A Study of Lexicalisation and Re-lexicalisation in an Interpreter-mediated Courtroom Discourse
—Corpus-based Approach—

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1. Introduction

At present, Japan is in the midst of a major reform of its legal system. The most noteworthy movement is the introduction of the so-called citizen-judge system—a system similar to the jury trial—in May 2009, wherein lay people judge legal cases. Unlike previous courtroom hearings, in the citizen-judge system, emphasis is placed on verbal testimonies rather than documentary evidence. Examinations of the defendant and witnesses will play a more important role, with increased focus on language and its use. Owing to these new situations, it is worthwhile to conduct research concerning the impact on lay judges of interpreters’ renditions of non-Japanese language speakers.

In many countries, an academic discipline called forensic linguistics has been established, to which linguists contribute in significant ways: they identify faked police statements, check for corruption of power (e.g. Coulthard, 1992, 1994, 1995; Woolls and Coulthard, 1998), and stand as expert witnesses in court to testify from linguistic perspectives. Forensic linguists have made substantial contributions underpinned by authentic data such as the corpora of police-suspect questioning sessions (e.g. Evans case, Bentley case).

In the West, extensive research has been conducted on interpreter-mediated courtroom interactions as well (e.g. Berk-Seligson, 1990, 1999; Hale, 1997, 1999, 2004). Particularly worthy of mention is Berk-Seligson’s ‘The Bilingual Courtroom’ (1990), in which the author conducted an extensive ethnographic analysis of Spanish-English interpreting in American courts. Drawing on 114 hours of taped recordings of court proceedings, she demonstrated the reality of court interpreting, wherein, as she points out, language used by interpreters can affect judicial proceedings in both subtle and dramatic ways. Furthermore, she conducted a psycholinguistic study of the impact of interpreters’ renditions on mock jurors’ judgement by employing mock jurors and 18 interpreters who translated testimonies that exhibited an altered level of politeness, register, agency, causality, and intrusiveness of interpreters.

Although it is assumed that such courtroom discourse analysis would be of equally great importance in Japan, research of this kind remains minimal. One of the reasons for the limited focus on courtroom discourse analysis is a general lack of awareness among the members of the legal community concerning the impact of interpreter’s renditions on judicial procedures.
This reflects the general assumption that interpreters do not affect the outcome of court proceedings.

Hitherto, discussions involving court interpreters have converged on non-academic, institutional issues regarding the present court interpreting system by capitalising on practitioners’ personal experiences. It was only a few years ago that a handful of researchers of interpreting theories moved towards the direction of more scientific, data-driven research. Interpreter-mediated courtroom interactions are now being discussed from interdisciplinary perspectives. For instance, Mizuno (2006) conducted a forensic acoustic analysis of the Nick Baker case, while Nakamura (2006) introduced a corpus-based courtroom discourse analysis to a community of interpreters and translators. Nakamura (2008) then applied the politeness theory to a psycholinguistic analysis of court interpreters’ renditions. Yoshida (2007, 2008) demonstrated a new model of court interpreters from an anthropological linguistic perspective, and Nakamura et al. (2008) dealt with issues concerning the pragmatic and semantic equivalence of interpreters’ renditions of courtroom interaction.

Another factor inhibiting the development of forensic discourse analysis in Japan can be explained by the lack of access to the spoken data of court proceedings. Court proceedings are tape-recorded in Japan, but unless it is absolutely necessary for attorneys to use them for their cases, outsiders are not allowed to borrow the tapes for research purposes (Nakamura et al., 2008). In order to compensate for this lack of data, a team of researchers, including the author of this paper, decided to organise an interpreter-mediated mock trial and analyse the data obtained from it. The courtroom experiments were conducted twice by employing mock lay judges and interpreters. The first mock trial was conducted in 2007. Numerous problems were identified; for details, please refer to the aforementioned citations. In this paper, I will focus on the use of language by both legal professionals (prosecutor) and the lay (defendant) with particular emphasis on choice of lexis and on how interpreters re-lexicalise professional and lay language.

2. Courtroom experiment

2.1 Purpose

The purpose of the second mock trial was threefold:
(1) To identify what problems may arise when interpreters choose a different lexis for the same source language text.
(2) To identify what impacts may be exerted on lay judges’ impression of the defendant.
(3) To examine gaps in lay-expert lexical choices and their legal consequences.

2.2 Method and procedures

2.2.1 Drafting of the scenario

The team picked up a typical injury case and drafted a scenario for a cross-examination session in which an English-speaking defendant answers the questions of a prosecutor. We
intentionally embedded points for analysis, e.g. choices of lexis, modality, interrogation styles, and so on, in our scenario. The scenario had ample room for freedom in that the direction of interrogation could change according to the interpreter’s lexical choice.

### 2.2.2 Mock trial procedure

The team conducted a mock trial focusing on an English-Japanese interpreter-mediated cross-examination session. We invited two interpreters and six mock lay judges to identify the effects of interpreter interventions on mock judges, using a scenario involving a typical injury case created by the team. The mock trial was conducted at the ninth annual convention of the Japan Association for Interpreting and Translation Studies in September of 2008. One interpreter was a medical affairs interpreter and the other was a graduate student in a conference-interpreting course. They had been informed of the rough outline of the case, but not the detailed contents of the scenario. We asked a native German speaker to play the role of the English-speaking defendant. We also asked six lay people who did not understand English to attend; these were two men and three women (one person did not show up) ranging in age from early 20s to 60s. These five people then served as lay-judges at the mock trial. We conducted two sessions with the same scenario, using different interpreters. While one was interpreting, the other stayed outside the courtroom. Both sessions were video recorded and transferred to DVD. After the mock trial, we interviewed the interpreters to find out what they felt was most problematic in the scenario. We also distributed a questionnaire sheet to the mock lay-judges in order to learn about their impressions of the mock trial.

### 3. Results and discussion

Although ours was a semi-structured scenario wherein points for analysis were intentionally embedded, the outcomes of some scenes were surpassed our predictions. Unexpected problems emerged; these problems are categorised into three main types:

1. Prosecutor’s story and defendant’s story run in parallel
2. Two interpreters use different lexes to express the same source language testimony
3. The defendant’s testimony is re-lexicalised only through the interpreter’s voice

#### 3.1 Prosecutor’s story and defendant’s story run in parallel

First, there were two storylines running in parallel: one was the prosecutor’s story, which represented the court paradigm, and the other was the defendant’s story, in which he tried to present his own world view with a set of vocabulary that he used consistently. Refer to Example 1, a scene in which the prosecutor questions the defendant about the alleged bodily assault that the defendant inflicted upon the victim.

**Example 1**

1. Prosecutor: *Dewa, anatawa, higaisha no kao wo nankaika nagutta wake desune.*
2. Interpreter A: So you had **beaten** his, ah, victim’s face a few times.
3. Defendant: You mean, **hit** him? Yes.
Interpreter A: *Nagutta toiu koto desuka. Hai, naguri mashita.*

For the word *nagutta* used by the prosecutor in Line 1, Interpreter A chose *had beaten* and translated it, ‘So you *had beaten* his, ah, victim’s face a few times’ as shown in Line 2. The defendant questioned back, ‘You mean, *hit* him? Yes’. Interpreter A translated this as ‘*Nagutta toiu koto desuka. Hai, naguri mashita*’. What should be noted here is that this back-questioning was not included in the original scenario; the non-Japanese speaker playing the role of the defendant ad-libbed. When the defendant corrected the interpreter’s rendition, *had beaten* to *hit*, two different expressions existed in the ‘here and now reality’ (Hale and Gibbons, 1999) of the courtroom interaction. That subtle shift, however, did not manifest in the Japanese version, where only one word, *nagutta*, was used. What legal consequences might this entail?

3.2 Corpus instances

When I checked the collocations of these lexes in the category of British spoken texts in the Bank of English (10 million words), an interesting tendency was observed. See Example 2 for concordance lines for *hit* and Example 3 for *beat(en)*.

**Example 2**  Sample concordance lines for *hit*

1. Shoes have got to kind of jump out and *hit* me [F01] Mm [M01] and say you
2. s ever hit me 'cos he wouldn’t dare. No man will *hit* me again. But he’s
3. [ZF1] He b [ZF0] he belted MX the baby. He’d *hit* the baby so I sent him
4. didn’t mean to *hit* me in the eye but he meant to *hit* me. But [ZF1] only
5. in [M0X] Mhm [M01] [ZGY] over there [M0X] [ZGY] *hit* my head on the ceiling
6. to really [tc text=pause] [ZF1] hit the [ZF0] *hit* the target that [ZF1]
7. [ZF1] The [ZF0] the dictionary gets up and *hits* me every time I [ZGY]
8. lucky 'cos er if you get h if it *hits* the corner of the er roof then it’ll
9. [tc text=laughs] [F0X] [ZGY] [F0X] Why’s he *hitting* him [ZGY] [F0X] He’s

(underlined by author)

**Example 3**  Sample concordance lines for *beat*

10. they came round and *beat* the husband to within an inch of his life.
11. have a torch [ZGY] [F0X] I’ll just *beat* my head against the wall.[tc
12. They threatened to black both my eyes and *beat* me with the baseball bat
13. wrestle him to the ground *beat* his head against the counter and cuff
14. dad he used to beat your mum did he used to *beat* you as well or not?
15. and so on and went too far and got badly *beaten* up. [M01] Did he really. [F01]
16. ten people about the death of a man *beaten* up during a family barbecue.
17. Chris he *beat* her severely And when I say he *beat* her severely she lost

(underlined by author)

As the corpus examples show, *hit* collocates with a wide range of words, e.g. *shoes, no man, baby, me, head, target, dictionary, roof,* and *him*. The collocations of *hit* do not show any specific frame of reference; i.e., the relationship between *hit* and its collocations is
considered a free, ‘open choice’ (Sinclair, 1991) combination. On the other hand, beat collocates with such phrases as beat the husband to within an inch of his life (Line 10), beat my head against the wall (Line 11), beat me with the baseball bat (Line 12), and beat his head against the counter (Line 13). These examples suggest that the connotation of beat(en) is as follows: a person(s) (e.g. they in Lines 10 and 12, I in Line 11, dad in Line 14) smacks another person or his/her body part (the husband in Line 10, my head in Line 11, me in Line 12, his head in Line 13, you in Line 14, her in Line 17) using a tool (baseball bat in Line 12) or a slam into an object (wall in Line 11, counter in Line 13). Several examples show that beat(en) collocates with words showing severity (badly in Line 15, severely in Line 17) and results (death in Line 16).

The defendant’s story was characterised by the use of hit, a lexis suggesting violence, but the degree of assault might not be as strong as if he had used the word beat(en). The defendant consistently used hit all through the session after he had corrected the wording of the interpreter. It is possible that he tried to downgrade the degree of assault, knowing the difference in connotation between beat and hit, and to suggest ‘I didn’t beat the victim; I just hit him’. One wonders why the interpreter translated the word into nagutta even though the defendant corrected it. Was it because she was influenced by the prosecutor’s language? When asked about her choice of lexis during the post-trial interview, Interpreter A answered that she had simply used the first word that came to her, and that she did not clearly distinguish between these two lexes. Corpus data, however, suggest that these lexes are not readily interchangeable.

3.3 Theoretical background

3.3.1 Interchangeability of (near) synonyms

There has been ample previous research concerning the interchangeability of near synonyms. Loftus and Palmer’s (1974) psycholinguistic court experiment is a very famous example. They showed images of a traffic accident to subjects and changed the verb crash to synonymous verbs such as hit, collide, bump, smash, and contact in order to find out if any influence was exerted on the judges’ impression of the defendant. See Nakamura (2006) for details. Stubbs (1996) picks up this experiment in his research and warns of the possibility of meaning manipulation through words, saying ‘lexical choices can influence [people’s] perception and memory’ (p. 107).

Looking at the mainstream research on lexicography during the past 20 years, we can see that emphasis has been placed on habitual aspects of language use, in which language is treated as a congregation of multiple segments such as collocations, lexical phrases, and multi-word strings, rather than focusing on the creative aspects of language. In collocation research, which recently utilise computational linguistics, the concept of semantic prosody (Louw, 1993) is relevant to this paper. Some words have preferred combinations and certain ramifications may arise from those combinations. A recent corpus-based collocation study that discussed courtroom language use from the viewpoint of semantic prosody was conducted
by Cotterill (2003, 2004). She discussed the fact that a legal professional’s intentional choices of lexis could influence the impressions of a jury. For instance, in OJ Simpson’s case, the prosecutor used the word ‘encounter’, which could collocate with words that have negative connotations, such as hazards, dangers, and obstacles. The ecology created by such lexical combinations is called semantic prosody, or ‘semantic harmony’ (Roe, 2000). It is therefore possible to impose a negative image on an audience if the user intentionally and strategically chooses it, knowing the connotational function of collocation. Example 4 shows an instance in which a defence lawyer strategically uses this technique in the witness cross-examination of a domestic violence case.

Example 4  push vs lash out in Cotterill (2004: 521)

1 Q Miss Johnson, would you accept that even on some occasions when the police have been called and the defendants left, literally within hours he is back at your house, your joint house, flat or whatever it is, and you have kissed and made up?

2 A This time we never. No. This is when it was all over and the second time the police came was not because of arguing between me and Mr. Jackson. It’s cause he lashed out at my mum.

3 Q You say ‘lashed out.’ I think your words are “he pushed her.”

4 A Yeah, pushed her.

5 Q It is slightly different to lashed out, is it not?

6 A No, because you shouldn’t go round pushing people about.

7 Q Do you not accept there is a difference between a push and a lash?

8 A Yes.

While the victim of domestic violence uses ‘lash out’, a lexical item with a connotation of violence in Line 6, the defence lawyer tries to replace it with ‘push’, a lexis without violent connotation in Line 7, and attempts to have the victim accept that the act of the defendant was ‘push’ rather than ‘lash out’. The Collins COBUILD Advanced Learner’s English Dictionary defines ‘lash out’ as follows: ‘If you lash out, you attempt to hit someone quickly and violently with a weapon or with your hands or feet’. This dictionary is known as a corpus-based dictionary lemmatised in the order of frequency. One could imagine that the defence lawyer is attempting to downgrade the act of the defendant by rephrasing ‘lash out’ as ‘push’. This is an example of a lawyer attempting to manipulate the meaning of a word by utilizing the semantic prosody created from the lexical combination of the words with a certain connotation. Such an attempt might affect the legal judgment of the criminal act.

In the training and practice of conference interpretation, it is considered desirable for an interpreter to come up with a second-best candidate expression made up of near synonyms; as Komatsu (2005) states, the ‘nearest translation’ is acceptable when s/he fails to give an exact rendition. However, one can see from the above corpus examples that collocations of hit and beaten differ widely, suggesting that these lexes are not interchangeable. Nakamura (2006, p. 220) already warned that a “careless choices of lexis may lead to manipulation of
meaning”. We would like to draw readers’ attention again to the fact that inadvertent substitution is not merely risky; it might influence the impression of lay judges, and may eventually result in serious misjudgement, as stated in a caveat by Stubbs (1996): “No terms are neutral. Choice of words expresses an ideological position” (p. 107) that is worth hearing.

3.4. Two interpreters used different lexes for the same source language testimony

There was another interesting instance concerning the use of hit and beat. In the scene in which Interpreter A used beaten, Interpreter B used hit, as shown in Example 5.

Example 5 Comparison between Interpreters A and B for the same part of the testimony

**Interpreter A**

1 P Sakihodo mo ukagai mashita keredomo, niramitsuke rareta to iudakede doushite nagutta n desuka?
2 I I asked, ah, I’m going to ask you once again. You said he stared at you.
3 He stared at you. Is that why you beat ... had beaten ... only the reason ... with only the reason he, he, he
4 stared at you?

**Interpreter B**

5 P Jiro jiro mirareta dakede doushite naguru n desuka?
6 I Just by only being looked, ah, stared at, why did you hit him? What’s the reason?

It is assumed that Interpreter A translated the word nagutta (Line 1) relatively faithfully into had beat(en) (Line 3). In other words, she was faithful to the lexical choice of the prosecutor. On the other hand, Interpreter B, from the beginning of her rendition, chose hit, a lexis of ‘open choice’ that can combine relatively freely with any candidate.

Next, Example 6 shows another instance in which the interpreters used different lexes in the same SL lexis (kane wo) youkyu shita in the testimony.

Example 6 (kane wo) youkyu shita

**Interpreter A**

1 P Dewa doushite sono uede okane wo youkyu shita no desuka?
2 I Then, why did you try to mug him?
(my abridge)
3 P Sonoato ni bouryoku wo huruttari ha shinakatta no desuka?
4 I So, after you eh after you try to ah make him pay you up, didn’t you try to
5 didn’t you try to (inaudible) fight against him?
6 D No. I didn’t use any violence.
7 I I didn’t use ... Fires?
8 D Violence.
9 I Wakari mashita. Nani mo bouryoku wa hurui masen deshita. (I understood. I did not use any violence.)

**Interpreter B**

10 P Dewa doushite sono uede okane wo youkyu shita n desuka?
11 I Then, ah, he, if he didn’t resist, then, why, ah, did you threatened him to pay you,
12 pay you some, give you some money?
Okanewo youkyu shita atoni bouryoku wo huruttari ha shinakatta no desuka?

After, ah, threaten him to give you money, ah, did you, ah, violently attack him?

Hmm, no. After asking for money, I didn’t use any violence.

Lie, shi..., okane wo youkyu shita atoha souiu bouryoku tekina koui wo shimasen deshita. (No, I … after demanding money, I did not use any violence.)

While the prosecutor uses (kane wo) youkyu shita, which literally means ‘demanded’ in exactly the same context in Lines 1 and 10; in the English version, however, four different lexical expressions exist for the translation of (kane wo) youkyu shita: mug, make him pay up, threaten (ed), and asking for money. Interpreter A used mug and make him pay up, while Interpreter B used threaten(ed) to pay you, or give you, and the defendant used asking for money. I checked the ways in which these lexical items are manifested in the corpus instances. Refer to Example 7 for the concordance of mug.

Example 7  Mug

afford to that’s my right. If he’s mug enough to put all his money and get hooked
in the park by erm somebody who tries to mug him slightly and he’s trying to hide
Who am I going to burgle who am I going to mug where am I going to steal from
[M06] If it helps to save old ladies being mugged or children being er assaulted.
the law into his own hands when his mother was mugged. He went out and attacked
Dances With Wolves. [M22] [ZF1] You can’t get mugged down Mem [ZF0] you can’t
21) Yeah exactly. There were no old ladies mugged in the East End when [ZF1] the
interfere with you. It’s not like now. I was mugged coming down the mews here
I mean is it dangerous t We hear that you get mugged if you look as if you have
it’s not [ZF0] it’s not that bad. You get mugged anyway you know it’s like any
ever broke into anyone’s home and he never mugged old ladies.[tc text=laughs]
last time when MX was erm mugged [M01] Mugged [F02] and er mugged by two [M01]
MX was erm mugged [M01] Mugged [F02] and er mugged by two [M01] [tc text=coughs]
like that and quite a few people have been mugged and er attacked [F01] Mm.[tc
name [ZZ0] Road you know you could just get mugged walking up [ZZ1] road name
[F03] here. [ZGY] poor older people they get mugged for their pension and [ZF1]
[ZF0] on the drug-related crime you could get mugged as just as much in Mayfair
if innocent fun is er robbing old people and mugging people to er fund the habit
not spoken for a long time. Yes. Gary. [M22] mugging I don’t really think you
own. They never started with any outsider. Mugging was a rare thing well in a
of crime that really worries people is sort of mugging street crime erm burglary
elderly people are vulnerable to obviously mugging by young people. Erm so no.
uinance to other people that’s the truth and mugging and s all sorts of things
do with it er when the mugging started People were afraid to go out. I mean
(underlined by author)
Mug co-occurs with such lexes as money, burgle, steal, assault, law, attack, dangerous, poor people, pension, drug-related crime, robbing old people, crime, burglary, vandalism, nuisance, afraid to go out. These lexes are crime-tinted vocabulary.

In Example 8, I searched for the instances of ask for money that the defendant used in his testimony. Ask@ + for + 4money is a command meaning ‘search for instances of the inflected form of ask (node) occurring with for and money within four words from the node, in the same corpus’. Since I could not obtain enough examples from British spoken corpus, I included instances from a total of 56 million words of corpora comprised of British books, ephemera, radio, newspapers, and magazines (36m words), American books, ephemera, and radio (10m words), and British transcribed speech (10m words). Here, ten instances are shown.

Example 8  ask@ + for + 4money

1 or lay tarmac drives. Often they will ask for money in advance and then simply cancel the order and ask for the return of any money you have paid. Even if a way. I do believe that we should only ask for money when we have something to or Christmas Appeal we naturally ask for money, it is one way of guaranteeing it’s the same, except you’re asking for the money for free. You’ve got to know children’s lives. Sometimes people ask for money for a particular child and we ourselves be photographed or do they ask for money?’ [p] When professional worried this might appear pushy. [p] Asking for money is always a delicate matter. says the band were simply asking for too much money We passed on it because EMI one out front to get restless or ask for their money back. [p] My special effects

These instances show that ask for money does not collocate with any crime-related words. No specific frame of reference was found. Although the prosecutor uses the rather strong expression yoku suru in Japanese, its English version, ask for money, sounds more benign, and might therefore make a more benign impression on judges. At the same time, it is worth noting that the defendant himself uses this expression. The situation appears similar to Example 1; however, this expression was originally embedded in the defendant’s testimony of the scenario. Since Interpreter B used the preconditioned expression threaten in her rendition immediately preceding the defendant’s testimony, it generated an unexpected contrast. When drafting the scenario, I predicted that interpreters might choose demand as a possible translation. Thus, I also searched for instances of demand. Ten extracts for demand@+4money are shown in Example 9.

Example 9  demand@ + 4money

1 tests, he has broken his contract. You can demand your money back (or if you wish the need for the workers to control their demand for money!” On our first programme all the time and the bigger clubs are going to demand more money from the television and his fellow top players to continue to demand inflated sums of appearance money of Stokenchurch, Bucks, phoned the bank to demand the money. She said: ‘I learned
from that, not the kids. [p] Macaulay doesn’t demand that money. His parents
In order to redress the imbalance between demand by people with money to spend
is interest paid on the account? Buyers should demand that their money is placed
might be an interest rate below which the demand for money would become enormous
market. We’ve got zero there. We’ve got the demand for money here and let us
The corpus instances show that the collocates of demand are also ordinary lexes with no
specific crime-related connotations. Lastly, instances of threaten, a lexis used by Interpreter
B, are shown in Example 10.

Example 10 threaten
attack human beings unless you know threatened with its life. Of six there’s six
[ZGY] And it’s [ZGY] okay if you feel threatened and frightened you just hang
that ran into trouble. The publisher was threatened with prosecution for blasphemy
night on my own in a house when somebody’s threatened to smash the windows and
after half past seven last night. The man threatened a forty-one-year-old woman
stop this friendship blah blah blah. I was threatened well I got a death threat
went down with a shotgun [F01] Yeah [M01] threatened to blow them all up. [ic
he was like driving me mad till half ten. I threatened to shoot him. I says If
battering [ZG0] so [ZF1] th [ZF0] the pimps threatened [ZF1] as [ZF0] as they
proper phone call [ZF1] the [ZF0] the really threatening one. [F02] Yeah Cos

When I look at the words preceding and following the node threaten, I find that it
collocates with attack (Line 1), life (Line 2), frightened, prosecution, blasphemy (Line 3),
smash the windows (Line 4), night (Line 5), death threat (Line 6), blow them all up (Line 7),
mead, shoot (Line 8), and battering (Line 9). These words are somewhat crime-tinted, since several of them suggest that something ominous might occur. Furthermore, the
search result of threaten@+4money occurs only once in 56 million words. In other words,
this combination may not be an ordinary use of language.

All of these instances show that there are wide discrepancies between the Japanese
expression kane wo yoku suru and each of the four translated versions. Interpreters’ word
choices may alter the judges’ impressions, as well as the resultant assessment of the crime and
eventually its culpability. The interpreter’s rendition might affect the overall legal
procedures.

3.5. The defendant’s testimony is re-lexicalised only through interpreters’ voices

The comparison of beat and hit not only reveals the fact that the interpretation and
reproduction of the testimony of the non-Japanese defendant is left to court interpreters, but
also that his world view is only re-lexicalised through the voices of the interpreters. In the
Japanese legal system, an interpreter’s Japanese rendition alone is treated as authentic
evidence. The non-Japanese speaker’s testimony in his own language, on the other hand, is
dismissed as secondary. Even if the non-Japanese defendant attempted to downgrade the
degree of his assault by shifting the lexis from beat to hit, for example, he would not have
noticed that the shift was not reflected in the Japanese version. Further, the defendant might feel uncomfortable if he hears the word *threaten* as an illustration of his behaviour. Judges who consistently listened to the Japanese version may form an impression that is different from that of those who listened to the original foreign language version. In fact, responses to the post-trial questionnaires suggest such a possibility. For instance, one mock judge replied to the question ‘Do you think the defendant is guilty or not guilty?’ by saying that he thought the defendant was guilty, stating, ‘I just followed the translated version in which such violent terms as *naguru* or *kubi wo shimeru* [literally ‘strangle’] were used’. Another mock judge also felt that the defendant was guilty because he thought that all of the facts were clear.

One mock judge replied ‘Since I do not understand the defendant’s language, I take the interpreter’s wording as the testimony of the defendant’ to the question, ‘Has the change of interpreter affected your impression of the defendant?’ The other replied ‘All I can do is rely on the interpreter if I do not understand the defendant’s language’. These questionnaire results suggest that listeners (judges) identify the wordings of interpreters as those of the defendant. They seem to rely on interpreters’ renditions for impression formation and for the judgement of testimonial credibility. It is, however, quite natural that listeners should recognise the wordings of interpreters as the defendant’s testimony, when one considers the role of interpreters in any situation.

4. Conclusion

In this paper, I have discussed issues involving subtle courtroom language use through its comparison with examples of actual language use by citing corpus extracts, and reiterated the risk of inadvertent rewording that might lead to unexpected alterations in meaning. Some words have more incriminating connotations than others, and court interpreters should be aware that their choice of lexis might affect the judges’ assessment of the crime as well as the culpability of the case. Furthermore, legal professionals should be aware that interpreters who understand both languages, regardless of their intentions, have the linguistic power to alter the direction of court proceedings.

References


