

Ethnic Minority interpreters: a mishmash of professionals and semi-professionals?

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1. Introduction

This paper explicates the identity formation of EM interpreters registered with the Judiciary as part-timers in Hong Kong. The said interpreting practitioners work in all kind of legal settings for governmental and quasi-governmental offices. The Judiciary, as the only employing body, circulates lists of various language interpreters to the departments, who follow the same list to employ them on individual assignments. Interpreters' identity is

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entrenched in their practices. How they perceive themselves and their practice and how they are perceived by mainstream society and the authorities, as well as the interplay between the two entities, determine interpreters' identities.

2. Background

2.1 Ethnic Minority Groups

According to the Hong Kong census 2011¹⁾, EM groups comprised 6.4% of the total population. However, it does not depict the actual number of groups that require interpreting services. Interpreting services are targeted at the less educated, or those who had been educated in their native languages in their countries of origin, and as a result of which, their fluency in one of the official languages is substandard. Apart from the data from the census, there were 10,460 asylum seekers²⁾ in Hong Kong. The following table 1 shows the official demographic figures of the EM groups in Hong Kong.

EM Groups	Percentage
Indonesian	29.6
Filipinos	29.5
Whites	12.2
Mixed	6.4
Indians	6.3
Pakistanis	4
Nepalese	3.7
Japanese	2.8
Thais	2.5
Koreans	1.2
Other Asians	1.6

Table 1

1) <http://www.census2011.gov.hk/pdf/EM.pdf>, retrieved 22nd September 2015.

2) <http://www.info.gov.hk/gia/general/201510/28/P201510280831.htm>, retrieved 25th January 2016.

Many EM groups, such as Indians (Vaid, 1972; Plüss, 2005; Bickley, 2009) Pakistanis and Nepalese (Emi and Leung, 2014) have historical ties with Hong Kong, tracing back to colonial times. These groups were mainly in trading and the disciplinary services. The Nepalese were members of the Gurkha regiments of the British army and were stationed in army camps and their respective family quarters. The targeted groups of Indonesians and Filipinos for interpreting services are mainly Foreign Domestic Workers (FDWs.) Sri Lankans, Bangladeshis, Vietnamese and Africans (various countries) are a growing number of small communities that are not directly reflected in the census, as it is slightly out-dated as a result of the changing demography of Hong Kong. Recent studies (Crabtree & Wong, 2013; Emi & Leung, 2014; Ku et al. 2010; Law & Lee, 2013; Loper, 2001, 2004; Sandu, 2005) have demonstrated that EM groups in Hong Kong are marginalised and unrepresented in policies, education, employment and access to services. “South Asian people experience social exclusion and racial discrimination in many aspects of their daily life, and these attitudes are often institutionalised” (Ku et al. 2010:1). Emi and Leung (2014) concluded that, EM groups signify smaller number in proportion to the mainstream population and a subsequent indifference to their existence on the part of the authorities and mainstream society. Yet, they have managed to survive and prosper amidst widespread discrimination and socio-economic obstacles.

2.2 Ethnic Minority Interpreters

Interpreting services in the official languages as in Cantonese and English have been institutionalised for decades in Hong Kong (Leung, 2015; Ng, 2009), although interpreting services in EM languages only escalated towards the late 80s and early 90s, despite existing long before those days, according to practitioners with almost 4 decades of experience. Interpreting services were made available by bilinguals, when the requirement for educational attainment

for the interpreters back then was form 5, the equivalent to secondary level of schooling. The Judiciary was, and remains, the only assessing body for interpreters, which maintains lists of interpreters in varying languages registered with the Judiciary. The list is circulated to various government law enforcement agencies and quasi-governmental departments for enabling them to employ interpreters for assignments on a part-time basis. These interpreters therefore are known as part-time interpreters registered with the Judiciary. Towards the late 90s, the requirement was changed to a university graduate degree or equivalent, thus, the Judiciary attracted interpreters of higher caliber. The interpreters recruited in the 90s did not receive induction, or any orientation on the judicial systems, legal concepts and procedures. They learnt interpreting on duty in the courtrooms.

The interpreting practitioners who joined after the millennium recall receiving some copies of a glossary on legal interpreting and containing court addresses. Interpreters who have joined in recent years are provided with a few hours of induction, court observation and an induction pack, containing a glossary, as well as information on interpreting, legal systems and procedures. Then, it is for the interpreters to pave their own way along the line of learning how to interpret in the legal settings. Only a handful of practitioners are actually trained in interpreting. The judiciary does not provide training, although it used to organise an hour-long workshop once every 3 years, but has ceased since 2011. Professionals in the legal field, including interpreters are aware that quality is an issue in interpreting in EM languages, with polemic media reporting³⁾ on the subject every now and then. Currently, the list maintained by the Judiciary is a conglomeration of interpreters with varying interpreting capacities. The professional needs of the EM interpreters have been unheeded, quality compromised and the interpreting services taken as a

3) <http://www.scmp.com/news/hong-kong/article/1331100/poor-quality-court-translations-puts-justice-risk-experts-warn>, retrieved 25th February 2016.

necessary evil (Herbert, 1952). According to information received from the enquiry of the Judiciary in June 2013, there were 337 interpreters interpreting 57 languages, the available breakdown of which is depicted in Figure 1.

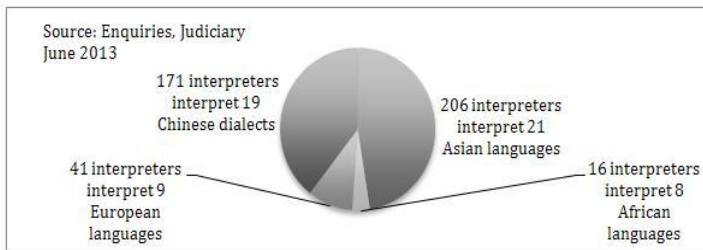


Figure 1

3. Theoretical framework

This paper is based on the findings conducted as a part of the doctoral research. To study identity, Jenkins' internal-external dialectic of identification (2008, 2014) has been explored, which has helped me to examine interpreters' perceptions and EM identity as internal elements and the mainstream society, as well as institutional mechanisms, as external components. I have looked at the interaction between the two components and the consequent identity formation of the interpreters, which are constructed and reconstructed through categorisation, reassertion and redefinition. Jenkins argues that group identification and categorisation of collective identity is an internal-external dialectic: it is identified by one group and categorised by others (usually the powerful), the two perceptions then influence each other through interaction. Looking at the interactional element, I have explored how interpreters define themselves, or interpreters of a particular language(s); how interpreters are perceived by the Judicial system, or what is expected of them within the Judicial system and how it can act on systematising interpreting services, as

well as what transpires out of the interaction in everyday interpreting practice, looking at the various mechanisms existent for these interpreters. Bourdieusian concepts (Bourdieu, 1977; 1990, 1995) *habitus*, capital, *illusio* and *doxa* have been integrated to investigate the interpreters and their practice within the social context. *Habitus* refers to one's beliefs and values, a combination of capitals - economic, social and cultural, educational attainment and knowing the cultural codes that the agencies bring in the field, which is "laid down in each agent by his earliest upbringing" (Bourdieu, 1977:81) Likewise, agency's *illusio* denotes commitment, stake, engagement and interest to the field of practice, whereas *doxa* refers to the rules of the games that need to be complied with, as in codes of practice in the case of interpreting practice. *Doxa* is either "implicit and unconscious", that is, embedded in an interpreter's self, or dogmatic, as in "explicit and codified"(Bourdieu, 1991:8), something included in the guidelines instituted by the Judiciary. An interpreter brings his/her cultural capital, *habitus* into the field of interpreting practice, where his/her *illusio* and *doxa* are interlocked in practice.

Jenkins' model and Bourdieu's theoretical concepts are integrated, as both of them work within the structures of internal and external structures. While Jenkins' model focuses on construction of ethnic/collective identity, Bourdieu's theoretical concepts feed upon the field, that is, interpreting practice that intricately interfaces with professionalism forming professional identity. The complex nature of identity formation of EM interpreters, given their historical ties with Hong Kong, their ethnicity and national identity that unconsciously associate with the language they interpret, the minority groups for whom they render service and with whom their work is inextricably linked, and their engagement with the law enforcing agencies cannot be easily accommodated by reference to a single theoretical and epistemological trajectory. Minority groups' residency status in Hong Kong, their accessibility issues regarding obtaining various governmental services and contact with the interpreters capable of conveying their message to the concerned authorities, are all factors that make

interpreting service a complex social discourse, which involves different legal, social, economic and political dimensions.

4. Research methods

As a practitioner and a researcher, social networks (Milroy, 1987, 2003) remained a feasible way to collect data, hence it is employed as an overarching framework. Milroy's social network explores the method of data collection through the usage of network and the influence each informant in the nexus may have over other contacts and the practice. Research was conducted over a period of eighteen months. The research participants were approached mainly through professional contacts of the researcher, who has a decade of experience of working in legal settings as a Nepali/English interpreter. Sharing a common background in the interpreting profession and having an ethnic minority status that the participants could relate to, the interpreters were approachable and thus the need to build a rapport was unnecessary. All the interpreters who were research participants were professionally known. Critical ethnography (Madison, 2005) has been adopted during the fieldwork in courtrooms and the lounges of the buildings where interpreters and legal professionals gather during breaks. It mainly examines the power structures and explores how certain groups may get marginalised because of the accepted ideologies and practices in place. It helped to examine power structures within the courtroom setting and how an interpreter's perceived status and role may lead to take a passive or an active role and influence interpreted renditions. Being a participant observer as an interpreter and as a researcher, I remained a reflexive self of the potential biases and their consequences on the findings and analyses. Observation of the trial cases within the courts have been supplemented by the use of mixed methods, combining semi-structured interviews, semi-structured questionnaires and online

surveys, where interpreters as the primary stakeholders and legal professionals, as well as institutions, have been involved in the course of data collection. The use of mixed methods has not only been used to triangulated data from various sources and to explore the same phenomenon from different perspectives (Hale and Napier, 2013), but is also considered appropriate and innovative to account for the level of complexity in studying interpreting processes and practices (Pöchhacker, 2011 cited in Hale and Napier, *ibid*). Bryman (2012) considers combining methods can be insightful in elucidating findings generated by the other method, as done in the current project through comparative analysis. The mixed methods employed in this research were hatched out of necessity, to maximise data collection in the absence of cooperation from the authorities in terms of accessibility to data, something that demonstrates that research in interpreting in EM languages is given a low priority whereas studies conducted into official languages in the past (Leung, 2015; Leung and Gibbons, 2009, 2008, 2007; Ng 2009) had access to court recordings.

The survey was shared by means of an electronic platform for the Judiciary interpreters, which was run informally by the interpreters themselves and sent, via email, to those interpreters whose email addresses were available. With the lack of a formal register of interpreters and with their contact details made inaccessible by the Judiciary, unlike in many other countries, not all the interpreters could be approached via email or any other standard communication channels. 25 interpreters of varying languages completed the survey. Owing to the language barrier, part-time interpreters of Chinese dialects and Cantonese (see figure 1) were excluded from the survey, although they remain within the same system. In addition to the online survey, twenty interpreters of fifteen different languages were interviewed in accordance to the selection criteria prepared on the basis of experience, gender and their status within the individual language group. The questionnaire for legal professionals was circulated among 40 of them who had been observed to have handled

cases involving ethnic minority defendants/litigants/witnesses over the course of many years and who were commonly known in the field of legal interpreting. Selection was important for legal professionals, as the focus was on the legal professionals' knowledge of using interpreters' services. 25 completed questionnaires were received either in person or via email. The questionnaires for all three groups included questions relating to the perceived status and roles of the interpreters, quality of interpreting, the incorporation of cultural elements, legal knowledge, interpreting techniques and training needs. The data from three different groups of stakeholders was collected to explore how each group viewed interpreters and their work. Adequate qualitative data to understand the perspectives of each group was also received. The data from the three different groups was significant in gaining a complete picture of the field interpreting in Hong Kong. For each group, viable research methods were used. The semi-structured questionnaire was chosen for all groups with the intention of collecting qualitative data as well. The survey for interpreters was to maximise the participation of interpreters in addition to the interviews. Interview with interpreters of fifteen languages were recorded, lasting for one to three hours. Interviews were transcribed, resulting in 268 pages of data. All the interviews were conducted in English, with the exception of the Nepali interpreters, which were translated after they were transcribed. Owing to the busy schedules of the legal professionals selected, interviews were not a viable option. Initially, a few of them were approached, but they declined and, therefore, questionnaires were considered to be a better option. Likewise, in view of the lack of interest and low priority given to research relating to interpreting in EM languages, the only way available to invite institutions to participate was through questionnaires. An interview of about two hours was conducted with one particular individual service user. He had been contacted through a social media group operating to create awareness of the plight of EMs in Hong Kong and to avoid any form of awkwardness in the field among interpreting practitioners. Individual service users often criticise the quality of

the interpreting service rendered by interpreters, which is something that could cause unwarranted tension among interpreting colleagues should the individual service users be contacted in the presence of a fellow colleague.

5. Socio-economic context of interpreters

Many interpreters have shared that interpreting work is a viable and promising opportunity for them in Hong Kong, where their linguistic knowledge is taken as a valuable resource. An interpreter with 4 years of experience states,

“We have very limited opportunities. We have jobs in ethnic minority centres or NGOs, but the mainstream companies do not employ us. I am satisfied in this freelance job since because of us, those who are devoid of justice can let their voices be heard through us. It is also a community work and there is autonomy. I have liked it and so continue with the work upon which, I rely and have managed to survive.”

Many interpreters had similar stories to share. Their stories corroborate with the findings of the studies mentioned under section 2.1, which suggest that EM groups struggle in the employment sector. Interpreters relate to interpreting work, where their EM identity works for them. An interpreter working as a part-time Native English Teacher (NET) remarked how during one of the job interviews she had, she was told that the local children would have difficulty in accepting her as a NET, hinting towards her identity as an African Muslim, wearing a hijab. In a city that is known to be intolerant towards differences, interpreting work emerges as a platform where interpreters make optimum use of their *habitus* that encapsulates cultural capital in the form of linguistic knowledge.

6. Ethnic Identity and Professional Identity in practice

Ethnic identity is an integral part of the professional identity in interpreting practice and, although the two seem to complement each other, at times, they are seen to be in conflict. For example, when an interpreter is ill-treated or perhaps discriminated against on the basis of his/her ethnicity by a staff member of the institutional service user, the ethnic identity works against him/her. Conversely, the linguistic, cultural and background information only available to an interpreter, apart from the individual service user, puts him/her in a unique position, with a resource unavailable to a principal interlocutor. A practitioner's *habitus* makes it possible for them to detect linguistic nuances. For example, a Tamil interpreter with a 20-year experience with the UNCHR and the Judiciary in Hong Kong remarks that many claimants of the Indian diaspora in asylum seeking applications have the tendency to use the word "torture" transliterated randomly, to mean any kind of harassment. For example, nagging, without meaning an "action or practice of inflicting severe pain on someone as a punishment or in order to force them to do or say something." Ideally, with their background, an interpreter should be able to detect such kind of linguistic nuances promptly. Similarly, many Nepali persons have the propensity to use the English word, "discuss" for arguments, leading to a quarrel or a fight, as opposed to the English usage of having a talk or sharing ideas. Ethnic identity constitutes an internal element, whereas professional identity is largely determined by the institutional mechanisms in place. Corsellis et al. (2007) write, professionalism requires observing codes of practice, ensuring quality service, maintaining accountability and transparency within the system that includes selection, training and in-service training, assessment and qualification, registration and good practice, as well as quality assurance and disciplinary procedures (Corsellis et al. 2007). Professionalism is usually linked to gaining an expertise, or a professional degree or certification, adhering to a professional code of ethics, obtaining membership of a professional body that

functions for the enhancement of its professionals and their services. (Mikkelson, 1999) These are not effectively and fully implemented by the authorities.

Findings demonstrate that EM interpreters have ambiguous professional identity, with a lack of certification, training courses and effective monitoring, evaluation and disciplinary procedures. Although many fervent interpreters advocate quality interpreting and identify themselves as professional interpreters, many are equally sceptical about the quality of interpreting service. Many do not identify themselves as professionals due to the freelance status, lack of accreditation and career growth in the profession. They are also concerned about violating the code of ethics in the field. An interpreter writes,

“If we want to serve the justice, we have to improve the quality of interpreting amongst us. Otherwise, the way interpreting service has been instituted so far, will not help the community, or serve a service recipient. I have met many good interpreters who have worked professionally and followed the code of ethics. However, if compared, it is difficult to estimate, as a very few have come with a professional motive. It could be because of the lack of training or orientation, or because of the fact that the codes of practice are not strictly followed. Although there has been a complaint against an interpreter, he or she will still be in the market, working as an interpreter. It may not be possible to delist a particular interpreter promptly, however some forms of disciplinary actions need to be taken, as our work is related to a person’s liberty.” (An interpreter with 4 years experience)

Interpreters are aware that the code of ethics frequently gets breached in the field, either by soliciting advice to clients, re-assigning translation assignments to fellow colleagues, or asking claimants to request a specific interpreter in asylum seeking cases. Despite neutrality and impartiality stated in the guidelines, as in most of international codes of practice on interpreting, on a number of occasions and across various language groups during fieldwork,

interpreters were observed to be having considerably lengthy conversations with the defendants/claimants/witnesses. In many instances, ethnic identification with the individual service user seems to have overridden professional identity. These went beyond inescapable communal greetings, showing directions to the offices, restroom or canteen and re-explaining procedures discussed inside the courtroom when asked outside the courtroom following a hearing. These are unavoidable gestures encountered by EM interpreters. Then, the question arises, as to what extent such involvement is detrimental to service users, including the service recipient, as well as the employing institution? Rudvin (2007) problematises the notion of strict compartmentalisation of personal and professional applicable to people of non-western backgrounds on the basis of cross-cultural differences. Thus, guidelines should not be something unattainable and ignored, but culture bound, which allows appropriate small talk, yet encourages interpreters to have deeper reflection on the ethical issues that bind all professions. A display of weak *doxa* on the part of some interpreters risks negative generalisation, whereas ineffective disciplinary procedures harbour a culture of immunity in practice.

The following table 2 indicates how interpreters are identified by interpreters themselves, legal professionals and the government body responsible for screening asylum seeking applications under the Unified Screening Mechanism (USM)⁴.

Categories	Interpreters (On-line survey)	Legal professionals (Semi-structured questionnaires)	Removal Assessment Section (RAS)- Immigration Department (Semi-structured questionnaires)
Professionals	55.6%	50%	-

4) http://www.immd.gov.hk/eng/useful_information/non-refoulement-making-claim.html,
retrieved 8th March 2017.

Semi-professionals (with some experience, but with insufficient interpreting training)	27.8%	42%	-
Language experts	5.6%	4%	P
Information provider on political situation in home country (for asylum seeking cases)	5.6%	-	-
Cultural mediator	5.6%	4%	-
Any other	-	-	-

Table 2

The online anonymous survey was conducted among the interpreters in addition to interviews. The semi-structured questionnaires for legal professionals were collected in person in the field or were received via email. The semi-structured questionnaire designed for institutions were sent by registered mail. The data from different sources reveal a striking resemblance in regard to the professional identity of interpreters. Only around 50% of interpreting practitioners and legal professionals viewed interpreters as professionals. RAS, as the only participating government institution, viewed interpreters as language experts. The field notes and interview data validate the contentious identity of interpreters as professionals. Although semi-structured questionnaires for institutions were sent to other authorities, such as the Hong Kong Police Force, Duty Lawyer Service and Legal Aid, the request was declined, or ignored for various reasons. As a sole assessing body, Judiciary was approached for an interview or semi-structured questionnaire, but the request was declined. Despite having a high frequency of usage of interpreting services, non-participation, or lack of interest in research in the area that is known to have been problematic shows conservative attitude on the part of these institutions.

6.1 Achieving professionalism through training

Many interpreters and legal professionals are of the view that interpreters require training, or continuing professional development refresher courses, like in any other professions, to keep abreast of the changing landscape of interpreting and development of new avenues for interpreting in the case of USM in Hong Kong. They are in need of platforms where they can discuss their issues with the service providers. Many veteran interpreters, having worked for decades, view that training is essential. Institutional intervention is recommended to maintain a quality service, which is linked to the professional identity of interpreters. A legal professional who has been actively working on asylum seeking applications emphasises the training needs in specialised areas, such as working with children and vulnerable groups, which requires a high level of sensitivity and professional detachment. Wadenjsö (2007) writes, gaining specialist knowledge ensures professional authority. An interpreter, who was a lawyer in his country of origin, explained how puzzled he was when he was asked to read a probation officer's report at one of the courts in his initial days as a court interpreter. He admitted having no idea what it was, since he had never heard of it until he received a copy. The issue here are the differences in legal systems around the world, which reiterate why having knowledge about the common law jurisdiction adopted locally is essential for interpreters. Another interpreter with several years of experience, having a university degree in a technical field, admitted lacking confidence in his early days, as he was unaware of the legal systems in Hong Kong. After some observations of court hearings on his own initiative, he soon realised that improvisation is required due to linguistic variations and differences in legal systems between Hong Kong and his country of origin. It was important for him, since the individual service users would understand the legal concepts better if they were explained in the way they would understand, that is, in reference to the systems in their country of origin.

6.2 Achieving professionalism through a professional body

A few years ago, an initiative was taken by a university faculty member of Hong Kong Baptist University (HKBU) to establish a professional body, Multilingual Interpreters' and Translators' Association (MITA,) to professionalise the practice and, in partnership with local NGOs and interpreters, ensure quality service. The interpreters initially showed enthusiasm, although many withdrew from it later on. MITA envisioned training interpreters, which would eventually produce batches of trained practitioners. The existing interpreters felt insecure by the exposure MITA would bring to the profession and the fact that the available work in the field would be divided by a larger pool of interpreters. The notion of supply and demand occurred, as the existing work was, and is, related to their survival. It could be interrelated to the general situation of the EMs in Hong Kong and how interpreting has developed as a viable and exclusive profession for the existing interpreters. The other reason for the interpreters' boycott was the fact that some of the work that these interpreters previously did had been outsourced to the NGOs, who were MITA's partners. For example, the Home Affairs department and the hospital authorities have contracted out interpreting services to these NGOs who, in return, paid nominal fees as compared to the standard government payment received by the interpreters registered with the Judiciary. Conversely, the Judiciary recruits new interpreters frequently to fill in the gaps for court assignments, as many of the registered interpreters prefer to work in other settings, rather than courts if given the choice. Interpreters in each language group and across languages are getting organised through informal electronic platforms instituted for professional sharing. Currently, they are exploring ways to form a body with a legal entity, solely for and by the interpreters working in the legal settings, so that they stand a better chance of negotiating with the assigning departments for the benefit of the interpreters. Nevertheless, differing orientations to the practice, dissimilarities in opinions

and a subsequent lack of solidarity have been impediments to the establishment of such a body. MITA's strife demonstrates a professional's involvement that constituted indirect institutional solidarity for the betterment of the profession, interpreters' survival needs and group dynamism that influence the practice, albeit there was no participation of the assigning bodies as in Judiciary, or government departments.

7. Interpreter as scapegoats

Findings indicated that interpreters are vulnerable to allegations of misinterpreting, particularly when a case goes against a defendant/client/claimant. Within the legal settings, it is a well-known fact that misinterpretation is used as a strategy to win a case. In asylum seeking cases, problems with interpreting are often used as an excuse to prolong a case, as rearranging another interpreter and rescheduling of an appointment entails time. Such practices reveal why it is essential for interpreters to be aware and prepared for the precarious positions interpreters inadvertently hold in interpreter mediated communicative events. In one of the cases observed, an interpreter summoned to the court as a witness was alleged to have acted as a paternal figure and coerced a minor to admit an offence of grievous bodily harm in the record of interview. The interpreter was summoned to court to give evidence at a trial, which was originally scheduled for a day, but proceeded ahead on three separate days. When an interpreter is required to attend court as a witness, the interpreter is required to cancel the day's booking and, working as a freelancer, is paid a witness allowance categorised for laypersons, but not for professionals. The witness in the present case had attended the court on all three days, but was only required to give evidence on the afternoon of the second day, which continued until the morning of the 3rd part-heard. For an interpreter, it is not just about giving evidence, but also

about cancelling one's earning and, instead, getting paid the meagre allowance meant for laypersons. Although interpreters are duty bound to give evidence in court, their freelance status makes their *illutio* as a witness highly impractical. Following is an excerpt of the evidence given by alleged interpreter, in his capacity as a witness. In the following, it was alleged that the record of interview did not include all the interpretation and verbal exchanges that had taken place at the time of the statement being taken. DC stands for Defence Counsel, whereas W stands for interpreter as a witness:

- a. DC : I put to you that Nepali interpretation done verbally is not in the record of interview.
- b. W : Agree. It was not written down in Nepali. It was not my authority to go beyond it.
- You have to listen to my explanation. I am an ordinary interpreter. We are merely a machine that talks. We do not have the authority as to what to write. We could only listen to the officer. I have already explained about the two closing declarations. It was not that the defendant did not know. In the end, the officer said, write in English and that will do. That's what I did.

In the case, the closing declarations were written only in English and thus, the interpreter was clarifying the fact that he had interpreted verbally and written those declarations in English. The defendant's background seemed conspicuous and showed the interpreter's dilemma in interpreting for a layperson without the linguistic command of any language. The defendant was a secondary school dropout, who had studied in Nepal and was unable to read and write any languages fluently. He could speak Nepali, simple English and a few phrases of Cantonese. The above extract is part of a cross-examination by the defence lawyer during which the interpreter is irritated in his tone, as allegations

implied having his professional integrity questioned. When he is only expected to answer 'Yes' or 'No', he gives a long answer, defending his position through an interpreter's image of being a machine, a person who only relays what is being said, a standard norm expected in court interpreting. He also highlights having no authority to go beyond interpreting. Overall, the case reveals the risk of scapegoating interpreters on the one hand and, on the other, the potential roles interpreters could play during triadic exchanges. This data extracted from court observation rather appears to be a one-off incident, the same impression is corroborated by the information received from the interpreters interviewed, who also emphasised the dire need for maintaining professional detachment and refraining from providing legal advice beyond their professional remit; although it is reportedly quite common within interpreting practice in EM languages.

7.1 An individual service recipient's views

An interview was taken from an individual service user, who had been receiving interpreting services during his 18 years stay in Hong Kong. He had come to Hong Kong in his 40s under the right of abode scheme, as the son of a Gurkha soldier who had served in a Gurkha regiment in Hong Kong during colonial times. Having studied until secondary level, the informant had mainly lived off farming in Nepal and had engaged in elementary jobs in Hong Kong. At the time of the interview, he was working as a security guard. Previously, he had worked on a construction site and had sustained injuries that resulted in him being engrossed in a civil litigation compensation claim, which continued for several years. It was at this time that he had started receiving interpreting services. He alleged that the interpreter used by the law firm had cheated him, with some dubious dealings with the insurance company. The interpreter was a

staff of a law firm, which seemed to constitute a conflict of interest. He was able to provide examples of friends who had gone through similar experiences. He accentuated upon how interpreters he relied upon had misguided him. He also expressed his gratitude for the interpreting services that he had receive on several occasions in hospitals. He then provided an example of the time, whilst on duty as a security guard, that he had been physically attacked with punches and kicks by a local person when he had asked this person to refrain from smoking in a non-smoking zone. He was dissatisfied with the fact that the assailant was never prosecuted and how a police officer and interpreter convinced him to settle the case, on the grounds that there was no CCTV at the corner where he had been assaulted. Reflecting on the incident, he alleged that he was not informed of his right not to consent to their suggestion of settling the case and was convinced that he was treated differently on the basis of his ethnicity. The individual service user's anecdotes compel us to think how his ethnic identity, socio economic situation and profound, yet delicate, position of interpreters are coalesced together into a complex reality. Interpreters' vulnerability is justified by alignment towards one of the parties within the power structure, particularly so while working with an EM person, possibly on the grounds of justice and humanity (Morris, 2010).

8. Existing inconsistencies with the current system

8.1 Issues with recruitment

As many interpreters were not properly assessed in the past, quality remains an issue. A veteran Tamil interpreter remarks,

“There are Hindi interpreters who are doing Punjabi, or Urdu translations, or vice versa. There are Tamil interpreters who cannot write Tamil. There are Singhalese interpreters who cannot read and write Singhalese. These problems exist in all the languages. These problems arose from the fact that the required qualification before was form 5.”

Since interpreters work together during trials and would usually get engaged for translations and certifications of the original interpreted or translated version, for example, cautioned statement or video record interviews (VRIs) done by one of their colleagues, they are aware of the existing quality of interpreting and translations in the field. Within the current system, an interpreter is required to be able to read and write the language combinations and is assessed accordingly in both languages. Nonetheless, an interpreter with a decade of interpreting experience said,

“There is not much change because the system has not changed, except for the pay scale. There are these little written and oral tests. I remember the very first time I was thrown in a court of law, and I did not know what I was doing. There was no training provided at all. I kept on telling the chief interpreter that, it would be a good idea for the new recruits to come and sit in a court a few times and listen to what is going on so that, they can pick up the way they should behave and the way they should dress. One of the chief interpreters told me that the new recruits don’t want to go and sit and not get paid.”

The interpreter here is stressing the need for proper assessment and exposure to the courtrooms through regular observations of cases, so that interpreters can understand what is expected of them within the court setting. It also highlights the significance of having novice interpreters trained on-the-job, possibly as interns with supervision and nominal payment, which would minimise the risk of sending a new interpreter off to court with no conception of legal systems, or how the courts operate in Hong Kong. An alternative could be mandatory

court observation of cases for a prolonged period within the training programme.

8.2 Discrimination with the payment system

One of the reasons why court work is least preferred by many registered interpreters is an unfair payment system. An interpreter may be booked for a whole day or several days for a trial, however, if the case ends quickly for some unforeseen reason, which is highly probable in the courts, an interpreter only gets paid for the number of hours worked, despite having the dates reserved. A fixed hour of payment system could compensate for the loss born in such situations. Interpreters are of the view that, if lawyers get paid for a full day, or half a day if a defendant/ client does not turn up for some reason, and the interpreter only gets paid a minimum 2 hours, then it suggests that interpreters are treated as subordinates. In contrast to the court setting, other settings are comparatively predictable and manageable, timewise. Again, it boils down to the issue of whether an interpreter is recognised as a professional and is treated as one by the authorities.

8.3 Service providers within the system

Not all the departments assigning interpreters have independent working guidelines for interpreters, with the exception of DLS for asylum seeking applicants, which issued its own guidelines at the time when DLS had issues concerning engagement of interpreters. One of the allegations, among others, put against the DLS office concerned was partiality in assigning interpreters. The set of guidelines is a replication of the Judiciary's guidelines, with the exception of a few paragraphs added on disciplinary actions and the evaluation to be conducted by liaison officers. The guidelines need to be specific to each department, as interpreters work in diverse settings with specific requirements. Although neutrality and transparency are key to professional ethics, different

skills are employed for court interpreting as compared to other settings. For instance, during medical examinations, interpreters are expected to be empathetic beyond linguistic mediation. Seeking clarifications and ascertaining information during incoherent and illogical utterances are usually accepted in all other settings to ensure that the interpreted rendition is accurate, whereas courts make it absolutely explicit that all utterances are rendered, no exchanges are made between the interpreter and defendant/witness, and that the court is notified of any interpreting dilemmas.

While working for rest of the departments, interpreters follow their instinct, experience and the officer's instruction. The development of guidelines by each department would assist in the professionalisation of the service, helping both the interpreters and the service users. It is also a known practice that interpreters are asked to assist in languages in which they are not registered, although the Judiciary guidelines specify that interpreters should only interpret in the languages for which they are registered. Similarly, one of the issues interpreters often come across is delayed payment by some of the departments. As interpreters are paid by all the different departments, the payment has to be followed up with a specific department if unpaid for a considerable length of time. Interpreters find following up payments with some of the departments frustrating, especially when frequent internal staff transfers make it difficult to trace the person in-charge. Interpreters, therefore, have to find ways of making a complaint, or follow the tedious procedure for receiving payment. One of the other examples of inconsistencies is last minute cancellations. When interpreters are cancelled for unanticipated reasons, around 6 pm for the next morning's appointment, or around noon for the afternoon appointment, or even after arriving at the vicinity, payment is only confirmed at the discretion of a concerned officer. These anomalies within the systems could be addressed, if a set of guidelines were to be instituted by each department independently, on their specific working modalities and its implementation ensured.

In addition, one of the issues interpreters have been consistently raising for

a long time is the requirement of a professional identity batch or a card, displaying an interpreter's registration number on it. Interpreters are required to show their Hong Kong identity cards at most of the places they work, particularly while working with the law enforcement agencies and visiting correctional services. Usually with their EM identities, a professional card would have provided them recognition of a qualified person. Bearing all these existing issues in mind, interpreters have had ongoing discussion and friction with the service providers on a day-to-day basis for a long time. It is not just about minor everyday disputes at work, but it also concerns their constant struggle for a better working environment, treatment and recognition.

9. Conclusion

EM interpreters' identities are based upon their perception of themselves as interpreters and how they are looked at by the other, as in institutions and mainstream society in interpreting practice. Interpreters' EM identity forms an integral part of their identity. The way they are treated is also influenced by their EM status in Hong Kong. The continuing interplay between the two realms, that is, internal and external dimensions, formulates and reformulates interpreters' identities. Interpreters' *habitus* is key to interpreting work where their background, linguistic knowledge and affiliation with EM cultures emerge as a valuable resource. Attaining professionalism and professional identity is largely determined by the systems in place, which is prejudiced by the way interpreting services for EM groups are seen. The professionalisation of interpreting services, which directly relates to the professional identity of interpreters, is only possible if the institutions, such as Judiciary takes a top-down approach of ensuring an improved mechanism, involving proper assessment, training and accreditation, monitoring, evaluation, feedback and disciplinary actions, is established. With a growing number of EMs as

residents in Hong Kong, it becomes increasingly imperative that the interpreting services are professionalised, a step ahead of the institutionalised practice, which was inaugurated decades ago in Hong Kong. Otherwise, the professional identity of interpreters would continue to remain contentious, which directly impacts the practice and quality service.

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[Abstract]

**Ethnic Minority interpreters:
a mishmash of professionals and semi-professionals?**

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This study explores identity construction of Ethnic Minority (EM) interpreters in Hong Kong, working in the legal settings. It attempts to examine how they make sense of their EM identity in relation to their professional identity, as the Judiciary registered interpreters. In examining their identities, it unravels historical and socio-economic dynamics that contributed to institutionalising interpreting practice and mechanisms in place. The macro level structure, as a determinant of the subversive positioning of the micro level practice and the interplay between the two realms will be probed, which as a whole, impacts professional identity of the interpreters.

The identity formation of these interpreters is closely constituted in their practice and intertwined by their perception towards interpreting, as well as their professional identity and status within the judicial system. A sociological framework on identity construction has been employed in analysing the empirical data collected as a part of the doctoral research. Some of the key methods used for the fieldwork are social networks (Milroy, 1987, 2003) and critical ethnography (Madison, 2005). The current project documents the existing system and aims to provide viable recommendations for the professional growth of interpreters and their practice within the field.

▶ Key Words: identity, practice, social network, critical ethnography

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