
| RESEARCH ARTICLE

Tackling Issues of Court Interpretation through Listening Skills and Language Awareness of World Englishes

Wong Chor Yiu

Visiting Fellow, Department of Linguistics and Interpretation, City University of Hong Kong, Hong Kong

Corresponding Author: Wong Chor Yiu, **E-mail:** ccywong@cityu.edu.hk

| ABSTRACT

This article aims to address the issue of dealing with varieties of English, namely upper and lower class English, and the paralinguage (use of stress and punctuation) within translation and interpretation. The study will use some episodes taken from a popular BBC television series entitled 'The shadow of the Noose' and from the film noir 'The Raging Tide' as a context to introduce the importance of how stress, punctuation, and pauses can turn a hopeless court case, as described in The shadow of the Noose, into a winning case. This provides much insight for interpreters to take non-verbal clues into account in their process of rendering the meanings conveyed by the witnesses apart from the content of the message.

| KEYWORDS

Cultural resonance, World Englishes, Listening skills

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1. Introduction

Listening skills embrace passive listening skills, attentive listening skills, and active/emphatic listening skills (Janasz, A., Dowd, K.O. Dowd & Schneider, B., 2019). In the case of court interpreting, usually, the skills of active listening are specifically needed for making sense of the information received, as is the storing of information in short-term memory (Gile, 2009). Listening skills are ranked the highest in terms of difficulties faced by students in my LT2371 CAI class in impromptu interpretation, along with sentence structure, accounting for 38.89% and 38.89% of difficulties, respectively, in a Question Pro analysis. Thus, there is a necessity to address this issue by designing a lesson that focuses on listening skills and non-verbal communication.

Paralanguage is regarded as a subset of non-verbal communication, and it includes tone of voice, volume, pitch, and speech rate (Schermerhorn, J. R., & Bachrach, D. G., 2015). In this article, only pause, stress, and punctuation will be focused on to narrow the research to a few salient points since these alone entirely changed Annie's court outcome from a verdict of the wilful murder of her child to being acquitted. Another significant feature that interpreters need to grasp is the lexical items covering Lower class, Middle-class, and High-class English, including slang used by people from different working domains. This is essential in order to understand the meaning and produce a faithful translation. Two excerpts from authentic materials were employed to design two lessons under the theme of court interpreting.

2. Literature review

Famous scholars have provided numerous definitions regarding the process of translation, but little is known about addressing the complex picture of the idea expressed by the speaker through pauses in speech and punctuation in written correspondence. Among the scholars, Newmark (1981) described translation as 'a craft consisting in the attempt to replace a written message and/or statement in one language by the same message and/or statement in another language.' Undoubtedly, interpretation is a craft or skill that involves the interpreter's choice of replacing the speaker's message with an equivalent message. Such interpreting craftwork is analogous to the craft of creating an art piece. As Dickey (2020) suggests, craftworkers 'are not slaves to the business', as they have the choice of producing the right product that caters to the needs of customers with the available materials given. Acting in a similar vein, the interpreters won't interpret every speech the same way; they will craft their interpretation in accordance

with the situation and the available resources to 'provide literate rather than literal' interpretation (Wolf, 2011). Of course, Nida provides a more profound definition regarding this because, according to him, 'translating consists in reproducing in the receptor language the closest equivalent of the source language message, first in terms of meaning and secondly in terms of styles.'

According to the Text-type model of Reiss's work (Munday, 2012), the text types are divided into three categories in which court interpretation tends to be 'informative' and requires interpreters to render the messages of the speakers by being content-focused. Among various text types, court interpreting is perceived to be one of the most daunting tasks since interpreters need to achieve full accuracy in their interpretation. The introduction of recording systems in Hong Kong courtrooms has further made the task of court interpreting even more stressful, with the possibility of being challenged through an evidence-based approach (Cham & Li, 2019).

3. Statement of the problem

The issue of ambiguity has been raised in most research, and it is considered to be a mammoth barrier for student interpreters to overcome.

4. Importance of the Article

To develop a way to help students to cope with word ambiguity in court interpretation by designing a lesson that exposes them to the issue of comprehending the meaning of words in context through the use of authentic materials from 'The Shadow of the Noose' and 'The Raging Tide'.

To find out the issues that pose a lot of difficulty from the students' perspective regarding listening.

5. Background Information about 'The Shadow of the Noose' and 'The Raging Tide.'

The Shadow of the Noose is a BBC television series about the true-life cases of the celebrated British barrister Sir Edward Marshall Hall. In the episode 'Gone for a Soldier', Marshall Hall defends Annie Dyer, who has been charged with the wilful murder of her baby daughter. Annie Dyer is a maid in the household of Captain James Fairbrother and Lady Frances Fairbrother. She is persistently seduced by Captain Fairbrother, initially against her will but leading ultimately to a sexual relationship and pregnancy. Lady Fairbrother finds out about the pregnancy but does not suspect her husband's involvement at the time. She is sympathetic towards Annie and offers her help. However, Annie rejects the offer, leaves the Fairbrother household, and finds lodgings with Mrs. Favell, who already has a lodger called Mrs. Flood. Shortly after the baby is born, Annie leaves the lodgings, and the baby is never seen alive again. Suspecting foul play, the police are informed. Annie is arrested at the home of her sister, Mrs. Blackett, and confesses to killing her baby and hiding it in a box. The body of the baby is found, and on the basis of her apparent confession, Annie is charged with its wilful murder.

In the meantime, the infidelity of her husband and his involvement in Annie's pregnancy dawns on Lady Fairbrother. She arranges for the barrister Sir Edward Marshall Hall to defend Annie against the crime for which she is charged. In the trial, Marshall Hall provides no evidence of his own in Annie's defense but bases his case entirely on providing alternative interpretations of the testimonies of witnesses for the prosecution. On the basis of his arguments, the jury, without retiring, return a not guilty verdict.

The Raging Tide (1951) is an American film noir set in San Francisco. Essentially, the film concerns the investigation of the murder of a local gangster by a rival. To avoid the police, the murderer stows away on a fisherman's boat. In this extract, Lieutenant Kelsey, who is heading the murder investigation, interviews "General" Ball, a member of a group of vagrants who gather around Fisherman's Wharf. Lieutenant Kelsey has a particular interest in the whereabouts of a fisherman called Corky Mullins, who mysteriously disappeared shortly after he had apparently purchased a car.

6. Addressing the issue with a pedagogy based on context

The excerpts from the court case from 'The Shadow of the Noose' will be used in my interpretation lesson. First, students will be asked to listen to the audio and answer a few questions regarding this drama.

- 1) Did Annie Dyer kill her baby wilfully (Mens Rea)?
- 2) On what grounds was Annie Dyer acquitted? How was the language used to miraculously turn a seemingly losing case into a victory?

After getting students to listen to the dialogues between different interlocutors, questions were asked to check students' comprehension of the topic and the critical point of winning a court case through the terminological and non-verbal communication strategies used by the barrister called Edward Marshall Hall.

7. Discussion

As interpreters, we need to have both verbal and non-verbal language awareness in order to interpret accurately and intelligibly. As speech can be interpreted in different ways depending on the context, the use of stress or pauses can actually alter or change the meaning expressed by a speaker. In other words, it is not so much a matter of what is said but how it is said. 'How can anyone get rid of a baby such as you' is a good example to show the importance of stress in portraying the image of Annie as a mother that is not 'cold' and 'heartless' as accused by the prosecutor.

The importance of listening skills is also advocated by a famous former Hong Kong interpreter, Mr. Cheng Yang-ping, who worked in Sino-British conferences.

Students need to understand English expressions used by people from lower social classes. For example, 'In I goes' is incorrect verb conjugation, but it is a phrase used by some people with a lower-class background to actually mean 'I go in.' The ungrammatical nature reflects that they might be uneducated.

Also, members of society's lower-classes tend to use double negatives very often in their utterances, as exemplified in 'There ain't no other way to feed a baby', as well as 'you never told me of no baby.' This usage requires interpreters to have a grasp of language awareness and background context to comprehend meaning thoroughly.

In contrast to lower English, some expressions used by the middle or high classes can be observed. For example, the prosecutor used the more sophisticated word 'transpire' instead of 'happen'. The lawyer also used 'I bow to your expertise' to express a kind of respect to Mrs. Flood, who is a witness from a lower class. Again, he replaced 'gap' with 'gulf' to more strongly emphasize that not all actions carry an intentional motive, illustrating the difference between intent, execution, accident, and treachery.

Language awareness also involves understanding idioms since these carry culturally significant elements. For example, in the title of *The Shadow of the Noose*, 'shadow' indicates a dominating threat causing the people to fear, and 'noose' implies the hanging of a person who is proven to be guilty and reflects the former UK system of the death penalty, which also provides some historical background. Again, 'bold as brass' is an idiom meaning someone being confident in an impolite manner.

In linguistics, 'Standard English' is a term used to describe a variety of English that is regarded by educated people as proper for many types of public discourse (Jenkins, 2003), including broadcasting, official publications, education, and the law. There is no universal standard of English, and each of the main English-speaking countries has developed its own version. However, the differences between the versions are fairly insignificant. Non-standard English is a term that is used to describe varieties of English that differ significantly from Standard English and from each other in terms of grammar, vocabulary, and pronunciation. These Non-Standard English dialects are numerous and may be regional or social in origin. In Britain, for example, Cockney, Brummie, Scouse, and Georgie are regional English dialects. But communities such as hippies or prison inmates might, over time, generate their own distinctive English dialect. Standard English is often used as a benchmark against which Non-standard English regional and social dialects are compared, but it is an English dialect in its own right. Although Non-Standard English dialects are quite distinctive, they do have some characteristics in common. Two of the most common characteristics are the use of slang and grammatical contractions, both of which are evident in the interrogation transcript.

Slang is a style of language in which a commonly accepted word or phrase is substituted by a word or phrase that is restricted to a particular region or social group. However, because of social mobility, slang words and phrases may spread beyond the region or group in which they originated. Be that as it may, in Geordie slang, "canny" means "good," "howay, man" means "hurry up," and "gannin yem" means "going home," and it is unlikely that any of these words or phrases would be used outside the region in which Geordie is spoken. For the common phrase "can I have a look," a Geordie would say "giz a deek," whereas, for the same phrase, a Cockney would say "let's have a butcher's."

A contraction is a shortened form of a word or a group of words that omits certain letters (in writing) or sounds (in speech). In written language, the omitted letter or letters is represented by an apostrophe. The most common contraction is when two words are joined and a letter or letters omitted; for example, "I am" becomes "I'm", "they are" becomes they're, "was not" becomes "wasn't", "I will" becomes "I'll" (note that two letters are omitted in this case), and "they would" becomes "they'd" (note that four letters are omitted in this case).

Table 1. Slang in the Interrogation

Monkey about	fool about
The tank	North American slang for prison. Other slang terms include "the jug", "the cage", "the lock-up", "the clink", "the boot" (Australian), "the nick" (British)
Vag charge	vagrancy charge
Swarmy	a sleazy, sneaky, sweaty, unscrupulous person
Chief	a word used in certain contexts, sometimes sarcastically, to acknowledge the superiority, authority, or dominance of a person in relation to oneself. In Britain, the terms "guv'nor" ("gov" for short) and "boss" are used in a similar manner.
Sirree	A North American slang word is usually used to emphasize yes or no answers, as in "yes sirree" or "no sirree". In this case, sirree might be emphasizing "a regular".
Indian scout	A person of Native American origin who worked as a scout for the American Army.

7.1 Contractions in the Interrogation

Numerous contractions are used during the interrogation by both "General" Ball and Lieutenant Kelsey, their derivation being self-evident. However, one contraction is of particular interest. Ball uses the contraction "ain't" on three occasions, but each time with a different meaning. On the first occasion, he says, "That's natural, **ain't** it ." In this instance, he is saying, "That's natural, isn't it?". So "ain't" is being used as a substitute for the contraction of "is" and "not," namely, "isn't". On the second occasion, he says, "I **ain't** no swarmy". In this instance, he is saying, "I am not no swarmy". So "ain't" is being used as a substitute for the words "am" and "not". Note that the sentence has a double negative. I'll come back to that later. On the third occasion, he says, "He **ain't** got no car". Note the sentence again has a double negative. In this instance, he is saying, "He has not got no car". So "ain't" is now being used as a substitute for the contraction of "has" and "not", namely, "hasn't".

7.2 Idioms in the Interrogation

An idiom is a group of words that has a meaning which cannot be deduced from the individual words. For example, "over the moon" is an idiom that means "very happy", but it would not be possible to deduce this from the words "over" and "moon". Other common idioms include "bite the bullet", "hit the sack", "beat about the bush", "stew in your own juice", and "a chip off the old block".

In the interrogation, Ball says, "Even his boat's owned by a woman who's sweet on him". "Be sweet on" is an idiom with a similar meaning to "have a crush on". Essentially, it means having romantic feelings for someone.

7.3 Irregular Grammar in the Interrogation

The most obvious grammatical irregularity in the interrogation is the use of the double negative. Put simply; a double negative is where two negative words are used in the same sentence. In doing so, it turns the sentence into a positive one. For example, the sentence "I'm not going to eat no grapes" has double negatives, namely, "not" and "no". Logically, if one is not going to eat no grapes, then one is going to eat some grapes. In other words, the two negatives make a positive. To be consistent with what is considered correct grammar, the speaker would have said, "I'm not going to eat any grapes" or "I'm going to eat no grapes. Likewise, the sentence "I'm not going on no trip" actually implies that one is going on a trip. To avoid the contradiction, the speaker could say, "I'm not going on any trip," or "I'm going on no trip."

In the interrogation, double negatives are used on three occasions. Listed in order, these are as follows:

The unidentified speaker says, "You were never no Indian scout", the double negatives being "never" and "no."

Ball says, "I ain't no swarmy", the double negatives being "ain't" and "no".

Ball says, "He ain't got no car", the double negatives again being "ain't" and "no".

There is one other obvious instance of irregular grammar. Ball says, "She couldn't of or I'd have knowed it" Using what would be considered proper English, he would have said, "She couldn't have, or I'd have known it.

7.4 Findings/Solving the problems

One solution to improve students' listening skills is to let students have exposure to authentic materials on various topics so that their ears can become attuned to different accents and also become sensitive to the meaning of a term that can only be determined in terms of the context in which it is used.

Presenting the topic in context is also effective in helping students to deal with the word ambiguity in doing the interpretation task, as the context makes the meaning of words clear and helps students to activate their schemata about this theme at the same time.

8. Limitation of the study

Due to the lack of funding, the study didn't address the reality of how court interpreters tackled the issue of English expressions in a Hong Kong setting through empirical research by qualitative analysis of interviews.

9. Future research direction

The future research direction would involve getting the data from Hong Kong graduates who are currently working as court interpreters to show the ways they tackled the difficult or ambiguous issues arising from a court case, in reality, to complement my teaching with proven evidence and justifications.

10. Conclusion

In conclusion, this authentic scene case recommended by my previous teacher, Mr. Gwyn Edward, provided much insight and inspiration for the interpreter trainees in tackling the language chunks or expressions that prevented them from understanding the speaker's message. In order to perform a good interpretation, it is suggested that interpreters need to broaden their horizons by immersing themselves in understanding idioms, cultural aspects, as well as the varieties of language used by people from different social strata. As such, translation and interpretation are more than just the 'process of replacing text in one language with text in another language' (Mohammed, 2022).

Moreover, active listening skills are an indispensable part of the job of interpretation as interpreters need to process a lot of information and notice the stress and pauses of the speakers' utterances in order to get the meaning across. This is the key to undertaking a good interpretation task in the case of simultaneous interpretation or consecutive interpretation.

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Appendix

Extracts from the Court Case of the 'Shadow of the Noose'

The prosecutor examines the witness Mrs. Favell (commencing at 37.42 approx)

Prosecutor: Now, we must move on to the events of the night of the 17th of September, 10 days after the birth of this unfortunate infant. What happened during the early evening of that day? Can you tell us?

Mrs. Favell: I can, sir; I was cleaning away the tea things when Mrs. Flood pops her head around my scullery door and says she's going up to see how mother and baby were getting on. In I goes, and Mrs. Flood sips on her tea and says how welcome it was, and then she (interrupted)

Prosecutor: The prisoner at the bar?

Mrs. Favell: Yeh, that's right, her, she sitting there previous saying she didn't fancy any tea. Turns as bold as brass to Mrs. Flood and says, "How can anyone get rid of a baby."

Prosecutor: How can anyone get rid of a baby. Those were her precise words?

Mrs. Favell: True as I stand here.

Prosecutor: And how did you and Mrs. Flood respond to this terrible question?

Mrs. Favell: Well, what could we say to something like that? We gave each other a look, same as to say, "Did you ever hear the like?"

Prosecutor: And did you ever see this baby again?

Mrs. Favell: No, I didn't.

Prosecutor: Thank you, Mrs. Favell. No more questions of this witness, my lord.

Marshall Hall cross-examines the witness (commencing at 42.47 approx)

Marshall Hall: As to the events of the evening of the 17th of Sept when you and Miss Flood sat with Miss Dyer, what was my client doing as you and Mrs. Flood gossiped over your tea?

Mrs. Flood: Can't rightly remember. Sitting far as I know.

Marshall Hall: Let's try a little harder, shall we. As she sat, where was the baby?

Mrs. Flood: On her knee. She was holding her.

Marshall Hall: And what was she doing as she held her?

Mrs. Flood: Feeding her

Marshall Hall: Feeding her? At the breast? Tenderly? Gently?

Mrs. Flood: Well, there ain't no other way to feed a baby. Not without giving it wind.

Marshall Hall: I bow to your expertise. Then as you and Mrs. Flood chattered on, you heard Miss Dyer say something, not so much to you but perhaps more to the tiny daughter in her arms.

Mrs. Flood: How can anyone get rid of a baby.

Marshall Hall: Yes. Now I want you to say that again to this court if you would, Mrs. Favell. In a moment if you please. This time would you emphasize the word can.

Mrs. Flood: How can anyone get rid of a baby.

Marshall Hall: What else did she say?

Mrs. Flood: Nothing.

Marshall Hall: But she did! What else did she say?

Mrs. Flood: Such as you.

Marshall Hall: How can anyone get rid of a baby such as you. Are these the words of a cold and heartless murderess of her own child? Mrs. Favell, I have done with you and your very imperfect memory. Thank God I have refreshed it.

The prosecutor examines the witness Inspector Upfold (commencing at 44.38 approx)

Prosecutor: Inspector Upfold, after suspicions were aroused from the information you were given, you traced and interviewed the prisoner.

Upfold: I did.

Prosecutor: And what transpired at this interview?

Upfold: The sister, Mrs. Blackett, by her own request, was present throughout. I asked Miss Dyer if I could have sight of her recently born child. Mrs. Blackett expressed considerable surprise at this. She turned to Miss Dyer and said, "Baby, you never told me of no baby. You dirty little slut."

Prosecutor: Evidence is admitted uncontested.

Judge: Thank you.

Prosecutor: Pray proceed, Inspector.

Upfold: At which point Miss Dyer became considerably distressed and said, I will tell you the truth. I killed it. I did not know what to do with it. I put it in a box. You will find it there." She then went on to describe the location of the said box and the infant child. I thereupon charged her with the willful murder of her child, cautioning her in the proper manner.

Prosecutor: Thank you, Inspector. No further questions, my lord.

Judge: Mr. Hall.

Marshall Hall cross-examines the witness Inspector Upfold.

Marshall Hall: Thank you, my lord. I should like to begin at the end of your statement, if I may. Inspector, you have told the court that you charged my client with the willful murder of her child.

Upfold: That is correct.

Marshall Hall: And what did my client say to this charge?

Upfold: She admitted it.

Marshall Hall: Admitted to willful murder?

Upfold: Yes, sir.

Marshall Hall: I wonder if I could trouble you to consult that very reliable notebook of yours once more. And beware, Inspector, I can call a witness to your word. Now from that volume, would you read to the court once more the precise charge you laid against my client? Well, Inspector.

Upfold: I seem to have made some error, my lord.

Judge: Then you must correct it, inspector.

Marshall Hall: With what precisely did you charge my client?

Upfold: Causing the death of her child.

Marshall Hall: Causing the death of her child. And it was to this charge that my client confessed?

Upfold: Yes, sir.

Marshall Hall: There is, of course, all the difference in the world between willful murder and causing death. There is a great gulf between intent and execution and accident and treachery, is there not?

Upfold: Well, there may be

Marshall Hall: Yes or no, man!

Upfold: Yes.

Marshall Hall: Yes! Yes.

Marshall Hall continues his cross-examination of Inspector Upfold (commencing at 47.13 approx)

Marshall Hall: Now, Inspector, I want to bring to your mind the statement which my client made to you at the time of her arrest. Now I want you to read it to us once more, but this time I would like you to arrange your punctuation rather differently. Give us the first sentence, pause, then make the middle sentence go with the last.

Upfold looks nervous and uncertain.

Marshall Hall: Oh, try it, man, try it.

Upfold: I killed it I didn't know what to do with it. I put it in a box. I wrote down what she said!

Marshall Hall: But you didn't write down how she said it. And that makes all the difference between life and death.

Extracts from 'Ridging Tide'

Ball: And when our farmer finishes his breakfast, he **monkeys around** in the fields.

Unnamed speaker: Is it drinking time yet?

Ball: Nope, **it's** only ten minutes past eight.

Unnamed speaker: **You're** a liar. You **can't** tell the time that way. You were **never no** Indian scout.

Lt. Kelsey: Hey you, come here. *(Bull turns away)* I said, come here. *(Ball turns around to face Lt. Kelsey)* Your **name's** Ball, **isn't** it?

Ball: Granted.

Lt. Kelsey: Maybe you could do something for me?

Ball: Well, I was just leaving in a hurry to get home.

Lt. Kelsey: You **haven't** got a home.

Ball: Well, I was just this minute going to see a friend of mine **that's** holding a job for me.

Lt. Kelsey: Come back here. How long since **you've** been locked up on a **vag charge**, General?

Ball: I never was *(interrupted by Lt. Kelsey)*

Lt. Kelsey: January, **wasn't** it? Vagrancy, drunk, disorderly, disturbing the peace.

Ball: You know my brother looks exactly like me *(interrupted by Lt. Kelsey)*

Lt. Kelsey: I understand you perfectly. But unless you want to spend a few more nights in **the tank**, you better give me some information. **Where's** this fella Corky Mullins?

Ball: He's going fishing. **That's** natural, **ain't** it.

Lt. Kelsey: When will he be back?

Ball: I **ain't** no swamy. In his boat? Maybe never.

Lt. Kelsey: Have you seen his car?

Ball: He **ain't** got no car.

Lt. Kelsey: Oh no. What makes you so sure?

Ball: Corky **couldn't** have. **He's** always broke. Even his **boat's** owned by a woman **who's sweet on** him. A regular, siree!

Lt. Kelsey: Did she buy Corky a car?

Ball: She **couldn't of**, or I'd have **knowed** it.

Lt. Kelsey: You let me know when **Corky's** coming back, General. **I'll** look you up in a day or so *(Lt. Kelsey gives Ball a cigar)*

Ball: Thank you very much, **chief**.

Lt. Kelsey: Smoke slow, General. **It'll** last longer.