The principle of Non-English speakers' having access to interpreters was clearly stated in the case of *R. v. Lee Kun* in 1916. Lord Reading, the judge in the case outlined the principle as follows:

“when a foreigner is on trial on an indictment for a criminal offence, and he is ignorant of the English language and is undefended, the evidence given at the trial must be translated for him ... the reason why the accused should be present at the trial is that he may hear the case against him, and have the opportunity, having

¹ An earlier version of this paper was presented at an international conference on 'Language Rights' held at the Hong Kong Polytechnic University, June 1996.

² Take for example, the case of *R.v Berry* in 1876. Berry was a deaf man charged with theft. Berry's brother-in-law interpreted for him in sign language. The judge actually expressed his concern for the quality of the interpretation the brother-in-law rendered.

heard it, of answering it. The presence of the accused means not only that he must physically be in attendance, but also that he must be capable of understanding the nature of the proceedings.”

Although there is no statutory formulation with regard to an individual’s rights to have access to interpreters in legal proceedings, precedent cases in England have led to rulings similar to those embodied in European law³. The principle that Non-English speakers’ should have access to interpreters in legal proceedings has therefore been established in legal practice in England. However, very little is known about the extent to which this principle is actually applied in English courts or *how* it is applied.

A Case Study of Legal Interpreting Provision

In order to have a closer look at how the provision is organised, I am undertaking a detailed case study of legal interpreting provision in the North West of England, focusing on the work of a small sample of Chinese interpreters. An ethnographic approach has been adopted in this study. As ethnographer I am both insider **and** outsider since I worked as an interpreter for some years before I undertook the research. In gathering data for this study, I am combining participant observation with audio-recording of different legal interpreting events involving Chinese interpreters. The main body of this paper is based on observation and a preliminary analysis of selected interpreting events⁴. I will describe and exemplify some of the main

³ Article 6 Paragraph 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms says anyone charged with an offence has the right to be “informed properly, in language which he [she] understands and in detail, of the nature and cause of the accusation against him [sic] to have the free assistance of an interpreter if he cannot understand or speak the language used in court.”

⁴ The interpreting events selected here are as follows: an immigration appeal tribunal, a police interview and a consultation before a welfare rights tribunal. These events were observed and recorded as part of a wider study of legal interpreting in Britain being carried out as part of my Ph.D. degree programme at Lancaster University. I will also refer to two events related to family dispute trials for which I acted as interpreter before undertaking my Ph.D. research

constraints on the interpreters' work in these events and some of the communicative difficulties faced by the interpreters. But, first, in the section which follows I will briefly describe the social context in which my study was carried out.

Interpreting needs in the British Chinese community

The Chinese comprise the third largest ethnic minority group in the UK. People from Hong Kong make up almost 80% of the total immigrant population (Li, 1994). Cantonese is the dominant spoken language, though Hakka is also widely spoken (Wong 1988). The majority of the people in the older generation have little literacy in English or Chinese.

It is the first generation Chinese migrants (usually people over 45) who need interpreting services most. Many of these people are not getting professional assistance instead they rely on friends and on their families. Most of the interpreters I have met during the course of my research and before I took on the role of researcher, are from the second generation, born in England, or they are former students from Hong Kong who have settled in the UK after finishing their tertiary education. Some of the British born Chinese are fluent in spoken and written English and in spoken Cantonese however they all said they had some difficulties with literacy in Chinese.

How the interpreting services are organised

Butler (1995) found that police headquarters are almost the only institutions which keep a list of interpreters available for interpreting services. He cites as illustration correspondence between a Clerk to the Justice and the Criminal Jurisdiction of Magistrates. The Clerk to the Justice wanted to find out whose responsibility it was

to ensure that an interpreter was present when required and what should be done if none was available. The reply received was as follows: “although it is for the court to assign an interpreter, chief officers of police are prepared to continue arrangements for the obtaining of interpreters where this is desired:” (HOC 86/1973).

From my own experience as an interpreter, and from discussions with the interpreters in my study, I know that interpreters are usually called into service by a police officer at very short notice. They often have very little information about what the case is about, and sometimes do not even know if the person who needs interpretation speaks the same language variety as they do.

How the police recruit interpreters

Again, as Butler (1995) found out, there is no centralised policy regarding the recruitment of interpreters. Different local authorities have different policies. But generally speaking, there is little concern about the linguistic abilities or qualifications of the interpreters. Some police officers may interview interpreters before they are recruited. However, most of the interviewers are monolingual English speakers who are not capable of checking the interpreters’ languages background or communicative competence.

None of the eight Chinese interpreters interviewed in my study had received any formal training in interpretation/translation, let alone specific training in interpreting in legal settings. Their level of qualifications varied from ‘A’ levels to a University degree. Only three out of the eight interpreters were working as full time interpreters/translators at local City Councils.

The roles of legal interpreters: different expectations

People have different expectations about what interpreters should be doing when they take on legal interpreting work. Many interpreters are also uncertain about what their roles should be. Some legal practitioners expect the interpreter to be just a ‘language conduit’: that is, someone who should just ‘say what is said’. Some expect the interpreter to act as a ‘cultural broker’ between the legal practitioners and their clients. Some expect the interpreter to be fully responsible for the effectiveness of the communication, overlooking the fact that meanings are co-constructed by **all** participants in a conversation. There clearly needs to be some debate in Britain about the role of interpreters and the nature of the demands placed on them. There also needs to be more training for interpreters working in the legal domain and for legal practitioners who use interpreting services. I will return to this point in the final section. We also need more research to identify the specific nature of the communications problems facing legal interpreters of different language backgrounds. In the following section, I will outline some of the problems which I have identified in my own experience as interpreter and during the preliminary phase of my study of Chinese interpreters at work. My account draws, for the most part, on my analysis of selected interpreting events and on in-depth interviews with the interpreters.

Five interpreting events

The interpreting events I will be considering here are actual court cases and other legal encounters: they include a case brought before an immigration tribunal, a

police interview, and a consultation for a welfare rights tribunal. They also include two interpreting events related to family dispute trials. In these two events, I was the interpreter. I observed and audio-recorded the immigration tribunal and the consultation of the welfare rights tribunal myself. The police interview was recorded by the police as standard practice. I was not able to record the interpreting events related to the family dispute trials. To comply with court orders and confidentiality, all individual names, dates and places in the proceedings are omitted. The following are synopses of these interpreting events:

Event 1. *The immigration appeal tribunal*

The immigration appeal tribunal involved a Toi Shan speaker with no knowledge of English who was appealing on behalf of his niece. She was still resident in Mainland China at the time of the tribunal. She had previously been refused 'clearance of entrance' into the UK to study. She had applied for permission to join her husband in the UK after she had married a British-born Chinese with British nationality but was again refused entrance. The interpreting service for this appeal was arranged by the clerk of the immigration appeal tribunal. The interpreter was a Cantonese/English bilingual who had interpreted for numerous immigration tribunals. After arriving at the courtroom, the interpreter noticed that the names of both the appellant and her uncle (the witness) had been written in the Roman script in a way which suggested that the uncle might speak a variety of Chinese which was different from his own. He raised the issue with the clerk and explained that he could only interpret for Cantonese and English but not for any other varieties of Chinese. But the clerk explained that it was too late to make any changes. The tribunal continued as

scheduled. The interpreter found that the witness was indeed a Toi Shan speaker and could understand and speak very little Cantonese. Communication between the different parties eventually broke down. The trial had to be adjourned. The interpreter was left feeling extremely frustrated and has never taken on any interpreting jobs in immigration tribunals ever since.

Event 2. The police interview - the 'bought' MOT certificate

In the police interview, a Cantonese speaker with limited knowledge of English was being questioned by two police officers. He was suspected of being in possession of an illegal MOT certificate. The Cantonese suspect had been interviewed several times before but none of the previous interviews had been seen as satisfactory by the police. So an interpreter was called in for a final interview. The interpreter who took on this case speaks Cantonese and English fluently. She had had experience of interpreting in some welfare advice sessions in a welfare advice centre, but had never interpreted for the police or in any other legal settings. As the interview went on, the police finally came round to the view that the suspect had bought the MOT certificate without full knowledge of the seriousness of the offence. The suspect was cautioned and released without charges.

Event 3 The consultation before a welfare rights appeal tribunal

The consultation before the welfare rights appeal tribunal was called for by the welfare rights officer who was representing the appellant in the tribunal. The welfare rights officer had noticed some inconsistencies in the medical report submitted by the DHSS doctors who had examined the appellant with a view to establishing her

eligibility for a disability allowance. The purpose of the consultation was mainly to check on details of the medical history of the appellant and her current state of health, so that the welfare rights officer could prepare an accurate update for her client's application for an allowance. Previous meetings had already taken place between the welfare rights worker and the appellant (who spoke Cantonese but no English). On those occasions, one of the appellant's friends had interpreted for them. Just before the appeal tribunal, this friend felt that professional help would be needed, so she made contact with the Chinese interpreters at the City Council. The interpreter from the Council appointed to this case was a Cantonese/English bilingual who had had a wide range of interpreting experience in both medical and legal encounters. She had known both the welfare rights officer and the appellant for some time. The consultation went relatively smoothly.

Event 4. *The first family dispute trial: an interpreting event prior to the trial*

I was contacted by the solicitor representing the petitioner in this first family dispute case. Before I accepted the interpretation job, I first tried to find out the language backgrounds of the clients involved and some details about the case from the solicitor. The solicitor was a Cantonese speaker and she had been representing her client and interpreting during the previous trials and found that this was extremely difficult. As a result, I was asked to interpret in the upcoming trial, and in the preparatory meetings, so that the solicitor could concentrate just on presenting the case. I was told by the solicitor that both the petitioner and the respondent were refugees from Vietnam, but both originated from China and spoke Cantonese. The petitioner could speak no English. The respondent could understand and speak very

little English. Because the respondent was late for the first meeting I attended, I was given extra time to talk to the client myself. I found that she had a strong Vietnamese-Chinese accent when speaking Cantonese but, generally, we had no problem understanding each other. While we were waiting, the solicitor told me about the case and the respondent as well. About half an hour later, the respondent arrived but then the case was moved to the second session of the court hearings that day. Then, the solicitor had to prepare her client for the testimony in another room so I was left alone with the respondent. I was instructed by the solicitor to interpret for the respondent the court order presented to him in person by a policeman. This had been read in English to him at his home. I had been given permission to audio-record the interpreting events associated with this trial by the petitioner, the solicitor and even the judge, but permission was refused by the respondent. The judge felt that the respondent's rights should be observed so neither this event nor the trial which followed could be recorded.

Event 5. The second family dispute trial: a police interview

This interview took place in a police station. The woman being interviewed was the victim of an assault by her ex-husband. He had failed to respond to several court orders to pay for the children's maintenance. He had absconded and had not been located by anybody. The woman had then seen her ex-husband once on the street and had approached him asking for an explanation. He had then attacked her with a sharp object. This was later found to be a hook, of the type which is generally used for Chinese barbecues. The woman had warded off the attack with her arm and had therefore sustained the injury on her arm. The ex-husband had then run away. The

woman's friend had witnessed the incident and had been urged by the woman to give chase. Some other passers-by had joined in and stopped the man at a taxi stand. The police had then been called and had arrested him. The purpose of the police interview with the victim was to prepare a statement.

When I received a call from the police officer charged with conducting the interview, I was asked to "listen to a woman exonerating" at the police station. It was a small police station in a small town in the North of England. The police officer explained to me that he had no experience of interviewing with an interpreter so was not sure what to do. I had already interpreted for the police on different occasions in other areas of England, so I suggested that the police officer should record the interview. So the police officer did so. Apart from giving instructions to me at the beginning to ask the victim some questions about events leading up to the assault, he left me to lead the interview with the victim. I was therefore taking notes, interpreting and, at the same time, leading the interview. When I was then asked by the police officer to prepare the actual statement at the end of the interview, I did not therefore feel very confident about what I was doing.

The victim was a Cantonese speaker with some knowledge of English, but, in the words of the police officer, she "was very emotional" at the time. Therefore, her thought that it would be better for her to have the assistance of an interpreter. When I was called by the police officer, I asked him about the dialect of the victim. But, he could not tell me, because, as he put it, he was "not aware that there were different dialects in Chinese". I went in for the interview anyway and, fortunately, found that the

language variety the victim used matched mine. Also, the victim was clearly relieved

that I was female. In fact, it turned out that she tried to win my sympathy several times, putting me in a difficult position.

The main communicative problems faced by the Chinese interpreters

Dealing with specialised legal terminology

All the interpreters involved in this study had difficulties with specialised legal terminology. For example, in the police interview, the interpreter was asked several times to explain to the suspect the difference between “being cautioned” and “being warned”. The word *cautioning* is used in a different way in a legal setting from its common usage of describing ‘someone to be careful’. In a legal setting, it means “a warning to a person that his [her] answers to questions may be used in evidence. Failure to caution may lead to the statement elicited being inadmissible in evidence against the person making it.” (Osborn’s Concise Law Dictionary, Sixth Edition). Two, further examples are: *respondent*, the person whom the summons is issued to, and *adjudication*, the judge’s decision. There are equivalent legal terms in Chinese but they are part of a specialised discourse in Chinese which few people have access to. The interpreters I interviewed said that they were not familiar with any of the terms, and neither were their clients.

In one of the two family dispute trials I interpreted, I was asked by the Cantonese-speaking Vietnamese immigrant for the difference between ‘swearing’ and ‘affirming’. It took me couple of minutes to explain to her that the difference between swearing and affirming was that swearing generally involves ‘swearing before God’

that what one is about to say is true; while affirming is usually reserved for people who do not have any religious belief and involves a 'declaration to the court that what they are about to say is true'. My client chose to affirm instead of swearing in since she said she did not have any religious beliefs. I was not sure whether she had completely understood the difference between swearing and affirming and the implication of this distinction but I was under great pressure to press on with the proceedings. From my three years of observations and experience of interpreting in legal settings, as practitioner and researcher, I have become keenly aware of the wide range of terms associated with complicated legal procedures and principles which cannot be simply interpreted by supplying an equivalent word in another language

The problems arising from the adversarial nature of the legal system and the ways in which legal discourse is constructed in the courtroom

The interpreters in this study said they had to deal with different types of legal encounter and these encounters often involved direct confrontation. Extract 1 below is taken from the police interview described above. The Chinese suspect is being interviewed by the police officer in a police station because he has been found in possession of an illegal MOT certificate.

Extract 1

001 P(olice): and they after tested your car and if your car passes they'll give you the MOT certificate, is that right?

002 S(uspect): yeh

003 P: you've not done that, have you?

- 004 S: mm . no no MOT that's it
- 005 P: you haven't taken your car in for MOT
- 006 S: .. no MOT
- 007 S: **/m faan fat . kum mung kuei dim yeung kum yi ka ngo ying keu dim yeung a lei mung kui/**
[m . illegal . ask him what then, what should I do now, you ask him]

In line 001 to 004 the police officer used polarised questions (yes/no type) to elicit the answer he expected. However, the suspect did not answer in the expected manner that is by simply answering 'Yes' or 'No'. It seems that the police officer construed the suspect's answer in line 004 as evasive. He then pressed on with a series of questions along the same lines. The suspect was trying to avoid answering directly and was therefore confronted with a series of polarised questions. In these confrontational encounters, the interpreters have to take on the voices of all participants. However, the client can take what the interpreter says as the interpreter's own words, rather than the 'voice' of the policeman or the legal practitioner, and might then take out his/her grudges against the interpreter. Alternatively, the interpreter may be under pressure to take on the 'voice' of the client. For example, in line 007 in Extract 1 above, the suspect explicitly asked the interpreter to ask the police officer what the police officer wanted him to do instead of talking to the police officer himself. The interpreter later explained in the interview with me that she found this kind of situation embarrassing and frustrating. Some other interpreters had had the experience of being sworn at or even spat at when his/her client lost a suit and they had been blamed for not 'helping' the client or for the harsh words addressed to the client

by the judge via the interpreter.

Managing bilingual interactions

When code-switching occurs in legal settings, it poses difficulties for the interpreter. For example, on several occasions in the police interview in this study, the Chinese client started answering questions in English before the interpreter had had the chance to interpret the question into Cantonese. In the middle of some of these English utterances, the client then switched back into Cantonese.

Extract 2

008 P: Can I ask you ...where did you get it (the MOT certificate) from?

009 S: mm I get that from the man /**ngo tung yat kwo yun mai do ke/**
I bought it from a man]

010 I: I got it when I bought it from a man=

011 S: =from a man

012 P: where did you buy it from?

013 S: /**go go yun . hai disco ko do sik dak kwei ke/**
[that man, I know him in a disco]

014 I: . (pausing) I know that man in a disco

This pattern of bilingual interaction made it difficult for the interpreter to work out when and how to take a turn. In line 009 the suspect started the utterance in English and switched to Cantonese later. It was not clear whether the police officer had understood the English part of the utterance. So the interpreter was not sure whether it was necessary to repeat the English part as well as carry on with interpreting

the Cantonese part of the sentence. The turn-taking was controlled by the police officer and the interpreter felt that she did not have the right to intervene. In line 011 the suspect reinforced his answer in English and this was immediately followed by the police officer's question in line 012. Despite the problems generated by the code-switching of the suspect, the interpreter could not ask the suspect to use English or Cantonese only and she could not stop to ask the police officer whether he had understood the English part of the sentence or not. This is because in legal encounters like police interviews and court cases, interpreters are merely expected to follow the lead of those asking and answering questions but not to ask questions for themselves. This leaves them with little scope for seeking clarification or for dealing with misunderstandings.

Interpreting between English and varieties of Chinese

Dealing with differences in word meaning: e.g. translating kinship terminology

Faced with terms which have no equivalence in the two languages, interpreters have to explain rather than just translate. For example, the following extract is from the immigration appeal tribunal.

Extract 3

015 S(olicitor): Are you related to the appellant, Mr. (name)?

016 I(nterpreter): /**(name) lei tung lei keh sheung so yun yau me ye
kwaan hai a/**

[what's the relationship between you and the appellant, Mr.(name)?

017 W(itness): /**lei ko sheung so yun hai sun lui lei keh .. mui ke lui/**

[this appellant is my niece .. my sister's daughter]

018 I: the appellant is my sister's daughter.

The witness used a kinship term to describe the relationship between him and the appellant. He used the term /**sun lui**/ which literally means: 'sister's daughter'. It has no direct equivalent in English and contrasts with /**tsat lui**/ 'brother's daughter. Both terms can be translated with the English term 'niece' but the interpreter actually rendered /**sun lui**/ as "sister's daughter". The monolingual English speakers present were unlikely to be aware of the significance of this choice of terms by the interpreter. A kinship term in Chinese generally means not just a particular relationship, but also the 'duties' that go with it. In this situation, the witness' use of /**sun lui**/ (sister's daughter) indicates that his relationship with the appellant is a very close one. And as a brother, (a male family member) he has the responsibility of looking after his younger sister's (a female family member) daughter.

Dealing with grammatical differences

The differences between the grammatical and semantic structures of Chinese and English are especially problematic for interpreters in legal settings. 'Accuracy' of interpreting is of paramount importance but certain aspects of a grammatical system or certain semantic domains give rise to specific difficulties for interpreters. For example, the grammatical marking of time is significantly different in Chinese and in English. In the police interview discussed above, the police officer said to the Chinese suspect: "but you *knew* you shouldn't have done that 'cause that's illegal" emphasising the word *knew* in past tense. The Chinese suspect answered in Cantonese with the verb 'know'

but with no grammatical reference to time.

Extract 4

019 P(olice Officer) : but you *knew* you shouldn't have done that 'cause that's illegal . yes or no?

020 S(uspect): /me ye/
[what]

021 I(nterpreter): /lei tsi do kum yeung tso hai mg hap fat ka hai mai a, lei kum yeung mai yat cheung ke MOT tsing su faan lai/?
[you know it is illegal by doing this, you bought the MOT certificate?]

022 S: /mm ... ngo mg tsi do/
[mm I don't know]

023 I: /lei kong si mai kong si mg tsi dou a lei yi si/?
[at the time you bought it you did not know, do you mean?]

024 S: /tse hai kuei .. ngo mai kong si (exclaimed) .. mg tsi do/
[so he ... oh at the time I bought it! didn't know]

025 I: he said he didn't know that when he bought it from that man at that time.

The police officer was trying to clarify whether the suspect knew that it was illegal when he bought the MOT certificate; that is whether the suspect had committed the crime knowingly and therefore stressed the word 'knew' in the past tense. Nonetheless the suspect did not respond to this and gave an answer without any indication of time. The interpreter had to intervene and rephrase the police officer's

question in order to clarify the situation with the suspect before she could render an interpretation.

Dealing with different varieties of Chinese

Difficulties also arose in the events I am referring to here when there were mismatches between linguistic forms and the meanings expressed in different varieties of Chinese. The Cantonese-speaking interpreter in the immigration appeal tribunal ran into difficulties because he was obliged to interpret for someone who spoke Toi Shan (one of the Southern Chinese dialects, which is quite different from Cantonese. The speech of the Toi Shan speaker was characterised by the occurrence of a lot of alveolar sounds which the interpreter was not familiar with.

Extract 5

026 I.O. (Immigration Officer): Did you go with a friend to Peking?

027 I(ntepreter): **/lei hui buk king yau mo dung bung yau hui a/**

[Did you go to Peking with a friend?]

028 W(itness): **/hui buk king ngo dei tung mai X sin san yat tsai hui sei a yun hui buk king tsam ka a wun/**

[Went to Peking with Mr. X, together we were four. We went to Peking to participate in the Asian Games]

029 I: I went with Mr. X, there were four of us, to take part in the Asian Games.

039 I.O: To take part in the Asian Games?

040 I: **/hui tsam ka/?**

041 A(judicator): What did he say?

042 I.O: I wonder if that's what the witness said.

043 A: Did he say to take part in

044 I: /hai mai hui tsam ka a tsam ka a wun/?

045 W: /tsei hai hui a hui tai kui ke hoi mop lai a mo hui tsam ka ka di wun
dung/

[it means, I went to see, I went to see the Opening ceremony, not to
participate in the games]

046 I: I mean to view ... not to participate

047 A: sorry?

048 I: I mean to view the game not to participate

049 A: To view? .. what did he say?

050 I: to see the game

051 A: *to see*? Well who's fault is that then because I got to take part in=

052 =I: Well he did say to take part in the game

053 A: he said to take part in the game

054 I: yeah

055 A: and he now said it was to see the game

056 I: mm

... (after about 15 minutes)

057 I.O. (Immigration Officer): Did you attend the Asian Games?

058 I: /lei yau mo hui tai a wun/?

[Did you or did you not go to see the Asian Games?]

059 W: /hui dou ko ko a wun .. ngo mg tsi yi wai hai tsam ka/

[been there at the Asian Games .. I don't know I thought to participate]

060 I.: (shaking his head) . Can I ask him to repeat?

/hui tai/ is a colloquial phrase in Cantonese which means ‘go to see’. It has a similar meaning to **/tsam kwun/** which is a more formal expression. The witness, whose mother tongue was Toi Shan, had mistaken the Cantonese expression **/tsam ka/** ‘to participate’ for **/tsam kwun/** and had said **/tsam ka/** earlier and was therefore questioned by the immigration officer again. The interpreter later explained in the interview with me that he knew that the witness has made the mistake because Cantonese was not his mother tongue, but as an interpreter he felt that he should not help the witness to correct his answer. Nonetheless, the interpreter was blamed for the miscommunication because both the adjudicator and the immigration officer were not aware of the linguistic differences between regional varieties of Chinese and of the fact that there was a mismatch between the interpreter’s variety and that of the witness.

The need for training opportunities for Chinese Interpreters

It is only recently that the ‘professionalisation’ of interpreting services has been considered by service users. However, there still has not been any serious debate about the way to achieve ‘professionalisation’. For example, a police headquarters in a city in the North of England announced that they would employ only ‘qualified’ interpreters from January, 1995. By ‘qualified’ they meant only those who are registered with the National Registry of Interpreters initiated by the Nuffield Interpreters Project⁵ and held at the Institute of Linguists. To be registered, interpreters need to pass the examination of the Institute of Linguists or obtain

qualifications considered to be equivalent by the Institute. However, as far as I am aware, no training or examination is currently available for any Chinese interpreters working in legal settings. This means that this particular police force would have no choice but to use the same group of interpreters they have always used, whether they are registered or not.

Conclusion

The availability of interpreters does not necessarily ensure social justice and protection of language rights. The quality of the interpreting services is equally important. Interpreters' contributions in the courtroom can be either positive or negative. This needs to be fully recognised by interpreters working in legal settings and by users of interpreting services. Berk-Seligson (1990) has done a detailed study in courtrooms in the United States of America. Her findings confirmed that interpreters can shape the impressions of witnesses and that they can influence the outcomes of trials by their interpretation. This clearly indicates that there needs to be more language specific training for legal interpreters. They need to be more aware of the consequences of the linguistic choices they make. But this training will be of little value if it is not accompanied by training for the users, especially, those specialising in legal interpreting, and by a systematisation of local interpreting services. Every person should have the right "to be heard" in the legal system if justice is to be done.

⁵ The Nuffield Interpreters Project is based at the Institute of Linguists. It has been funded by the Nuffield Foundation since 1986. The main aim of the project is to develop support and training for interpreters in Britain.

Transcription Conventions Used in the Extracts

First line is the original utterance.

// in bold: original Cantonese utterance(s) transcribed in the system which is commonly used by linguists in Hong Kong.

[] : my translation of the Cantonese utterances

I(nterpreter) : interpreter's interpretation of the Cantonese utterances

() Explanation of the initials used for each interlocutor, e.g. W(itness): W is the abbreviation used for Witness thereafter

() : body language

= at the end : immediately followed by an utterance

= at the beginning: immediately follows an utterance

.. pause of not longer than 5 seconds

... utterances omitted

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