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香港法庭口译员角色

# 厦 门 大 学

## 硕 士 学 位 论 文

### 香 港 法 庭 口 译 员 角 色

#### On the Role of Court Interpreters in Hong Kong

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## Abstract

The colonial heritage leaves Hong Kong with a bilingual court, where two languages, Cantonese and English are spoken, operating in Common Law, according to which, the truth in court is decided by the jury. Therefore prosecutors and the defense attorneys will use some language strategies to persuade the jury into their story, which makes the court room an adversarial one. Moreover, as two languages are involved in the Hong Kong court, the interpreters have to participate so as to bridge the communication between the Cantonese-speaking and English-speaking parties.

By analyzing the online corpus “From legislation to translation, from translation to interpretation: The narrative of sexual offences”, which includes five rape cases heard in the higher courts, the paper discusses three strategies used by the interpreters in the Hong Kong court from the perspective of the speaker and the hearer which are two important words in Goffman’s footing theory. The three strategies, including the shifting between direct and reported speech, interjection, and the selection of recipients, demonstrate interpreters’ active participation in the court proceeding rather than playing the role of a non-participant.

According to Goffman, the footings of the speaker could be divided into three categories which are the animator, the author, and the principal. As for the hearer, Goffman decomposed the hearer’s role into a number of more subtle distinctions through what he refers to as the ‘participation framework’. The paper discovered that the interpreters change the role from the animator to the author or even the principal of the source language by shifting from direct speech to reported speech. In addition, the interpreters take the role of the author when they interject to interpret a previous interrupted utterance or to clarify with the source language speaker. However, as the victims of the five cases discussed in this paper are minor females, the interpreters would take their comprehension ability and psychological endurance into account, thus simplifying some information or offering opinions for them resulting in the

footing shift from the animator to the principal. As for the role of the hearer, the paper discusses that the interpreters, to express the emotion of the source language speaker, would use different Cantonese utterance-final particles in different situations indicating the interpreters' selection of the different recipients.

The three strategies indicate that interpreters in the Hong Kong court would actively change their footings when different situations occur so as to facilitate the interaction in court. In this way, they are not the conduits any more, but active participants.

**Key words:** footing; reported speech; interjection; recipient

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## 摘 要

由于历史原因，香港法庭使用与中国大陆截然不同的普通法并且具有双语的特点。根据普通法的规定，其刑事法庭的事实裁判由陪审团做出。因此法庭语言呈现明显对抗式，检控官与辩方律师通过技巧性提问从证人身上得到他们想要的事实并说服陪审团相信他们所呈现的事实。另外由于香港法庭具有双语的特点，因此需要口译员参与来促进粤语使用者与英语使用者的沟通交流。

本文通过对 5 个强奸庭审录音的分析，借助伊坦·戈夫曼的话语立场理论，从说话者和听话者的两个角度出发，得出香港法庭口译员通过三种策略：对第一、第三人称的选用，打断话轮，以及对粤语语助词的选用不断变换其话语立场，积极参与到法庭庭审中，而不是仅仅充当传话筒。通过直接引语与间接引语间的转换，译员的话语立场从话语说出者转化为话语作者甚至是代言人。为了忠实地译出源语信息，译员打断源语发言人向其求证或完成之前被打断的翻译从而成为话语的作者；由于本文中的 5 个强奸庭审受害者都是未成年人，出于对未成年人的理解能力及心理承受能力的考虑，译员通过简化语言，插入鼓励性语言甚至提出建议以促进庭审交流的正常进行，与此同时承担其话语作者及代言人的角色。而香港法庭与大陆不同之处不仅限于法律系统的不同，更在于语言的不同。粤语语助词对传达句子的语气和情感起了很大的作用，通过语助词的选用，译员表达出了源语发言者当下的情感。译员出于对不同信息接收者的考虑，会选择不同的语助词来达到预期应达到的效果。

从以上的三个策略可以看出香港法庭口译员通过对源语发出者与目的语接收者做出积极的判断，转换自己的话语立场，从而成为法庭中的积极参与者。

**关键词：**话语立场 间接引语 打断 信息接收者

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## **Chapter One Introduction**

### **1.1 Research Background**

Hong Kong is a predominantly Cantonese-speaking society, but its law is modeled on the English Common Law system, whose criminal justice system is founded on the fundamental principle of trial by jury featuring an adversarial trial process.

Part of Hong Kong's British colonial heritage is a Common Law legal system. The colonial heritage means that courts can operate in English, in spite of the fact that around 95% of Hong Kong residents are Chinese, and this is still quite common in higher courts, particularly when non-Chinese judges or lawyers are involved as in the cases referred to in this study. The Hong Kong judiciary employs more than 150 full-time court interpreters who provide interpreting services between Cantonese and English. Since witnesses mainly speak Cantonese, the Cantonese interpreting is in great need when courts operate in English. And the jury in Hong Kong normally consists of local Chinese who are expected to have at least some knowledge of English.

### **1.2 Research Objective and Rational**

Numerous studies and investigations have been done within the scale of interpreting and Goffman's footing shift, however, the combination of the two has rarely been discussed.

This paper would focus on the court interpreting in criminal courts of Hong Kong, as it is stipulated by the law that the higher courts have to perform in English if a criminal case is involved, which means the participation of court interpreters is a necessity. But for a civil case, there is no such a stipulation.

By virtue of applying footing theory into court interpreting, from the perspectives of speakers and listeners, the paper aims at discovering the different

footings court interpreters take in the trial, distinguishing the information recipients intended by them and the strategies they apply to being active participants in court. By doing so, the thesis expects to shed some insight into the role and the performance of court interpreters, would-be interpreters and all the legal practitioners in the court room.

Research on interpreting in face-to-face interaction has tended to focus on the ways in which the performance of the interpreter impinges on the nature of the interaction, especially in institutional contexts (Berk-Seligson 1990; Wadensjö 1998; Davidson 2000; Roy 2000; Hale 2004). Some studies have promoted an ideal of the 'invisible' interpreter, reflecting a prescriptivist tradition in research on translation in general, and have sought to identify particular types of interpreter behavior as problematic. Nevertheless, in recent years researchers have pointed out that the presence of the interpreter inevitably affects the interaction and have increasingly argued for the recognition of interpreters as participants in their own right (Wadensjö 1998; Davidson 2002). Therefore, the author has every reason to believe that court interpreters in Hong Kong, where most interpreters work as public servants and in full time, will facilitate the processing and safeguard the rights of every participant through constantly changing their footing.

### **1.3 Research Hypothesis**

The various stances taken by the interpreters, as is argued, towards the other participants would have powerful implications on the non-English speaking parties in court in terms of their participation in the proceedings. Sociolinguistic studies of variation in the courtroom have shown that individuals whose language variety or speech style differs from that of legal professionals are likely to be evaluated negatively by judges or jurors (O'Barr and Atkins 1980; Wodak 1980). Similarly, Berk-Seligson (1990) found in experiments with mock jurors that the perception of a witness whose speech is being translated is affected by the interpreter's speech style.

The findings of these studies suggest that interpreters take some tactics to assist



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