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Non-renditions in court interpreting: A corpus-based study

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Abstract

By examining the types and frequencies of non-renditions in a 100-hour corpus of court interpreting records from Hong Kong, this study demonstrated that court interpreters actively coordinate communication when carrying out their interpreting duties. Non-renditions are interpreters' utterances that do not have a corresponding counterpart in the source language, and such renditions are ordinarily used to coordinate interpreter-mediated exchanges. This analysis revealed that in the Hong Kong court setting, non-renditions were less common in English (the court language) than in Cantonese (the main language of the witnesses and defendants). In the Cantonese subsample, interactional non-renditions were more common than textual non-renditions, and most of these utterances were self-initiated rather than prompted by others. In the English subsample, textual non-renditions were more common than interactional non-renditions, and most of them were other-prompted. The skewed distribution of non-renditions, and particularly the tendency to address non-renditions to the lay participants, suggests that court interpreters may not be absolutely impartial.

Keywords: non-rendition, court interpreting, textual, interactional, self-initiated, other-prompted

This study contributes to the discussion of court interpreter impartiality by providing an empirical analysis of non-renditions. Utterances produced by an interpreter during an interpreter-mediated event can be classified as either renditions, utterances that have a corresponding counterpart in the preceding source language, or non-renditions, utterances that do not have such a corresponding counterpart (Wadensjö, 1998). Categorizing interpreters' utterances in this way helps to determine if the interpreters are simply translating, or if they are playing additional roles.

Non-renditions have previously been labeled "side sequences" (Gavioli & Baraldi, 2011, p. 214), "other activities" (Gavioli & Maxwell, 2007, p. 173), "other additions" (Merlini & Favaron, 2004, p. 291) or "interpreters' interventions" (Todorova, 2014, p. 229). In the court interpreting literature, non-renditions have been termed "interpreter-induced intrusions" (Berk-Seligson, 1990, p. 186) or "interruptions" (Hale, 2004, p. 203). Berk-Seligson (1990), Hale (2003) tried to evaluate interpreters' utterances "against an idealized and unsubstantiated notion of ideal practice" (Roy, 2000, p. 31), and therefore used the word "interruption." In contrast, Wadensjö (1998) attempted "to understand interpreters as they do their job" (Roy, 2000, p. 31), and hence preferred the neutral term "non-renditions." This study neither condemns nor condones court interpreters' use of non-renditions, and thus it uses the impartial term "non-rendition."

In this study, each non-rendition in the corpus was first categorized as either a textual or an interactional non-rendition. By analyzing interpreter-mediated encounters in a dialogic framework, Wadensjö (1998) showed that the "two aspects of interpreting, translation and coordination, are in practice inseparable" (p. 106). Two types of talk are

produced in the interpreting process: "talk that is generated from relaying a message, and talk that is generated from the interpreter to assist or mediate the flow of talk" (Roy, 2000, p. 30). Specifically, non-renditions tend to be "visibly designed to do coordinating work" (Wadensjö, 1998, p. 109), and they can be categorized as either "text-orientated initiatives" or "interaction-orientated initiatives" (Wadensjö, 1998, p. 110).

The word "initiatives," however, is problematic, as it implies that non-renditions are always at the interpreter's discretion. Not all non-renditions are initiated by interpreters, as some of them are solicited by other primary parties in the exchange. For instance, court interpreters must occasionally respond to a query from a legal professional (Lee, 2011) or from a witness (Berk-Seligson, 1990; Hale, 2004). In such cases, although the response may be a non-rendition, it is prompted by someone other than the interpreter. In this study, each non-rendition was also categorized as either self-initiated or other-prompted for typological analysis.

Non-renditions in Dialogue Interpreting

Non-renditions are common in dialogue interpreting. In transcripts of three interpreter-assisted speech pathology sessions with a combined length of less than one hour, Merlini and Favaron (2005) identified seven types of non-rendition, which they called "other additions." Studies of non-renditions are mostly found in the medical interpreting literature (e.g., Baraldi & Gavioli, 2007; Cirillo, 2012; Dubslaff & Martinsen, 2005; Merlini & Favaron, 2005; Rosenberg, 2002). There have been relatively few such studies in the court interpreting literature, perhaps because of the fundamental differences between the medical interpreting and court interpreting settings.

First, because the rules of evidence in the courtroom restrict the flow of questions, questions can only originate from legal participants and not from lay participants. However, no such rules restrict patients from asking questions in a medical interpreting setting. Second, questions from legal professionals are not designed to solicit new information, but to "elicit the answers they need in order to create a story that supports their case" (Hale, 2007, p. 38). Legal professionals may even use questioning techniques to "confuse and trip up witnesses" (Hale, 2007, p. 46). In contrast, medical practitioners ask questions because they want to find out more about the patients as a means to help them. Therefore, the collaborative setting (Hassen & Alpers, 2010) of medical consultations may be conducive to interpreters' non-renditions. Medical interpreters occasionally adopt the role of "co-therapist" (Schäffner, Kredens, & Fowler, 2013, p. 6), and non-renditions tend to occur frequently in the medical interpreting setting. However, some medical providers have expressed concerns regarding the non-renditions made by interpreters (Hsieh, 2010, p. 157).

Although court interpreting is more restrictive than medical interpreting, the normative assumption that court interpreters churn out verbatim translations does not accurately describe the court interpreting process. Numerous studies (Angermeyer, 2009; Berk-Seligson, 2002; Hale, 2004; Jacobsen, 2004; Lee, 2011; Mason, 2008; Morris, 2010; Niska, 1995) show that court interpreters do more than merely translate the proceedings, and that non-renditions are not uncommon.

Court interpreters make two types of non-renditions during the course of interpreting: textual and interactional. Textual non-renditions are designed to make a "bridge between the two languages in use" (Wadensjö, 1998, p. 109), and interactional

non-renditions are designed to "provide or sustain the conditions for a shared communicative activity between the primary parties" (Wadensjö, 1998, p. 109). Textual non-renditions are made to clarify or to "offer unsolicited explanations" (Berk-Seligson, 1990, p. 80) when "communication breaks down or misunderstandings occur" (Mikkelson, 2008, p. 99). Interactional non-renditions are made to "control the flow of testimony" (Berk-Seligson, 1990, p. 86), for example, by prompting the speaker to talk louder, by silencing the speaker, or by redirecting the flow when the speaker addresses the interpreter directly rather than speaking to the other interlocutors. Within this context, non-renditions may "make the proceeding go more smoothly and with less frustration for the legal participants" (Berk-Seligson, 1990, p. 85). For these reasons, some legal professionals may expect non-renditions from interpreters (Pöllabauer, 2004). However, other legal professionals seek to limit court interpreters to the conduit role (Cheung, 2012) and generally frown upon non-renditions. These differing views reflect the conflicting roles that court interpreters are expected to adopt for different primary participants.

Interpreters Behavior and the Roles of Primary Participants

An interpreter's behavior can vary on a "personal basis and according to the status of the original speaker" (Morris, 1995, p. 39). The findings of Jansen (1995), Morris (1995), Cheung (2012), and Gallez and Maryns (2014) all supported Bell's (1984) concept of audience design. This concept suggests that when carrying out their court duties, interpreters adopt varying styles to suit the needs of the different participants in the triadic exchange.

Interpreters tend to exercise more latitude when rendering speech into the lay participants' language than when interpreting into the court language. For instance, Morris (1995, p. 39) reported that court interpreters in the Demjanjuk trial exercised editorial discretion when interpreting the lawyers' utterances to improve overall communication, but they refrained from editing the language of testimonies when translating them into the court language. Lee (2009) found that in Australian courts, court interpreters occasionally considered the lay participant's comprehension when rendering from English into the language of a lay participant. Specifically, the interpreters "sometimes simplified questions, or explained legal terms rather than simply using the equivalent terms in the target language" (2009, p. 47). However, when the addressees are legal professionals, the interpreters are expected to accurately reproduce the lay participants' manner of speech when interpreting into the court language.

The role of the addressee may influence the interpreter's non-renditions behavior. Berk-Seligson observed that textual non-renditions made to account for "the side comments of witnesses and defendants" (Berk-Seligson, 1990, p. 84) tend to be addressed to legal professionals, whereas interactional non-renditions for "prompting the witness or defendants to speak" (p. 87) or for "silencing the witness or defendant" (p. 90) are invariably addressed to lay participants.

In the court interpreting literature, the few previous studies on the relationship between non-renditions and the speaker's role have produced inconsistent findings. In an analysis of ten criminal cases heard at a South African magistrates' court, Lebese (2011) listed ten examples of court interpreters deviating from their prescribed role. Of these ten examples, nine were instances in which the interpreters made non-renditions, and the

tenth involved the use of reported speech. Of the nine non-renditions, only two were addressed to the legal professionals in English, the institutional language of the South African court. The other seven were addressed to lay participants. In contrast, all of the non-renditions recorded by Hale (2003) were addressed to legal professionals in English.

Non renditions and Perceived Impartiality

The roles of court interpreters are controversial (Hale, 2008). Interpreters may overstep their professional position when making non-renditions that are beyond their prescribed roles. In adversarial courtrooms, the contention of the counsel is considered the basis for establishing the legal truth (May, 2005), and the adversarial procedure is characterized by a focus on oral argument and presentation (Fenton, 1997). To facilitate court proceedings, court interpreters are expected to maintain a high degree of impartiality and to produce faithful and accurate renditions (Dueñas González, Vásquez & Mikkelson, 2012; Hale, 2004, 2008; Laster & Taylor, 1994; Moeketsi, 1999). Court interpreters are also required to "exercise the kind of restraint required of a professional in the judicial process" (Ng, 2009, p. 180). Specifically, many experts feel that non-renditions should be avoided in a court interpreting setting, as they consider such utterances to be types of "prodding and prompting" (Ng, 2009, p.180) that are likely to interrupt the flow of the court proceedings and affect how the non-rendition addressees are perceived (Berk-Seligson, 1990, 2002; Gallez & Maryns, 2014).

The controversy regarding non-renditions is related to their potential to give interpreters a power that is not normally prescribed to them. For instance, court interpreters may ask legal professionals to clarify their statements. Such non-renditions

may "[thwart] the lawyers' tactics to maintain control" (Hale, 2004, p. 240) or may be "at odds with a speaker's strategy of ambiguity" (Niska, 1995, p. 309). Thus, legal professionals may not be sympathetic toward an interpreter's use of non-renditions.

Furthermore, when non-renditions are aimed at clarifying the witness's or defendant's utterances, there is a risk that they will alter the authenticity of the testimony and the identity of the speaker (Gallez & Maryns, 2014, p. 73). This type of intervention compromises the perceived impartiality of interpreters, as by making non-renditions they have assumed a type of power normally exercised by legal professionals. Finally, when interpreters make non-renditions, any of the primary parties who do not know the language in which the non-renditions are made are temporarily excluded from the exchange, which may tilt the power balance toward the interpreters. However, it is difficult to debate the effects of non-renditions on interpreter impartiality without distinguishing self-initiated non-renditions (i.e., those initiated by the interpreter) from those prompted by other participants.

It is important to distinguish and investigate these two types of non-renditions as a first step. When producing non-renditions, the interpreter is not conveying the voices of the source language speakers, but is using her own voices (Metzger, 1999) and participating as an active "co-conversant" (Angelelli & Osman, 2007). Therefore, non-renditions may threaten the interpreter's perceived impartiality. When non-renditions are self-initiated, the interpreter may become an active conversation initiator, but when non-renditions are other-prompted, the interpreter may be a passive conversation respondent. The degree of explicit coordination assumed by a conversation initiator is different from that of a conversation respondent. Therefore, these two types of non-renditions may have

different implications for the interpreter's perceived impartiality. This possibility, however, needs to be tested empirically in a future study.

As most of the aforementioned studies have been based on comparative analyses of the source and target languages used in isolated case studies, generalizing their findings is difficult. This study identified instances of non-renditions in a large-scale corpus and analyzed them based on two types of distinctions, namely a) textual vs. interactional non-renditions and b) self-initiated vs. other-prompted non-renditions. This set of distinctions made it possible to identify the interpreters' non-renditions behavior in different languages and to extend the debate on the court interpreters' roles and impartiality.

Methods and the Corpus

The data used in this study were accessed from an on-line corpus, namely *From Legislation to Translation, From Translation to Interpretation: The Narrative of Sexual Offences in the Courtrooms of Hong Kong* (http://cpdb-arts.hkbu.edu.hk). The corpus includes 100 hours of records from five sexual assault cases heard by courts in Hong Kong. The data are verbatim transcriptions of the audio recordings of all five cases. The legal professionals, judges, counsel and prosecutors spoke English, and most of the witnesses and defendants spoke Cantonese. The Cantonese-speaking individuals were assisted by the Hong Kong Judiciary's staff interpreters, who spoke English as a second language.

Non-renditions were treated loosely as additions. However, additions are typically treated as segment-internal (Dam, 1996) additional information that is found in the turns of interpreted segments, and they are usually addressed to the rendition addressees. Non-

renditions are typically segment-external standalone turns, which are generally addressed to the source language speakers. The focus of this study was on the instances of non-renditions as standalone turns.

Findings

Relative Frequency of Non-renditions

Table 1 shows that the frequency of non-renditions was higher in Cantonese than in English. On average, non-renditions made up 8.37% of all Cantonese utterances and 2.39% of the English utterances. Case 5 Witness had the highest percentage of non-renditions in Cantonese (20.42%), and Case 4 Defendant had the lowest (3.72%). Case 3 Witness had the highest percentage of non-renditions in English (7.58%), and Case 4 Defendant had the lowest (0.83%).

Table 1

Frequency of Non-renditions in Cantonese and English

	Cantonese			English		
	Utterance	Non-rendition	(%)	Utterance	Non-rendition	(%)
Case 1 D*	2023	180	8.90	1811	39	2.15
Case 1 W^	938	51	5.44	1178	30	2.55
Case 2 D*	1254	73	5.82	1295	29	2.24
Case 2 W^	869	48	5.52	1067	11	1.03
Case 3 W^	1396	176	12.61	1386	105	7.58

Case 4 D*	1720	64	3.72	2644	22	0.83
Case 4 W^	2094	114	5.44	2979	99	3.32
Case 5 D*	1698	126	7.42	1561	14	0.90
Case 5 W^	1009	206	20.42	4099	37	0.90
Average			8.37			2.39

Note. D* = Defendant; W^ = Witness.

The tendency to use non-renditions varied between individual interpreters. For example, the transcription for Case 3 Witness had the highest frequency of non-renditions in English (7.58%) and the second highest in Cantonese (12.61%), which suggested that this interpreter used non-renditions frequently. Similarly, the transcription for Case 4 Defendant had the lowest frequency of non-renditions in both Cantonese (3.72%) and English (0.83%). However, there was a clear tendency in that there were more instances of non-renditions in Cantonese than in English.

Types of Non-renditions: Textual versus Interactional

As shown in Table 2, the non-renditions in the corpus were divided into two broad categories: textual and interactional. Interactional non-renditions were more common than textual non-renditions in Cantonese, whereas textual non-renditions were more common than interactional non-renditions in English.

Table 2

Frequency of Text-orientated and Interactional-orientated Non-renditions

	Textual	Interactional
Cantonese	25% (n=263)	75% (n=775)

| English | 89% (n=345) | 11% (n=41) |

These two types of non-renditions functioned differently. Most textual non-renditions were made to clarify the words or expressions used by the speakers. There were two types of interactional non-renditions: translational and non-translational. Those made for translational purposes were often concerned with the styles of responses that the interpreters wanted from speakers. These non-renditions included requests to slow down or speak up, or response tokens that functioned as stoppers or continuers. Non-translational types of interactional non-renditions were made when the interpreters assumed the roles of court clerks to carry out such court procedures as administrating oaths/confirmations, reminding witnesses/defendants that during recess they were not allowed to discuss the court case with anyone, or reminding the witnesses/defendants that they were still under oath/confirmation after recess. The relative frequency of interactional non-renditions in Cantonese suggested that the interpreters were more active in taking such coordination roles when speaking in Cantonese.

Types of Non-renditions: Self-initiated versus Other-prompted

The number of self-initiated non-renditions is another parameter that can be used to measure an interpreter's active coordination. In this study therefore, each instance of non-rendition was categorized as either self-initiated or other-prompted, with these two types being mutually exclusive. A self-initiated non-rendition is made by an interpreter without any prompting from anyone else, whereas an other-prompted non-rendition is made when the interpreter responds to prompting by another person. An analysis of the

relationships between the language used in non-renditions and whether the non-renditions were initiated by the interpreter or solicited by others yielded the following observations. Table 3 shows that the number of Cantonese non-renditions solicited by others was negligible compared with the number of self-initiated Cantonese non-renditions. However, self-initiated non-renditions accounted for only about one-third of the English non-renditions, and approximately two-thirds of the English non-renditions were made because the interpreters were prompted by English-speaking legal professionals.

Table 3

Self-initiated vs. Other-prompted Non-renditions

	Cantonese	English
Self-initiated	1031 (99.3%)	136 (35.2%)
Other-prompted	7 (0.7%)	250 (64.8%)

It is essential to distinguish self-initiated non-renditions from those that are prompted. As non-renditions are coordinating in nature, it is tempting to conclude that the interpreters play an active coordinating role in the court process, simply because of the numerous non-renditions in which they engage. Although non-renditions initiated by interpreters may be linked to the interpreter's active involvement, non-renditions made in response to a solicitation by others may not be.

The data revealed that self-initiated Cantonese non-renditions outnumbered other-prompted non-renditions by a substantial margin. However, fewer English non-renditions

were self-initiated than were other-prompted. Accordingly, the data revealed that interpreters varied their behavior to suit the speaker's role in the communicative event. In this corpus, the interpreters adopted a more active role when interpreting for Cantonese-speaking lay participants, and a less active role when interpreting for English-speaking legal professionals. These findings are consistent with the general findings reported in the previous section. The following section presents examples of self-initiated and other-prompted non-renditions, and examines the relationship between these types of speech and the variations in the interpreters' non-rendition behavior.

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Extracts of Non-renditions

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Self-initiated Non-renditions

Extract 1 occurred before the witness provided testimony. In Hong Kong, people taking an oath are asked to hold the New Testament. As the oath is required by law, people who object to swearing on the Bible are allowed to make an affirmation instead. Therefore, determining whether a person will swear on the Bible or make an affirmation before testifying is crucial.

12:	Interpreter	請問妳有冇信教 ceng-man-nei yao-mo seon-gaau *do you believe in any [Christian] faith*
13:	Witness	冇 mo *No*
14:	Interpreter	用英文俾口供中文俾口供

		jung-jing-man bei-hau-gung chung-man bei-hao-gong *are you going to use English or Chinese to testify*
15:	Witness	中文 chung-man *Chinese*
16:	Interpreter	呢度讀妳嘅名大聲讀大聲講嘢吓 ni-dou duk-nei-ge-ming daai-seng-duk daai-seng-gong- je haa *now read you name loudly, out loud*
17:	Witness	本人 ｎｙｔ 謹以至誠據實聲明及確認本人所作之證供均實真實及為事實之全部並無虛言中文 bun-jan n-y-t gan-ji-zi-sing geoi-sat-sing-ming kap-kok-jing-bun jan-so-zok-zi-zing-gung-gwan sat-zan-sat-kap wai-si-sat-zi cyun-bou bing-mou-heoi-jin zung-man *I, n y t, solemnly and sincerely declare the testimony I shall make is the truth the whole truth and nothing but the truth chinese*
18:	Interpreter	n y t affirmed in punti my lord

Extract 1

In turn 12 of Extract 1, the interpreter first attempted to ascertain whether the witness was a Christian believer. In turn 14, the interpreter inquired whether the witness would use Cantonese or English to testify. After acquiring this information, the

interpreter administered an affirmation in turn 16. Finally, in turn 18, the interpreter informed the judge that the witness had been affirmed.

In trials conducted in Cantonese, the clerk to the court administers the oath or affirmation. However, in trials conducted in English, this responsibility belongs to the interpreter, probably because of the interpreter's bilingual ability. There are other similar instances of non-renditions in the corpus. For instance, when the court breaks for a recess or for lunch, it is the interpreter who reminds the witness not to discuss anything related to the court case with others. When the witness returns after the break, it is again the interpreter who reminds the witness that he/she is still under oath to tell the truth. These and other non-renditions in Extract 1 were related to the court procedures, and were categorized as interactional. The instances of non-rendition given in Extract 2 were related to court testimony.

502:	Defendant	我都覺得係唔適合我
		ngo-dou gok-dak-hai m-sik-hap-ngo
		i felt that did not suit me
503:	Interpreter	咩唔適合你啊
		me-m sik-hap-nei aa
		what did not suit you
504:	Defendant	因為我覺得
		yan-wai ngo-gok-dak
		because i feel
505:	Interpreter	乜嘢唔適合你

		mat-je m-sik-hap-nei *what did not suit you*
506:	Defendant	因為我覺得 jan-wai ngo-gok-dak *because i feel*
507:	Interpreter	你答咗我先 nei daap-zo-ngo-sin *you answer me first*
508:	Defendant	嗰啲 go-di *those*
509:	Interpreter	你 nei *you*
510:	Defendant	係 hai *Yes*
511:	Interpreter	乜嘢唔適合你 mat-je m-sik-hap-nei *what did not suit you*
512:	Defendant	我嘅嗰啲新識嘅女朋友唔適合我 ngo-ge go-di san-sik-zi-ge neoi-pang-jau m-sik-hap-

		ngo
		those new girlfriends that I came across to know did not suit me
513:	Interpreter	but very often i felt that those new girlfriends i came across did not suit me
514:	Interpreter	係繼續
		hai gai-zuk
		yes continue

Extract 2

There are several turns of non-renditions in Extract 2. The first two non-renditions, turns 497 and 501, were response tokens that functioned as continuers. The interpreter used these continuers to indicate that the speaker should continue speaking. The presence of these responses demonstrates the complexity of the interpreter's role, as these people are both "listeners taking part in the interaction and eliciting talk from other participants, and translators negotiating the relevance of what needs to be translated, how and when to do so" (Gavioli, 2012, p. 215). The interpreter is therefore in control of the coordination of the exchange. However, in the corpus being studied, most of these response tokens were addressed to Cantonese speakers. The fact that the English speakers were legal professionals may account for the lack of response tokens in English.

The non-rendition in turn 503 was made to clarify the missing subject in turn 502. However, the defendant ignored turn 503 and continued on to turn 504. Then the interpreter made the same non-rendition in turn 505, to clarify the same issue with the speaker. Again, the speaker ignored turn 505 and continued on to turn 506. Consequently,

the interpreter made another non-rendition in turn 507, giving an imperative intended to make the defendant answer the interpreter's question about what the defendant thought was not suitable. After several overlapping turns between the interpreter and the defendant, the interpreter made another non-rendition in turn 511 asking for clarification. Following the defendant's clarification, an English rendition was produced in turn 513.

Non-renditions that functioned as imperatives were prevalent in Cantonese, but missing in English. The non-renditions in turns 507 and 514 were both imperatives, and they may be viewed as orders rather than requests. The difference between an order and a request has to do with optionality and power. In general, the person giving an order is more powerful than the recipient. In this corpus, non-renditions categorized as orders were found in Cantonese only. Similar non-renditions in English usually contained polite markers such as "please" or "sorry," and these utterances were categorized as requests.

Turns 503, 505 and 511 were similar, as each involved asking the defendant to clarify what it was that did not suit him. These non-renditions were very specific, and were caused by grammatical differences between Cantonese and English. The interpreter often needed to request clarifications to come up with grammatically accurate renditions. The next four extracts are examples of such self-initiated non-renditions, made to clarify ambiguities caused by grammatical differences between the two languages.

960:	Counsel	how did he pin you down
961:	Interpreter	佢點撳低妳啊 keoi-dim gam-dai-nei-aa *how did he pin you down*
962:	Witness	用隻手囉

		Jung-zek-sau lo *use hand(s)*
963:	Interpreter	with his hands
964:	Counsel	push or
965:	Interpreter	一隻定兩隻啊 sorry Jat-zek ding leong-zek aa sorry *one or two sorry*
966:	Witness	唔記得喇真係 m-gei-dak la azan-hai *really don't remember*
967:	Interpreter	with his hands or a hand

Extract 3

As shown in Extract 3, in turn 962 the interpreter took the risk of translating the word "hand" in its plural form. After the counsel continued the cross-examination, the interpreter made a bilingual non-rendition in turn 965. The Cantonese component was directed at the witness, to clarify whether the witness meant one hand or both hands. The English component of the non-rendition was directed at the English-speaking counsel, with the interpreter apologizing for cutting him/her off midsentence. In turn 967, the interpreter corrected the rendition made in turn 963, rather than interpreting what the witness said in turn 966. The interpreter initiated the textual non-renditions in turns 965 and 967.

Grammatical differences between Chinese and English may have motivated the interpreter in Extract 3 to initiate the series of non-renditions. Unlike English, Chinese

nouns "are not inflected for gender or number or case" (Li, 1999, p. 77). To specify plural

nouns, classifiers such as number words or adjectives are used (e.g., "three hand" or

"many hand"). The witness in Extract 3 did not specify the number of hands in her reply

in turn 962. The interpreter, however, used the plural form in the interpretation. This

ambiguity led to the self-initiated clarification question in turn 965. The counsel did not

ask the witness if she recalled whether the defendant had pinned her down with only one

hand or with both. Thus, turn 967 was an attempt to correct the interpretation made in

turn 963, rather than an interpretation of turn 966. Turn 966, made by the witness, was

not a response to the counsel's question. Instead, it was a reply to the interpreter, who

needed the information for a grammatically accurate rendition.

Similarly, because Chinese personal pronouns are genderless, interpreters may

require clarification when interpreting speech into English. As shown in Extract 4, the

defendant used a personal pronoun in turn 191. Instead of providing both gendered

personal pronouns in the English interpretation (e.g., "he/she") and allowing a legal

professional to ask for clarification, the interpreter initiated this non-rendition.

191:	Defendant	咁夜晚呢六點零鐘呢佢就要去婆婆度食飯
		Gam je-maan-nei luk-dim-ling-zung-nei keoi-zao-jiu-heoi po-po-dou ski-fann
		in the evening at six, he/she would have to go to grandmother's place to eat dinner
192:	Interpreter	邊個佢
		bin-go-keoi
		who's he/she

193:	Defendant	s k k
194:	Interpreter	s k k would have to go to her grandmother's place to have dinner at around six pm

Extract 4

The interpreter may have made this non-rendition after weighing factors such as efficiency and risk. If the interpreter had not provided a clarification in turn 192 and had instead created a rendition using two personal pronouns (as in the English gloss in turn 191), then the counsel conducting the examination might have been required to seek clarification with the defendant through the interpreter. The counsel's question to clarify the referents of the two pronouns would then have to be translated from English into Cantonese, contributing at least two additional turns to the exchange.

An alternative would have been to make the personal pronoun referent explicit by stating the person's name in the rendition immediately after turn 191. It may have been possible for the interpreter to deduce from the context who the personal pronoun referred to. Furthermore, making the personal pronoun referent explicit in the target utterance might have saved more time. However, generating a rendition that included a name not present in the source language would have been risky, given the legal ramifications of a criminal case. Therefore, in this case, the option of introducing a name did not warrant consideration. Thus, it is possible that the interpreter initiated this particular non-rendition for clarification, both to save time and to minimize risk.

In addition to genderless personal pronouns in the source language, the use of null subjects was another reason the interpreters made non-renditions, as shown in Extract 5.

281:	Witness	抹咗我上面嗰啲嘢囉

		Maat-zo ngo seong-min go-di-je lo *wiped off the thing on me*
282:	Interpreter	大聲啲好無啊 Daai-seng-di hou-mou-aa *louder please*
283:	Witness	抹咗我身上面嗰啲嘢 Maat-zo ngo seong-min go-di-je *wiped off the thing from my body*
284:	Interpreter	佢抹嘅? Keoi-maat-ge *he/she wiped?*
285:	Witness	係啊: hai-aa *Yes*
286:	Interpreter	he wiped off a… the thing on my body

Extract 5

Extract 5 began with a question from the prosecutor in turn 279, which the witness answered in turn 281. However, the subject of the sentence was missing in the reply. In response, the interpreter uttered an interactional non-rendition, asking the witness to speak up. In turn 283, the witness repeated the null-subject reply, which literally meant, "wiping off things from my body." The interpreter then clarified the request for the subject of the sentence, i.e., the person who was doing the wiping. It is possible to deduce from the previous turns that the witness was referring to a "he,"

possibly the defendant facing the sexual charge. However, the interpreter could not include a personal pronoun, the name of the defendant, or the word "defendant" in the English rendition, because the witness did not mention any of these in the reply. If the interpreter had chosen to add one of these words, the examination process might have been hastened, but the rendition would have been challenged. However, an English rendition without a subject might have been confusing, and thus the interpreter initiated the non-rendition in turn 284. It is noteworthy that the interpreter disambiguated the deictic of the subject person, but did not clarify what the witness meant by "wiped off the thing from my body" leaving the ambiguous word "thing" as a possible reference to semen in the English rendition. This observation suggests that the interpreter was concerned chiefly with producing an accurate rendition, and wanted to produce a grammatically correct sentence in the target language. The interpreter left untouched the ambiguity over what exactly was wiped off the witness's body.

In addition to addressing the grammatical differences between Chinese and English, the interpreters often made non-renditions to clarify semantic differences between the two languages. In Extract 6, the interpreter clarified a polysemy.

647:	Witness	咁之後…佢就…咁因為…跟住□□□陣間 gam-zi-hau…keoi-zao…gam-yan-wai…gan-zyu-keoi fan-zo-zan-gaan *then he…then he… slept/ lay down for a while*
648:	Interpreter	□□□度定係□著□一陣間啊 fan-zo-hai-dou ding-hai fan-zoek-zo yat-zang-gaan-aa *lying down or being asleep for a while*

649:	Witness	□著□ fan-zeok-zo *being asleep*
650:	Interpreter	then he slept for a short while

Extract 6

In this extract, the word in question is defined as "to be asleep or to lie down" in Cantonese. Accordingly, in turn 648, the interpreter initiated a non-rendition to clarify the meaning of the word. In this case, the interpreter had several options: providing either of the potential translations, providing both translations for the counsel to clarify, or seeking clarification directly from the witness. In Extract 6, the interpreter used a non-rendition to clarify the ambiguity with the witness directly, thus potentially accelerating the process and reducing the ambiguity in the court record.

The non-renditions in Extracts 3 to 6 may have been motivated mainly by linguistic differences between the source and the target languages. Therefore, these utterances can be considered as loosely falling within the interpreter's role. However, the non-renditions in the next extract were unlikely to have been motivated by differences between the two languages, and therefore cannot be considered, however loosely, to be within the interpreter's role.

856:	Counsel	anything else
857:	Interpreter	仲有冇其他地方 zung-yau-mou kei-taa-dei-fong *anywhere else*
858:	Witness	yi-zai-aa

		yee-tsei-ah *ear*
859:	Interpreter	on my ear
860:	Interpreter	仲有冇啊 zung-yau-mou-aa *anywhere else*
861:	Witness	冇吖 mo-aa *No*
862:	Interpreter	that's it

Extract 7

In this corpus, non-renditions that functioned as follow-up questions were only found in Cantonese. Follow-up questions were usually asked by legal professionals examining the witnesses. However, the above extract was an example of an interpreter clearly stepping out of his or her prescribed role. In this case, the interpreter made a non-rendition in turn 860 to ask a follow-up question that might or might not have been posed by the counsel. When making non-renditions categorized as follow-up questions, interpreters function almost as the counsel's proxy.

An interpreter making a non-rendition that functions as a follow up question may be highly experienced, or may have negotiated the particulars of the interpreting process with the legal professionals. Unlike the previous extracts in which the non-renditions were motivated by an interpreter's need to overcome differences between the two languages, the interpreter in Extract 7 did not clarify with the witness whether the

defendant kissed her on her left ear, her right ear, or both ears. Instead, in turn 858, the interpreter presented the noun ear in its singular form. Then, immediately after interpreting the witness's response that the defendant also kissed her on her ear, the interpreter (without being prompted by the counsel), asked whether the defendant had kissed her anywhere else. The non-rendition in turn 860 may have been motivated by the question from the counsel in turn 856, in which the witness was asked if the defendant kissed her anywhere other than her lips.

Probably because of the courtroom hierarchy, non-renditions that functioned as follow-up questions were found only in Cantonese in the corpus under examination. As such follow-up questions should have been asked by the counsel, the non-rendition in Extract 7 can be seen as an example of an interpreter overstepping professional boundaries. The monolingual witness would have been unable to discern whether the follow-up question was part of the original question. It is possible that this follow-up question was non-pertinent and had no critical legal implications, as the record shows that the counsel continued examining the witness. Alternatively, the counsel may have been unaware of, or may not have understood the follow-up question. It is also possible that before this incident, the counsel and the interpreter had negotiated their professional boundaries, and that the counsel had adapted to the interpreter's interpreting style. Extract 8 shows a type of non-rendition that was found only in Cantonese.

110:	Defendant	☐
		uh
		Uh

111:	Interpreter	係咪咁啊 hai-mai-gam-aa *yes or no*
112:	Defendant	係啊 hai-aa *Yes*
113:	Interpreter	yes

Extract 8

Interpreters also cross their professional boundaries when they instruct lay participants on the way to answer a question. Extract 8 is an example of a defendant using an interjection to respond to a question posed by the counsel. Such a spoken interjection may have different meanings based on the context or the speaker, among other variables. It is possible to deduce what a spoken interjection may mean, but it may be risky for an interpreter to exercise discretion in this matter. In a criminal case, all responses to the counsel's questions may have legal implications, and the interpreter must manage the interpretation with care. The safest approach is for the interpreter to "just translate" by repeating the interjection, and thus allow the counsel to clarify its meaning with the defendant. In this example, however, the interpreter initiated a non-rendition in turn 111 by requesting the defendant to provide a yes-or-no response.

In Extract 8, the manner in which the interpreter addressed the spoken interjection warrants examination. It is both conservative (because the interpreter did not make a discretionary interpretation of the interjection) and liberal (because the interpreter instructed the defendant to provide a yes-or-no response). The interpreter-initiated non-

rendition in turn 111 ensured the efficiency of the examination process, which progressed without any obstructions from the legal professionals. However, the interpreter may have crossed a professional boundary, because it is unclear whether an interpreter should instruct a witness or defendant on how to respond to a query.

Other-prompted Non-renditions

Thus far, the focus has been on self-initiated non-renditions. The following discussion focuses on non-renditions prompted by others. Extract 9 is an example giving several turns of non-renditions that were made in response to a judge's requests.

27:	Interpreter	the standard would be according to the technique of the players
28:	Judge	to what
29:	Interpreter	the technique
30:	Judge	to what of it
31:	Interpreter	the standard would be according to the technique of the players

Extract 9

Another reason that interpreters make non-renditions is to aid the work of legal professionals. In trials conducted in English, the English renditions are addressed to the examining legal professionals, but other English-speaking legal professionals also rely on the English renditions to follow the examination. In Extract 9, the defendant was being examined by his counsel, and therefore the English renditions were chiefly addressed to the counsel, as in turn 27. However, the non-renditions in turns 29 and 31 were prompted by the judge, who was supposedly taking notes of the interpreted testimonies. Thus, the

judge, prosecutor and counsel were all relying on the English rendition of the Cantonese

utterances made by the testifying defendant. Legal arguments and decisions are generally

made on the basis of English renditions in a trial heard in English. The large number of

people relying on the English renditions increases the number of requests for clarification

or repetition from the English speakers. This situation causes more non-renditions to be

made in response to these participants' requests. Therefore in this corpus, the frequency

of other-prompted non-renditions was higher in English than in Cantonese. However, as

Extract 10 shows, English-speaking legal professionals who understood Cantonese also

closely followed the Cantonese renditions, leading to non-renditions from the interpreter.

596:	Interpreter	□妳就話 eh 第一次侵犯完妳之後呢跟住妳去□打羽毛球　　　　　□嘛係咪？ Naa-nei-zau-waa eh dai-yat-ci cam-fann-yun nei zi-hau nei gan-zyu-nei heoi-zo-daa yu-mou-kau gaa-maa hai-mai *you said after the end of the first assault you went off to play badminton, yes or no?*
597:	Witness	係 hai yes
598:	Interpreter	Yes
599:	Judge	did you play ten
600:	Witness	打網球

		daa-mong-kau *play tennis*
601:	Interpreter	打網球係 da-mong-kau-hai *play tennis yes*
602:	Counsel	the interpreter said badminton my lord
603:	Interpreter	sorry i correct

Extract 10

There are two turns of non-renditions in Extract 10, and they indicate that interpreters work under constant scrutiny. Turns 601 and 603 were both prompted by others rather than initiated by the interpreter. In turn 599, the judge's utterance was cut off by the witness's attempt to correct an error in turn 600. The non-rendition in turn 601 was made in response to turn 600. Immediately after this non-rendition, the counsel also informed the bench of the semantic shift in turn 602, triggering an English non-rendition in turn 603 that was addressed to the English-speaking legal professionals.

The difference between the Cantonese and English non-renditions suggested that the interpreters treated the legal participants more courteously than they treated the lay participants. The non-rendition in turn 601 was addressed directly to the witness, who in the preceding turn had corrected the interpreter's error. Turn 603, however, was addressed to both the counsel (who informed the bench of the interpreter's error) and the judge (whose attention was caught by the counsel's utterance in turn 602). In the English non-rendition, the word "sorry" was used as an apology, whereas no apology was made in the Cantonese non-rendition addressed to the witness.

In addition to treating the legal participants more courteously, the interpreter may act as an aide to the legal professionals, as shown in Extract 11.

322:	Counsel	read out this aloud could you please mister interpreter
323:	Interpreter	thank you i said it hurt
324:	Counsel	read the chinese first
325:	Interpreter	oh thank you
326:	Interpreter	我講痛啊及大叫 ngo-gong tung-aa kap daai-giu *i said it hurts and scream*
327:	Counsel	in english
328:	Interpreter	i said it hurts and screams

Extract 11

Due to courtroom hierarchy, legal professionals may require interpreters to perform certain tasks that are not matters of translation, leading to the occurrence of non-renditions. For tactical reasons, when examining a witness, the defense counsel may want to use a previous statement by the witnesses for the benefit of the party they represent. In Extract 12, the interpreter was instructed by the counsel to read a particular passage. Turns 323, 325, 326 and 328 were all non-renditions made in response to the counsel's instruction. As in Extract 11, the interpreter in Extract 12 seemed to be acting as a bilingual aide to the counsel. In the corpus being studied, no Cantonese speakers gave similar instructions to any interpreters, perhaps because of the power relationships between the courtroom participants. In general, the more powerful parties were more

likely to gain assistance from others. This pattern was reflected in the fact that more of the non-renditions designed to provide assistance were in English rather than Cantonese. Extracts 8 to 11 are all examples of other-prompted non-renditions that were responses to personal solicitations. Extract 12 gives an example of non-rendition made in response to a general solicitation.

222:	Interpreter	之後妳再有冇私底下見過佢啊 Zi-hau nei zoi-yau-mou si-dai-haa gin-gwo-keoi aa *Cantonese rendition of the preceding turn*
223:	Witness	冇啊 mo-aa no
224:	Interpreter	no
225:	Prosecutor	did you continue to play badminton
226:	Interpreter	咁妳有冇繼續打羽毛球啊 gam nei yao-mou gai-zuk-daa yu-mou-kau-aa *Cantonese rendition of the preceding turn*
227:	Witness	有啊 yao-aa Yes
228:	Interpreter	yes

229:	Judge	so you didn't see him again privately
230:	Interpreter	privately right

Extract 12

A non-rendition may also indicate that the interpreter can exercise certain interactional discretions. In turn 229 of Extract 12, the judge sought to confirm the witness's answer to the prosecutor's question in turn 221. Rather than interpreting the judge's query into Cantonese for the witness's response, the interpreter answered the judge's query with a non-rendition. In this turn, the answer was only a confirmation of an answer given in a previous turn, and thus the answer was already in the court record. However, in the non-rendition in turn 230, the interpreter exercised interactional discretion when responding to the judge's request for confirmation.

Conclusions

This study shows that court interpreters vary their use of non-renditions according to the source speaker. Court interpreters make different types of non-renditions at different frequencies when interpreting the speech of lay participants or that of legal professionals.

Court interpreters are required to be impartial and to exhibit no favoritism when performing their court duties. However, the skewed distribution of non-renditions suggests that court interpreters are not entirely impartial, and that their biases reflect court hierarchies. The patterns identified in the uses of non-renditions suggest that interpreters

assume different roles when producing different types of non-renditions, and that these multiple roles can affect their impartiality. The interpreters were found to be active coordinators when using Cantonese, because most of the Cantonese non-renditions were self-initiated, and most English non-renditions were prompted by English-speaking legal professionals.

Some non-renditions may be essential to ensure the accuracy of interpretation. However, it is unclear how the various participants perceive non-renditions. When interpreters make non-renditions in a courtroom, what are the effects, if any, on their perceived impartiality? If impartiality is defined as exhibiting no favoritism when performing court duties, does varying non-rendition behavior when interpreting to lay or to institutional participants suggest that the interpreters are not fully impartial? The findings of this study indicate that the types and frequencies of non-renditions are related to the asymmetric power relations in the courtroom. Does the presence of non-renditions weaken, strengthen, or maintain the power asymmetry between lay and institutional participants? These and other questions should be the focus of future research.

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