Interpreting strategic recontextualization cues in the courtroom: Corpus-based insights into the pragmatic force of non-restrictive relative clauses

Luis Pérez González

Centre for Translation and Intercultural Studies, University of Manchester, Oxford Road, Manchester M13 9PL, UK

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Abstract

In recent decades, studies of the pragmatics of institutional interaction have enhanced our awareness of the ongoingly negotiated nature of context. In this paper, key concepts of the contextualization paradigm, adopted from socio-pragmatics, are outlined and subsequently discussed in the context of courtroom interpreting. Of particular interest here is the fact that interpreters are ethically constrained not to alter the pragmatics of the ongoing interaction, which ultimately presupposes their capacity to identify the contextualization cues with which different participants realign themselves as required. The paper focuses on the notion of ‘strategic’ or ‘covert recontextualization cues’, as illustrated by lawyers’ use of non-restrictive relative clauses. Data from two different corpora provide some evidence of the use of these structures as pragmatically consequential devices, thus challenging the commonly held assumption that non-restrictive relative clauses are only used to ‘add information’. I argue that the evaluative role of such covert cues enables lawyers to step out of the interrogator/interrogated frame in order to secure certain alignments on the part of the defendant or witness; the success or failure of this strategy depends on the interpreter recognizing the pragmatic force of these cues and rendering it accurately into the target language.

Keywords: Courtroom interpreting; Institutional interaction; Recontextualization cues; Corpora

1. Introduction

Courtroom interpreting has received growing scholarly attention in the last two decades. Most of the studies undertaken so far have focused on the power asymmetries that underlie the dynamics of courtroom interaction. Two of the most interesting findings to emerge from these studies are that the interactional power of barristers in the courtroom derives from their use of...
questions as strategic instruments of domination and testimony management, and that interpreters tend to inadvertently alter the pragmatics of questions as strategic weapons. And yet, the study of interpreter-mediated communication in the courtroom remains largely informed by static conceptualizations of context and oblivious to recent discussions of contextualization which stress the nature of context negotiated in real time.

This article explores lawyers’ use of non-restrictive relative clauses (hereafter NRRC) in declarative questions in Spanish courtrooms and the ways in which interpreters render them into English. I take as my point of departure the growing view that courtroom interaction, despite its inherent power differentials, is dynamically and jointly managed, especially in the adversarial system of justice. Spain, where the data for this study was collected, has recently imported this system. A number of assumptions inform the discussion that follows. First, NRRC-based declarative questions rely on the conflation of a stable lexico-grammatical pattern and an evaluative pragmatic function. Second, NRRC-based declarative questions are used in extended sequences of interaction in which speakers negotiate a reciprocal common ground. Third, NRRC-based declarative questions allow the lawyer to step out of the interrogator/interrogated frame in order to secure certain alignments on the part of the defendant or witness to the advantage of the lawyer’s client, under the pretence of a disinterested search for solidarity. Fourth, NRRC-based declarative questions function as covert or strategic ‘recontextualization cues’ which enable such subtle realignments to be effected. The aim is to explore how interpreters handle such recontextualization cues and whether they are aware of their presence and discourse-building function.

2. Context and contextualization in courtroom interaction: implications for interpreting studies

As a discipline which explores “the way in which linguistic utterances become meaningful through their relation to context(s)” (Auer, 1995:1), pragmatics initially adopted a static approach to the study of context as an a priori framework which shaped linguistic behaviour. This approach was soon superseded by other research models which highlight the dynamism that underlies the production of context as “an environment of mutual monitoring possibilities within a ‘gathering’” (Goffman, 1964:135). Goffman’s notions of ‘frame’ and ‘footing’ (1974:496-559; 1981:145) and Gumperz’s notion of ‘contextualization cues’, in particular, helped “to advance and develop a more complex and dynamic analysis of the ‘context’ of interaction” (Drew and Heritage, 1992b:9). Today, our understanding of context assumes a shifting and constant moment-by-moment realignment of speakers’ speech and the concomitant activation of interpretative and inferential processes that allow interlocutors to ratify, contest or ignore the ongoingly negotiated trajectory of the interaction. Consequently, talk is now seen not only as a reflection of speakers’ orientation to a particular context, but also as a force able to shape the unfolding of a speech encounter and the configuration of its contextual parameters. This enhanced awareness of the processual nature of context also proved consequential within the field of social science, leading scholars to suggest that “the rejection of the institution as the organizing principle of social order necessitate[s] a more detailed empirical approach with a focus on interaction” (Helm, 1989:76). Institutional encounters between lay and professional interactants across a wide range of settings emerged as a productive research domain (Drew and Heritage, 1992a; Boden and Zimmerman, 1991). Such encounters came to epitomize the existence of “action within interaction” (Drew and Heritage, 1992a:71), since they are based on a ‘recursive’ or ‘double contextualization’ (Matoesian, 1993:30): each contribution in the course
of interaction is not only determined by what was said before, but itself also contextualizes upcoming talk.

Courtroom interaction ranks high among the settings that have attracted the attention of researchers interested in processes of negotiation in institutional encounters (Atkinson and Drew, 1979; Drew, 1985; Mead, 1985; Levi, 1990). These studies have focused almost exclusively on the dynamics of courtroom discourse in English-speaking countries, whose common legal system requires evidence to be presented and scrutinized in court through the oral examination of witnesses and defendants by counsels for the defence and prosecution. Insofar as the verdict relies entirely on each counsel’s capacity to argue and prove their case successfully in the eyes of the jurors, lawyers have enjoyed a considerable degree of latitude in defining the agenda of topics to be addressed during the examination. In principle, the stage would seem to be set for an asymmetrical distribution of interactional space and the dominance of professional interactants over their lay counterparts (Adelswaerd et al., 1987; Atkinson and Drew, 1979; Maley and Fahey, 1991), the latter being widely understood to be constrained by rules of procedure as to what and how to answer (Eades, 1994:117).

While a number of researchers originally approached these patterns of interaction as somewhat pre-determined transactions consisting of pairs of highly restrictive questions followed by compliant responses, developments over the last two decades have led to the elaboration of a theoretical framework based on the premise that talk and context are collaboratively construed and mutually determining. Accordingly, recent publications on courtroom discourse tend to look more closely into the dynamics of negotiation during the examination stage (Drew, 1990, 1992), particularly with regard to the strategies that participants deploy in order to come up with co-constructed descriptions (Pomerantz, 1986), reports (Walker, 1990) and narratives (O’Barr and Conley, 1990) in institutionally meaningful terms. This shift from context towards contextualization has gained considerable ground among researchers of courtroom discourse, who now argue that “the interaction between attorney and witness is much more creative, improvisational, and emergent than ... [the] notion of asymmetrical distribution of resources ... suggests: the witnesses have the opportunity to change the topic, to initiate other topics, to comment on evidence, to modify the duration of turn, to interrupt, and so on” (Gnisci and Pontecorvo, 2004:967).

2.1. Context and contextualization in interpreting studies

With the growing globalization of economic and social activities, institutional settings have come to depend heavily on interpreters in a wide range of interactional encounters. The interpreter’s duty in these settings is understood to consist of ensuring that the parties’ joint work towards the accomplishment of their interactional goal is not hampered by the bilingual nature of the encounter.

Increased participation of interpreters in institutional talk has paved the way for the emergence and consolidation of a distinct paradigm within interpreting studies, dedicated to the description of the complex communicative phenomenon of dialogue interpreting (Mason, 1999a). This new paradigm, informed mainly by observational research, has grown out of the following developments: the professionalization of the interpreter’s role outside conference settings; the greater academic status attached to non-simultaneous modes of interpretation; and the enhanced awareness of the fact that the study of certain forms of mediation cannot be divorced from the study of context. The study of interaction-cum-interpretation now encompasses “what is variously referred to in English as Community, Public Service, Liaison, Ad Hoc or Bilateral
Interpreting” (Mason, 1999b:147) and advocates the need to approach face-to-face encounters as “three-way interactions” (Mason, 2001:ii), that is a series of “triadic exchanges” (Mason, 2001:ii).

Many of the speech events that fall within the scope of dialogue interpreting consist of interpreter-mediated interaction between an institutional representative and a lay individual who may not have engaged voluntarily in the encounter. Here, the interactional status of each participant is determined by his or her degree of familiarity with the institutionally relevant procedures and the implications that the outcome of the event may have for the lay speaker. The asymmetrical distribution of interactional power in these settings is one of the core issues in the study of dialogue interpreting. The centrality of power differences and the sensitive nature of the interactional goals at stake in such encounters have led to special attention being given to the negotiation of interpersonal meaning. Thus, whether the focus is on mismatches between the discourse perspectives of interactants (Knapp-Pothoff and Knapp, 1986) or clashes resulting from insurmountable power differentials (Baker, 1997), “rather than comparing the propositional meaning of utterances and their interpretation” research into dialogue interpreting “seeks to describe the behaviour of all parties in terms of the set of factors governing the exchange” (Mason and Stewart, 2001:54).

Mason and Stewart’s inclusive approach is partly informed by politeness theory, particularly in connection with the interpreters’ occasional need to attenuate the face-threatening acts of an interactant – for example, when a powerless speaker refuses or fails to comply with expected requirements – or preserve their own face when they find it necessary to distance themselves from the contributions of either speaker. Such dialectics of interactional status- and face-saving work has also been addressed by other scholars through investigating a number of phenomena, including the management of turn-taking and the use of hedging, downtoning or amplifying devices (Tebble, 1999; Brennan, 1999). The second major theoretical framework that informs Mason and Stewart’s proposed research orientation in dialogue interpreting is Goffman’s (1981) ‘participation framework’, as applied by Wadensjö (1998) and Roy (2000). By shifting their footing and establishing different alignments with interactants, interpreters are able to carry out the role of ‘gatekeepers’ (Wadensjö, 1998:67) in managing exchanges between lay people and institutions, as well as to perform the repairing and bridging work required for a successful unfolding of the ongoing encounter. In so doing, interpreters claim a participatory role for themselves “as speaking agents who are critically engaged in the process of making meaningful utterances that elicit the intended response from, or have the intended effect upon, the hearer” (Davidson, 2002:1275). Ultimately, interactants, including the interpreter, realign themselves as required by the turn-by-turn trajectory of the conversation by exploiting the politeness and face-saving strategies available at each stage.

The need for constant contextualization requires the mediation of the interpreter to ensure that the interpersonal aspects of the meanings under negotiation are not undermined by the bilingual nature of the event. Typically, interpreters’ mediation involves the active management of the turn-taking mechanisms, which in many cases forces interpreters to take the floor themselves. In Davidson’s (2002) view, this suggests the need to refine our understanding of the interactional processes that enable recontextualization in interpreter-mediated discourse. Drawing on Clark (1996), Goffman (1981), and Hymes (1972), Davidson (2002:1277) argues that

Speakers construct conversational common ground by first presenting new information, which is then accepted by the hearer, and this acceptance is in turn acknowledged by the first speaker. Only when all three conversational moves have occurred can a contribution be
said to have been “achieved” in the discourse, and is assimilated into the conversational common ground [which constitutes] the context for the immediate response and for all of the following utterances in the discourse.

While this approach has developed from the insight that context is constantly negotiated through conversation, the intervention of the interpreter – which, as Davidson (2002:1274, 1280) explains, is mentioned only in passing by the scholars on whose work he draws to elaborate his model – is reduced to an echoic rendition of each speaker’s utterances into the other language used in the encounter. Davidson advocates the need for the model to sanction the intervention of interpreters as agents involved in the co-construction of interpersonal meaning. The implications of this shift of interpreter status from mere ‘vocalizer’ to ‘discourse-building’ agent within the context of a question-answer exchange are visually represented by Davidson in Fig. 1.

Once speaker 1 has asked his or her question in language $\Delta$ (utterance A, turn 1), the interpreter is entitled to monitor his or her own comprehension of speaker 1’s intended meaning by addressing the same speaker in language $\Delta$ (turn 2) and to secure a display of acknowledgement where appropriate, still in language $\Delta$ (turn 3). At this point, the first utterance becomes part of the growing common ground that will form the context for subsequent contributions. The interpreter then renders utterance A (language $\Delta$) into utterance $A'$ (language $\Omega$) “as closely as language and the interpreter’s understanding allow” (Davidson, 2002:1285). The question is now understandable to speaker 2, who may nevertheless need to address the interpreter and clarify the interpersonal implications of utterance $A'$ before producing a response. The interpreted question ($A'$, turn 4) is thus followed by two optional turns (5 and 6) and speaker 2’s response in language $\Omega$ (utterance B, turn 7). At this point, the interpreter may need to engage in direct interaction with speaker 2 (turns 8 and 9) to make sure that utterance B represents a suitable contribution to the shared common ground before rendering it into speaker 1’s language (utterance $B'$, language $\Delta$, turn 10). Overall, the structure of an interpreted-mediated exchange spans three ‘metaturns’, each of which encompasses the “collection of turns necessary for a speaker’s contribution to the discourse to be heard by the other interpretee” (Davidson, 2002:1284). Consequently, in the interpreter’s discourse, the turns-at-talk where the language shift takes place (shaded in Fig. 1) represent the culmination of negotiation processes aimed at establishing common ground and reciprocity between the interactants.

The above brief examples of the way in which the notion of context has informed research in the field of interpreting illustrate two broad orientations. The first draws on theories of politeness

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In Davidson’s model, the use of such monitoring turns is optional (hence their representation in Fig. 1 between brackets) and optionally recursive. In other words, the sequence of monitoring moves may be as long as required by each specific negotiation.
and the concept of participatory framework, both of which demonstrate a shift towards the contextualization paradigm. The second attempts to elaborate models that offer a systematic description of the interpreters’ mediation in conversation. These models attempt not only to identify stable patterns of interactional organization, but also to account for each of the steps involved in the ongoing process of realignment that the negotiation of common ground and reciprocity requires. But while the contribution of both areas of research is significant, there remain a number of limitations that I address more specifically in the next section by looking at some major studies in the field of courtroom interpreting.

2.2. Context and contextualization in courtroom interpreting

Adversarial systems of justice adopted in English-speaking countries revolve around verbal confrontations which the parties – more specifically, the counsels for the prosecution and defence – stage before the jury. In a system of justice that relies so heavily on oral proceedings, jurors are the ultimate fact-finders and language is the only means available for lawyers to present evidence to them. Accordingly, the exploitation of language for persuasive purposes pervades the series of monologues and dialogues that constitute a trial. The ultimate goal of the counsels is to draw the jurors’ attention to those pieces of evidence that support their respective cases. This being so, the examination of witnesses summoned by the other party – who are obviously less likely to provide support for one’s own stance – requires thorough and strategic planning on the part of each counsel. As explained at the beginning of section 2, proponents of what might be termed the dominance-based approach to the study of courtroom interaction tend to stress the consequences of these conventions: lay citizens summoned to take the stand as witnesses are restricted as to what and how to answer.

In bilingual proceedings, the success of such questioning strategies is heavily dependent on the interpreter, who is responsible for reproducing the barristers’ strategies and reactions to them into each party’s language. Countries adopting the adversarial system have thus long regulated the role of such interpreters by means of specific codes of ethics. According to such codes, interpreters must put foreigners ‘on an equal footing’ to an English speaker appearing before a court, and to this end must refrain from explicating or clarifying those elements which are deliberately or inadvertently left ambiguous, implicit or unclear in the counsel’s original formulation (Morris, 1999; Schweda Nicholson and Martinsen, 1997). After all, “the jury assumes that the witness heard the same question as they did, and they [will] view the answer through that prism” (Mikkelson, 1998:33). Interpreters are also expected to assume the role of a conduit (Fenton, 1997:32) when rendering the responses back into the language of the court; only then can the jury assess the impact of the lawyers’ questioning strategies on the witness or defendant. In sum, the interpreter’s role – as seen by the main courtroom players – is restricted to providing a straightforward, unedited rendition of questions and answers across two languages, much the same as a “pane of glass, through which light passes without alteration or distortion” (Schweda Nicholson, 1994:82).

In view of the acknowledged importance of questioning strategies in this context, a considerable number of studies have focused on the interactional role of questions in courtroom talk, both in monolingual (Loftus, 1979; Danet and Bogoch, 1980; Maley and Fahey, 1991; Luchjenbroers, 1997) and bilingual proceedings. With respect to the latter, Rigney (1999), Berk-Seligson (1999) and Hale (2001) are particularly relevant to the current study.

Starting with the assumption that questions are “the [main] resource to challenge, blame, suggest and direct witness testimony”, Rigney (1999:85) puts forward a contrastive (English/Spanish) typology of questions posed in the courtroom and ranks them “according to the degree
of control they try to impose on the answer” (Rigney, 1999:87). Based on a detailed analysis of a corpus of 964 questions, Rigney found that only ‘Wh questions’, ‘Yes/No questions’ and ‘alternative questions’ were systematically rendered from English into Spanish without any significant alteration. As for ‘modal questions’, i.e. questions subordinated to a modal verb, where the coercive effect of the question is mitigated and the politeness of the questioner is enhanced, Rigney’s data revealed that interpreters tend to render them as direct yes/no questions or to opt for other formulations devoid of politeness markers, as in the following:

**Example 1 (Rigney, 1999:95; back-translation in square brackets):**

Prosecutor: Would you look at 62-B?
Interpreter: Mire a la 62-B
[Look at 62-B]

Moreover, interpreters were found to omit original tags, which are widely regarded as a highly conducive and hence coercive question-type. This particular finding was explained by the fact that the range of tag structures available in Spanish is considerably more restricted than in English. This is particularly so in ‘reverse polarity tag questions’, which are rendered as a simple Yes/No question that lacks the coerciveness intended by the lawyer in charge of the examination, as in the following example:

**Example 2 (Rigney, 1999:98)**

Prosecutor: OK, but during that 25 or 30 minute period you told her you didn’t want to go to El Salvador, did you?
Interpreter: Pero en esos 25 ó 30 minutos, ¿usted le dijo que no quería regresar a El Salvador?
[Both during that 25 or 30 minute period did you tell her you didn’t want to go to El Salvador?]

‘Declarative questions’ (i.e. declarative statements with rising intonation and prosodically equivalent to a question) are another suggestive question type with no close equivalent in Spanish. Again, interpreters were found in most cases to render such declarative probes into Spanish as Yes/No questions. In doing so, they fail to convey the distinctive pragmatic force of the original elicitations, which are used by the attorney “to introduce new information suggesting that they are only raising given information” (Rigney, 1999:99).

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2 From a formal point of view, questions in Spanish are also intonationally marked statements, but their pragmatic force is noticeably different from that of declarative questions in English. Rigney (1999) attributes these pragmatic differences to the idiosyncratic word-order patterns that prevail in each language. As opposed to their yes/no counterparts, English declarative questions do not require the inversion of the subject–verb order. This formal difference between both question-types accounts for the perception of yes/no questions as neutral information-seeking devices and the interpretation of declarative questions as mood-loaded conducive ones: “declarative questions ... allow lawyers to ... signal the beliefs about the truth of the evidence and to indicate the answer they expect” (Rigney, 1999:99). The flexibility of word order in Spanish, however, precludes establishing any systematic correlation between SV/VS order and pragmatic neutrality/conduciveness. Given this lack of straightforward correspondence between prosodically interrogative statements across languages, “the meanings of blame, challenge, irony, etc. that English declaratives convey can be lost in the translation [into Spanish] unless interpreters use other linguistic devices to preserve them” (Rigney, 1999:101).
Berk-Seligson (1999) and Hale (2001) provide corroborative evidence for Rigney’s claims on the basis of more exhaustive studies of a single question-type, using data from courtroom interaction in different countries – the US and Australia, respectively – but still with the language pair English/Spanish. Berk-Seligson’s study of 504 ‘leading questions’ reveals that the strategic role of this question-type is “below the level of consciousness of court interpreters, at least when it comes to perceptions of their degree of suggestiveness” (Berk-Seligson, 1999:49). Consequently, leading questions are inaccurately rendered by the interpreter, who tends to alter the tenor of the original encounter by downgrading its suggestive and intimidating nature. Hale’s study of question-types used at different stages of the trial yielded similar results. Both studies conclude that “the main reason for the interpreters’ omissions of certain features was a lack of syntactic and semantic equivalence” (Hale, 2001:49) between English and Spanish and that, in view of the interpersonal load of courtroom questions, considerations of illocutionary or pragmatic equivalence ought to override those of lexico-grammatical accuracy.

Interpreter-motivated shifts in tenor, that is modifications of the interpersonal meaning conveyed in the original utterance, have also been examined by a number of studies informed by politeness theory. Berk-Seligson (1990), for example, describes such shifts in tenor in terms of the addition or deletion of honorifics, hedges and other markers of politeness, while Hale (1997) focuses on the interpreter’s tendency to omit discourse markers used mainly by lawyers to preface their questions.

Irrespective of differences in theoretical frameworks or specific objects of analysis, all these studies are underpinned by a common premise: altering the pragmatic force of the counsels’ questions may lead the witness to produce responses that the jury could find incongruent with the original question in terms of formality, politeness or hostility. The studies also seem to suffer from two major shortcomings. The first concerns their conceptualization of context. On the one hand, they allow for changes of tenor and the realignment of participants as a result of the interpreter’s mediation, a process that I propose to call ‘interlingual recontextualization’. At the same time, however, from an ‘intralingual recontextualization’ perspective, the conceptualization of context on which these approaches draw remains static, based as it is on the dominance of the legal players as a default premise. As is also the case with studies of courtroom interaction based on power differentials, the witnesses’ participation in the negotiation of common ground is only contemplated in terms of adherence to the alignments projected by the lawyers at each stage, rather than in terms of active agency in the joint construction of common ground. The second shortcoming of these studies is that they aim to account for the effects of realignments on the immediately contiguous turns, in accordance with what may be described as a ‘local recontextualization’ agenda. Consequently, they approach conversation as a series of local recontextualizations, without systematically exploring the links that may hold between different instances of these local recontextualizations across a given encounter, i.e. in terms of what could be regarded as a pattern of ‘revolving recontextualization’.  

This is not true, however, of some recent approaches. Mason and Stewart (2001), for instance, have shown that witnesses subjected to face-threatening questions from lawyers – in an attempt to undermine their credibility – may opt to protect their own stance by attacking the lawyer’s face and challenging the potentially damaging question. Although Mason and Stewart do not describe it in these terms, this realignment would appear to be an instance of ‘intralingual recontextualization’, whereby the witness produces a dispreferred response and in so doing challenges the lawyer’s dominant status. Furthermore, the fact that the interpreter opts to neutralize such challenges by “mitigating” and hence “disempowering” (Mason and Stewart, 2001:59) the witness later in the same encounter may be regarded as a token of the ‘revolving recontextualization’ triggered off by the witness earlier in the conversation.
Several questions arise in relation to these considerations. To what extent do witnesses actually challenge institutional expectations during the examination stages of the trial? Is the notion of intralingual recontextualization likely to prove productive for the description of interpreted-mediated interaction in the courtroom? Is it feasible to map the revolving nature of recontextualization onto a set of systematic and manageable parameters? Might such parameters help us to capture the dynamic and joint negotiation of the trajectory of a given encounter? In the rest of this paper I attempt to address these questions by examining a two-tiered corpus of NRRC-based declarative questions in Spanish courtrooms.

3. Non-restrictive relative clauses as recontextualization cues in Spanish courtrooms: a prelude

For cultural and historical reasons, Spanish trials traditionally gave prominence to written documentation at the expense of oral proceedings. The enforcement of the Jury Act in 1995, which requires trial by jury to deal with a number of alleged offences, represented a major procedural shake-up in this respect. In an insightful study of the new framework, García Montes (1999) analyses this shift towards oral, immediate courtroom proceedings and defines its impact on the barristers’ advocacy skills, tactics and priorities as “a U-turn in the way the lawyers approach the oral hearing” (1999:74). More importantly, he advises Spanish barristers to orient their performance to the “emotional persuasion of jurors” and plan a careful strategy for their examinations (1999:74). But while the questions posed by the counsels now have to respond to an increasingly formalized and strategic agenda, the witnesses’ and defendants’ responses in Spanish courtrooms are not as rigidly constrained as in their English-speaking counterparts. Other scholars interested in courtroom interaction in non English-speaking countries which have recently imported the Anglo-Saxon system of justice agree that “because of this relative narrative and conversational freedom, an area is created in which they [the courtroom interactants] can come face to face. Both the lawyer and the witness elaborate a series of strategies to manipulate these features for their pragmatic purposes” (Gnisci and Pontecorvo, 2004:967). The impact of these changes is twofold. On the one hand, the interpreter’s mediation in Spanish courtrooms has become highly consequential (Pérez González, 1999, in press) and would seem to strengthen the case for conducting research on the interlingual dimension of interactional contextualization. On the other hand, an analytical framework based on the notion of revolving contextualization would appear to be particularly suitable to describing the effects that the constant realignments between the speakers involved in Spanish courtroom interaction have on later stages of the same encounter. The following example, from my data, demonstrates the pragmatic reversibility of the strategies used by interpreters to deal with questions in the courtroom and shows where the impetus behind this study lies:

Example 3 (Sample 5.3:125–133)
[The symbol > represents interrupted sentences. Participants: (S1) lawyer; (S2) witness; (I) interpreter. Contextual information: S2 is the sister of the defendant, who has been charged with the murder of his wife eighteen months earlier. S1 has been trying to challenge S2’s claim that she was unaware of the fact that her brother was breaching an injunction not to approach his estranged wife]
Pero él sabe que a su suegro ya le dieron alta dos días antes. [But he said that he knew his father-in-law had been discharged two days before.]

But you said your brother knew that his father-in-law had returned home two weeks before.

Yeah, that’s right.

Correcto. [That’s correct]

Lo cual no le pareció bastante importante como para comprobar cómo había hecho la otra vez. [Which you did not find important enough to check as you had done the other time.]

Didn’t you think this was important enough to phone them as you had done in the past?

Not really. No, I didn’t want to raise the alarm again with her father like that.

No, no quería alarmarlos otra vez al estar su padre así. [No, I didn’t want to alarm them again with her father like that.]

O sea, que ni se paró a pensarlo. [So, you did not even consider it.]

As we will see in section 4, this is not the only instance in my corpus where the lawyer’s declarative question based on a non-restrictive relative clause is interpreted as a polar interrogative. Admittedly, the omission of the NRRC may be explained in terms of interpreters’ common misconception that “certain discourse features may be irrelevant or superfluous, adding to the memory burden and impinging on the time constraint placed on them” (Hale, 2001:47) without actually contributing to the substance of the message. After all, NRRC have been traditionally considered to convey non-essential information (see section 4). In this case, however, the omission has important implications for the following turns. First, the lawyer’s NRRC-based declarative question gives the witness the opportunity to decide freely on what and how much she wants to say in her response, while the interpreter’s polar interrogative is substantially more restrictive. Second, the NRRC connects the lawyer’s declarative back to the previous question by way of expansion or refinement; the polar interrogative, however, dispenses with that connection altogether. The upshot of this preliminary analysis is that the interpreter’s mediation intervenes in the co-construction of common ground by the interactants and therefore represents an instance of unilateral interlingual recontextualization. As a result, the witness’s interpreted response (turn 132) is assessed by the lawyer and the jurors in accordance with the interactional expectations set by the question in turn 129. Whereas the witness’s response is a definite ‘no’, the mediated version can be interpreted differently. In fact, the lawyer’s perception of the shared common ground at that stage leads her to interpret the witness’s negative response along the following lines: ‘no, it’s not a matter of whether it was important enough, but of the father’s situation’. In other words, she perceives the response as a refusal by the witness to engage in the evaluation requested, hence the lawyer’s reaction in turn 132. In sum, the interlingual recontextualization of the interaction triggers off a realignment between the speaker in turn 132 (the witness does not come up with what is expected from her by the monolingual participants), which then acts as catalyst for a second realignment in turn 133 (the lawyer
monitors whether the witness’s failure to deliver an appropriate response is deliberate). A pattern of revolving recontextualization begins to emerge.

Within this frame of reference, the present study has four aims:

(1) to investigate the lawyer’s use of NRRC-based declaratives in Spanish courtroom interaction and the ways in which interpreters render them into English;
(2) to examine the shifts in pragmatic force that result from interpreters’ rendition of NRRC-based declaratives into English;
(3) to gain a deeper insight into the conversational role of NRRCs by outlining a rationale for their use as strategic tools; and
(4) to track down the interactional consequences of interpreted NRRC-based declaratives at later stages of the encounter, thus developing a more systematic account of how revolving contextualization works.

4. The study: data and findings

The aims listed above call for an analysis of NRRCs as used in interpreted courtroom interaction. However, investigating the use of NRRCs as strategic conversational devices in this institutional setting requires our understanding of the ways in which such items are routinely used in everyday conversation. In order to implement this ultimately contrastive approach, this study draws on two corpora. The first, which is used to address Aims 1 and 2, is a corpus of Spanish simulated courtroom interaction compiled by the author at Universidad Europea de Madrid (UEM) over the past five years. Since 1997, UEM has run an annual course entitled Yo, el jurado (I, the juror) as part of a full-time postgraduate program on legal practice, skills and ethics which aims to develop the knowledge and advocacy skills required by recent law graduates to pursue a professional career. Led by distinguished practising barristers, this course culminates each year in a mise en scène of a number of trials by jury over three successive days. These are used to assess the students’ advocacy skills. The trials are video-recorded and broadcast throughout UEM’s own closed circuit television channel. Since 1999, the participation of students from the USA in this course as part of their Semester Abroad Programme has enabled the staging of bilingual simulated trials, where final year students of UEM’s translation and interpreting degree program have acted as court interpreters.

Interpreting students involved in these mock trials were all native speakers of Spanish and proficient users of English and a second foreign language (French or German). By the time students became involved in mock trials, they had almost two years of exposure to consecutive and bilateral interpreting practice and were beginning their training in simultaneous interpreting. Prior to their voluntary participation in the mock trials, they were all required to attend a number of sessions devoted specifically to the study of the few (and, in most cases, inconsistent) codes of ethics published and circulated by different associations of translators and interpreters in Spain.

The fact that they had not yet completed their degree at this stage was considered not to affect the reliability of the results: over 90% of the professionals acting as interpreters in Spanish

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6 All participants in mock trials, both members of the counsel for the defence/prosecution and interpreters, consented to their performance being recorded, broadcast in promotional events or examined for research-related purposes.

6 For a full account, see Pérez González (in preparation).
courtrooms today are likely to be less qualified for the job in terms of linguistic competence, familiarity with interpreting techniques, and awareness of codes of ethics to be complied with in such settings (Miguez, 1999; Caceres Wursig and Perez Gonzales, 2003). For the purposes of this study, my exploitation of this corpus was restricted to examining the occurrences of NRRC-based declarative questions in the 16 mock bilingual trials by jury recorded between 1999 and 2003 and, more specifically, the hostile examinations of 37 witnesses and defendants during these trials.

The second source of data for this study, which informs my attempt to address Aim 3, is a computer-held corpus known as COR92, which I examine for evidence of lexico-grammatical and pragmatic stability in the use of non-restrictive relative clauses. COR92 consists of 825,251 running words of spoken Spanish currently available through the Spanish on-line website. The corpus is maintained by the Department of Romance Languages at the University of Goteborg and is based on the Corpus Oral de Referencia del Español Contemporáneo (Reference corpus of contemporary spoken Spanish), compiled between January 1991 and February 1992. The corpus contains transcriptions of recorded audio tapes of a varied nature – including private conversations, radio and television debates – and represents a readily available, computer-held source of spontaneous colloquial Spanish.

Finally, to address Aim 4, I will be drawing on Martin’s (2000b) multi-tiered model of exchange structure to argue that the interpreters’ omission of certain recontextualization cues can be accounted for in terms of their orientation to the ‘mood telos’ rather than to the ‘appraisal telos’ that the lawyer is actively trying to exploit in his or her own interest.

4.1. Interpreting NRRC-based declaratives in Spanish mock courtroom interaction: Aims 1 and 2

According to existing grammars, NRRCs fall under the ‘hypotactic elaboration’ category and represent a “combination of dependency and elaboration” whose “function is to add a further specification of something that is already presented as specific” (Downing and Locke, 2001).

7 Caceres Wursig and Perez Gonzales (2003) explore the historical reasons for the lack of a proper system of certification of courtroom interpreters and conclude that interpreting arrangements in Spanish courtrooms nowadays are still regulated by legislative provisions enacted in the 19th century. These regulations, originally intended to provide the judicial system with interim guidelines for appointing interpreters, have been perpetuated by centuries of legislative inertia. The upshot is that courts often resort to individuals claiming to be proficient in the required foreign language, despite their awareness of the fact that “interpreting errors do occur and can lead to irreversible miscarriages of justice” (Miguez, 1999). The surge of interpreter-mediated hearings in recent years has not been matched by the enactment of more rigorous interpreter provision schemes. In an increasing number of judicial districts, the management of interpreting services is currently being outsourced to private language service companies whose success in the tendering process relies more on the competitiveness of their fees than on their quality-screening procedures. In recent years, the poor translation and interpreting skills and, in many cases, lack of basic linguistic proficiency of some of these privately managed interpreters have become increasingly held responsible for the need to adjourn or even repeat full hearings (Perez Gonzalez, 2002:78). Admittedly, the analysis of mock trials based on the performance of inexperienced student interpreters may not be considered representative of professional courtroom interpreting standards in countries regulated by rigorous certification programmes. In the case of Spanish courtrooms, however, experience and interpreting competence are not necessarily to be expected from professionals involved in real trials. At any rate, there are precedents in the literature for the use of quasi-professional interpreters as reliable informants (Miguez, 2001).

8 The use of the label ‘question’ here draws on Hale’s (2001:24) definition of the term as “any turn taken by the lawyer in addressing the witness”, despite the fact that “a number of these turns are not grammatical questions but require a response from the witness nonetheless”.

9 URL: http://spraakbanken.gu.se/lb/konk/rom2/ (last visit: 31/01/2005).
Such specifications, most commonly introduced by ‘which’ or ‘that’ in English and a wide range of items in Spanish (Butt and Benjamin, 2004:518–525) are added to one of the following structures:

(a) the whole of the primary clause, as in

And these two cups of coffee cost 50 shillings which is absolutely disgraceful (example from Tao and McCarthy, 2001:655).

(b) a nominal group within the primary clause, usually when the nominal group is non-final in the primary clause, as in

Um right now we’re looking at April fifteenth which is a Friday and s-, and April sixteenth as the uh date for that public presentation (example from Tao and McCarthy, 2001:654).

(c) a nominal group which is extraposed or final in the primary clause, as in

That changed again, a few years later they passed some laws, or something like that, which did enable the government to . . . to do, um, . . . visa res- . . . restrictions (example from Tao and McCarthy, 2001:657).

Out of the 1573 questions asked by both parties in the 16 bilingual mock trials recorded, 957 occurred in hostile examinations of witnesses and defendants. Lawyers leading such examinations asked 506 questions, although only 410 were actually interpreted into English. While the relative distribution of question-types falls beyond the scope of this paper, it is worth noting that NRRC-based declarative questions ranked fifth among the types of declarative questions asked by the lawyers, with a total number of 17 occurrences in the corpus. Table 1 outlines the different formal realizations of Spanish NRRC-based declaratives in the corpus in order of occurrence.10

Only 15 out of these 17 questions were actually translated into English.11 Of these, 10 were interpreted into English as polar interrogatives (as in Example 3) and 4 as polar interrogatives preceded by ‘and’/‘but’, as illustrated by turn 80 in the following example:

10 ‘Lo cual’ is the non-restrictive relative form used when the referent is a clause or an idea and, hence, is neither masculine nor feminine in gender. ‘La cual’ is used for feminine referents, whereas ‘que’ is the generic terms.

11 In two cases, the witness replied before the interpreter could render the question into English because the Spanish wording of the original question was easily understandable for a native speaker of English.
Example 4 (Sample 4.2:75–82)
[Participants: (S1) lawyer; (S2) defendant; (I) interpreter]

75 SI La vez anterior ya le había dicho dónde estaba la llave de la puerta del del garaje de Las Matas, ¿no?
[The previous time [she] had already told you where the key of the door of the garage in Las Matas was, right?]
76 I But she had already told you in your last visit where the key of the garage in Las Matas was, didn’t she?
77 S2 She had told the three of us.
78 I Nos lo había dicho a las tres.
[She had told us three.]
79 SI La cual seguramente sería demasiado pesada para abrirlo con una mano en caso de necesidad.
[Which would probably be too heavy to open with one hand if it were necessary for you to do so.]
80 I And do you think you would manage to open it with only one hand, if you had to?
81 S2 I shouldn’t think so.
82 I No creo.
[I don’t think so.]
83 S1 Ah> Así que ya la había abierto antes, ¿no?
[Oh> so you had opened it before, right?]

In the remaining occurrence, we find the only instance in which the interpreter actually uses a NRRC in her rendition:

Example 5a (Sample 3.3:48–54)
[Participants: (S1) lawyer; (S2) witness; (I) interpreter]

48 S1 Pero esta no era la primera vez, porque usted ha dicho que ya le había prestado en tres ocasiones el portátil, ¿correcto?
[But this was not the first time, because you said that you had already lent him your laptop on three occasions, right?]
49 I But he had already borrowed your laptop on three occasions before, correct?
50 S2 Yes.
51 I Sí.
[Yes.]
52 S1 Que a usted desde luego le haría falta para su trabajo diario y eso él me imagino que lo sabía> que lo sabría.
[Which you of course needed for your daily work and that I suppose he knew> he would know.]
53 I Which you needed at work. Presumably he knew that?
54 S2 De sobras, hasta mi mujer se lo tenía dicho.
[Too well, even my wife had told him.]
As opposed to previous studies on bilingual courtroom interaction, then, this admittedly limited corpus would seem to lend credence to the hypothesis that NRRC-based declarative questions may be used as a non-coercive eliciting strategy in Spanish. Although syntactic and semantic equivalence are not a problem in the Spanish–English combination, this type of declarative was found to be pervasively modified by the mediation of the interpreter. In 66% of occurrences, NRRC-based declarative questions were reformulated as restrictive polar interrogatives. In 26% of occurrences, the restrictive polar interrogative followed a coordinating conjunction in the interpreter’s version. More importantly, turns [129–131] in Example 3 and turns [79–81] in Example 4 show that the interpreters’ reformulations also altered the interactional frame against which the lawyer and the jury assess the contributions to the common ground by the witness or the defendant, thus paving the way for interactional misunderstandings.

By way of recapitulation, it should be noted that in 14 out of the 15 NRRC-based declarative questions interpreted from Spanish into English, the interpreter’s mediation (i) modified the pragmatic force of the original elicitations by substantially restricting the responder’s degree of freedom to design their own contribution and (ii) triggered off potentially conflictive situations by eliciting the responder’s contributions under sequential constraints that deviate from the ones established by the original question. This forces lawyers to reorganize their projected questioning strategy by accommodating the witnesses’ contributions to the interactional expectations of the monolingual courtroom (Example 3, turn 133) or exploiting unexpected favourable answers to the advantage of their ongoing examination (Example 4, turn 83). The interlingual recontextualization of the interactional process by which speakers negotiate their common ground results in differences between the sequentially relevant set of expectations against which each speaker interprets their interlocutors’ contributions. The actual moves required for a speaker to confirm his or her interlocutors’ orientation to a perceived common interactional goal represent the realizations of the revolving contextualization that aims to bring the negotiation back on a joint track.

In terms of structural patterning, 8 out of the 15 NRRC-based declarative questions interpreted from Spanish into English referred back to the whole of the primary clause in the lawyer’s previous turn-at-talk (Example 3, turns 125/129), while the remaining 7 referred to the extraposed or final element of the lawyer’s previous question (Example 4, turns 75/79; Example 5a, turns 48/52). While the grammatical and semantic structures of English do not prevent the interpreter from interpreting the question as a NRRC-based declarative, the literal option may have to be discarded for different reasons. In turn 76, Example 4, the interpreter translates ‘puerta del garaje’ as ‘garage’ (as opposed to ‘garage door’), thus removing the antecedent of the NRRC from the English version of the question and making it impossible to use a NRRC-based declarative in her rendition of the following question (turn 80). A similar problem arises in Example 5a, where ‘the laptop’ is removed from the final position of the final clause in turn 49. However, the shared contextual ground – i.e. the speakers’ awareness of the laptop being the only item that can possibly be lent/borrowed – seems strong enough for the interpreter to come up with a literal rendition of the NRRC-based declarative question in turn 53.

As these examples demonstrate, the use of NRRCs in monolingual interaction seems to require a degree of planning and stability that is normally associated with written language. Arguably, the relatively high frequency of NRRC-based declarative elicitations in Spanish courtroom interaction may be regarded as a token of the Spanish lawyers’ traditional reliance on
written language, prior to the adoption of the new adversarial conventions. In interpreted-mediated interaction, however, the use of non-contiguous NRRCs is subject to interference from a range of variables that are typically found in unplanned spoken discourse, such as word order and the interpreter’s prior renditions.

In this section, I attempted to explain why interpreters may overwhelmingly opt to render NRRC-based declarative questions as polarity questions. While this does not represent any major shift in terms of coerciveness or tenor relations, it clearly has important sequential implications. From a discourse point of view, the relative clause is not irrelevant to the core structure of the primary clause around which the lawyer’s prior question revolves. When considered in retrospect, it becomes clear that the primary clause represents an anchor point for the lawyer’s subsequent turn; the NRRC-based declarative questions seek to clarify the degree of the witness’s/defendant’s involvement or agreement with the proposition conveyed by the primary clause. Consequently, the importance of NRRC-based declarative questions used by lawyers does not lie in the grammatical structure per se, but rather in the interactional role they perform as a discourse-building strategy. When interpreted from Spanish into English as a polarity question, the anchoring role of the primary clause is suppressed and the NRRC-based declarative question emerges as an independent conversational move, both from a grammatical and a discourse-related standpoint. The discourse-building function of the NRRC-based declarative question used in the Spanish interaction and the way in which this function is transferred into English is what I intend to address in the next section.

4.2. The conversational role of NRRCs: Aim 3

I argued above that NRRC-based declarative questions fulfil a distinctively meaningful communicative function. It is through this type of question that lawyers attempt to establish a witness’s or defendant’s involvement in or agreement with the proposition expressed in the lawyer’s previous anchor question. This is particularly important if we consider that courtroom questions seldom seek to elicit information that is unknown to the interrogator; ultimately, courtroom questions are linguistic resources exploited to present information in a manner that best suits the case that the lawyer is trying to prove before the jury. In this section, I examine the conversational role of NRRCs and elaborate a rationale for their use as strategic tools by attempting to formalize the discourse-building function that this grammatical structure serves in courtroom interaction.

The increased availability of computer-held corpora in recent years has provided new avenues of research into the interface between lexis, grammar and meaning. Sinclair (1991), Stubbs (1995) and Hunston (1995) have amply demonstrated that “typical use [of a word or string of words] confers implicit meaning and that that meaning, if strong enough, may be exploited” (Hunston, 1995:137) to produce specific pragmatic effects. More recently, scholars such as RomeroTrillo (2002), Carter and McCarthy (2004) and McCarthy and Carter (2004) have produced rich analyses of dialogue which relate lexico-grammar to the social context, thus moving beyond forms to examine meaning as function in context and highlighting the role of language as a resource for negotiating social relations. Drawing on a similar study of relative clauses in spoken English (Tao and McCarthy, 2001), I set out to establish the existence of preferred syntactic configurations and communicative functions associated with the use of NRRCs in spoken Spanish as evident in the COR92 corpus described above.
In carrying out this corpus-based analysis of NRRCs via the traditional KWIC (key word in context) format, a major difficulty arose. Despite the possibility of expanding the co-text surrounding the search string beyond the limits of the concordance line, the lack of intonational information – a key distinguishing feature of NRRCs according to published grammars (Halliday, 1985; Downing and Locke, 1992) – made it difficult in some cases to distinguish between restrictive relative clauses and NRRCs, as well as between appositive and continuative NRRCs. For the sake of reliability, the search was restricted to occurrences of the relative item ‘lo cual’ (‘which’), since this is always non-restrictive in Spanish (DeMello, 1994a, 1994b). This is also the relative item found in 76% of the occurrences of NRRC-based declarative questions in my corpus of courtroom interaction. Fig. 2 is an edited concordance of ‘lo cual’ in COR92 that I intend to use for the purposes of illustration in my discussion of the findings.

Fig. 2. An edited concordance of ‘lo cual’ NRRCs in COR92.
First, my analysis reveals that 389 of the 573 occurrences of *lo cual* clauses fulfil an evaluative function. This evaluative function, which expresses the speaker’s attitude towards the message of the immediately preceding utterance, is overwhelmingly realized by the relative item *lo cual* followed by the copula *be* (‘es’), as illustrated by lines 1-5 in the concordance (*es perfecto para* ‘is perfect for’, *es gravísimo* ‘is extremely serious’, *es raro en nuestra familia* ‘is rare in our family’, etc.). Of note is also the co-occurrence of attitudinal discourse markers (46 occurrences) immediately after *lo cual*, all of which reinforce the evaluative nature of NRRCs, as illustrated by lines 6–13 in the concordance (e.g. *ciertamente* ‘certainly’, *realmente* ‘really’, *evidentemente* ‘obviously’, *positivamente* ‘positively’, *me imagino* ‘I imagine’, etc.).

Secondly, 146 of the 573 occurrences of *lo cual* clauses expanded on the information conveyed by the immediately preceding clause, adding information that the interlocutor was not expected to be acquainted with, as in lines 14–17 of the concordance. As would also seem to be the case with non restrictive *which* clauses in English (Tao and McCarthy, 2001), the concordance provides us with evidence of the “evaluative import” of the information added by these expansive *lo cual* clauses, as shown by lines 18–21 (*lo cual me fastidia mucho* ‘which annoys me’, *lo cual nos presenta un serio problema* ‘which represents a serious problem’, *lo cual inutiliza la inversión* ‘which renders the investment useless’, etc.). In order to account for this evaluative import or evaluative communicative role of expansive *which* clauses, we may draw upon Tao and McCarthy’s explanation of the very same phenomenon in English (2001:664; original emphasis):

The category termed *expansion*, therefore, should not be entirely construed as referring to neutral, non-evaluative or non-attitudinal information; it is simply that the clause is not overtly marked internally as evaluative. Expansion, by definition, is always pragmatically motivated, and the motivation frequently includes information supportive of evaluation and force.

Finally, 22 of the 573 occurrences of *lo cual* clauses belong to the ‘affirmative’ category, i.e. NRRCs which merely confirm that an event or action referred to in the antecedent clause is/has/will or will not happen (lines 22 and 23 in the concordance). The remaining 16 occurrences were grouped under the heading ‘other’, either because there is insufficient information for an accurate classification to be proposed, or because the item forms part of a spoken non-grammatical utterance, etc.

Table 2 represents a cross-linguistic comparison of the results of my corpus-based analysis of *lo cual* NRRCs in spoken Spanish and the findings of Tao and McCarthy’s (2001) study of *which* NRRCs in English. The figures confirm that the basic distributional patterns of NRRCs hold across languages, the relative proportion of evaluative NRRCs being slightly higher in Spanish. Thus, corpus evidence confirms the existence of preferred syntactic configurations and

Table 2
Cross-linguistic comparison: functional types of ‘lo cual’ NRRCs in spoken Spanish (COR92) and ‘which’ NRRCs in spoken English (Tao and McCarthy, 2001)

<table>
<thead>
<tr>
<th>Functional type</th>
<th><em>Which</em> NRRCs</th>
<th></th>
<th><em>Lo cual</em> NRRCs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation</td>
<td>429</td>
<td>62.0</td>
<td>389</td>
<td>67.8</td>
</tr>
<tr>
<td>Expansion</td>
<td>215</td>
<td>31.1</td>
<td>146</td>
<td>25.5</td>
</tr>
<tr>
<td>Affirmation</td>
<td>25</td>
<td>3.6</td>
<td>22</td>
<td>3.9</td>
</tr>
<tr>
<td>Other</td>
<td>23</td>
<td>3.3</td>
<td>16</td>
<td>2.9</td>
</tr>
</tbody>
</table>
communicative functions both in English and Spanish, which can be said to be associated with the use of NRRCs in spoken language. Table 3 offers a cross-linguistic comparison of such preferred syntactic configurations and communicative functions.

As can be seen in Table 3, in Spanish the relative item is also frequently followed by modal expressions. Corpus evidence, however, confirms that the number of occurrences of lo cual followed by modal verbs is substantially lower, which should not come as a surprise if we take into account the differences between the resources available for the expression of modality in each language. More specifically, modal auxiliaries are not required in Spanish to build simple conditional tenses.

Finally, Table 4 confirms that 11 out of the 13 lo cual NRRC-based declarative questions found in my corpus of Spanish simulated courtroom interaction (i.e. 85\%) fulfilled an evaluative discourse function, whereby lawyers either express their own appraisal of an action, situation or state of affairs, or formulate what they consider to be the witness’s or defendant’s own stance on the latter.

As for preferred syntactic configuration and collocational patterning, 9 out of the 13 lo cual NRRC-based declarative questions featured modal expressions before the verb in the relative clause: this is a significantly high rate of occurrence bearing in mind the differences in modality resources available in English and Spanish. Interestingly, modal expressions were also found before the verb of the NRRC in other occurrences of evaluative NRRC-based declarative questions in my corpus, for example seguramente (turn 79, Example 4) and desde luego (turn 52, Example 5a).

In section 4.1, I demonstrated the interpreters’ tendency to render NRRC-based declarative questions as polarity questions, and the concomitant interlingual recontextualization of the process whereby speakers negotiate their common ground in the ongoing conversation. I also argued that omission of the relative item was important not only from a lexico-grammatical point of view, but also in relation to the discourse-building function of NRRCs. In this section, I drew

<table>
<thead>
<tr>
<th>Table 3</th>
<th>Cross-linguistic comparison: preferred syntactic configuration and communicative functions of ‘lo cual’ NRRCs in spoken Spanish (COR92) and ‘which’ NRRCs in spoken English (Tao and McCarthy, 2001)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Which NRRCs</strong></td>
<td><strong>Lo cual NRRCs</strong></td>
</tr>
<tr>
<td>Preferred syntactic configuration</td>
<td>Preferred communicative function</td>
</tr>
<tr>
<td>Which + modal expressions</td>
<td>Evaluation</td>
</tr>
<tr>
<td>(including discourse markers) + is</td>
<td>Evaluation</td>
</tr>
<tr>
<td>Lo cual + modal expressions</td>
<td>(mostly discourse markers) + V</td>
</tr>
<tr>
<td>Table 4</td>
<td>Distribution of functional types among ‘lo cual’ NRRC-based declaratives in the corpus of Spanish simulated courtroom interaction</td>
</tr>
<tr>
<td>NRRC-based declaratives in Spanish</td>
<td></td>
</tr>
<tr>
<td><strong>Realization type</strong></td>
<td><strong>Functional type</strong></td>
</tr>
<tr>
<td>‘Lo cual’ NRRCs</td>
<td>Evaluation</td>
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<tr>
<td></td>
<td>Expansion</td>
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<td></td>
<td>Affirmation</td>
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<tr>
<td></td>
<td>Other</td>
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<tr>
<td>Total occurrences</td>
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</table>
on corpus evidence in order to pursue this hypothesis further. According to the concordances examined, spoken language (both English and Spanish) exhibits a significant degree of correlation between relatively stable lexico-grammatical patterns clustering around NRRCs and a restricted set of discourse functions best characterized in terms of evaluation or evaluation-motivated expansion. I will now attempt to formalize the dialectics between lexico-grammar and the negotiation of interpersonal meaning as function in context, paying particular attention to the impact of the interpreters’ mediation on the correlation of lexico-grammatical resources and functional meaning that forms the basis of the lawyer’s questioning strategy. This will hopefully allow me to develop a more systematic account of revolving contextualization in interpreter-mediated interaction.

5. Recontextualization cues in interpreter-mediated interaction: Aim 4

In the Spanish interactional encounter, the lawyer’s NRRC-based declarative question conveys an evaluative pragmatic force by virtue of its sequential position. It follows a lawyer-initiated question/answer exchange whose first turn-at-talk represents an anchoring point for the projection of the ensuing exchanges. The question that emerges from the interpreter’s rendition, however, does not have the same pragmatic force despite being also an eliciting move and being placed in the very same sequential environment. This being so, the moment-by-moment negotiation of interpersonal meaning could be held to result from the realization of certain lexico-grammatical patterns *cum* associated communicative functions within specific structural slots bound to other structural slots either before or after the current turn-at-talk, within or beyond the current question-answer exchange. The fact that the interpreter may (inadvertently) alter the conventional association between a given lexico-grammatical pattern and a specific communicative function (interlingual recontextualization) at any point of the interaction is bound to modify the predicted trajectory of the conversation, either by requiring the use of single monitoring exchanges or whole sequences of such exchanges (revolving contextualization).

Most of the studies examined in section 2.2 have restricted their analysis of the effects of interpreters’ mediation to the conversational exchange, typically formed by a question/answer series. This is particularly true of studies on interpreters’ mediation in institutional settings such as courtrooms, because describing conversational interaction in terms of a series of questions and answers seems plausible in the case of encounters deemed to be severely constrained by power differentials. Consequently, drawing on notions of politeness, face and participation framework has enabled researchers to assess the interpreter’s performance in terms of local equivalence. In most cases, answers to interpreter-mediated questions have been dealt with as evidence that corroborates or refutes the explanation provided by the researcher as to why the interpreter may have chosen a particular strategy. These studies, however, have not attempted to explain how exchanges relate to other exchanges within wider transactional units, which makes it difficult for them to predict how the interpreter’s performance at a given point may affect the negotiation that takes place in a neighbouring exchange.

Davidson’s ‘collaborative model’ of interpreter-mediated interaction (2002:1284), summarized in Fig. 1, represents an important step forward in this respect. It acknowledges the fact that confirming the construction of reciprocally held common ground in relation to a specific item of information may well require the use of a variable number of turns-at-talk. Before rendering an utterance into the other language involved in the encounter, the interpreter needs to establish common ground and reciprocity with each participant in the interaction, provided they happen to be working in a setting that empowers them to do so. Davidson’s model nevertheless has certain
shortcomings. Although it elaborates a scenario in which the interpreter engages individually in interaction with each party to secure their orientation to the ongoingly negotiated common ground, it would seem to take for granted both the interpreter’s capacity to identify what the common ground is at any given moment – which may not always be the case in sensitive settings such as courtrooms, where speakers may pursue their respective agendas in indirect ways – and the interpreter’s infallibility. All in all, this model assumes that once the interpreter has successfully negotiated a new contribution to the common ground with one participant, there will be no mistakes, misunderstanding or (inadvertent) shifts on his or her part that could alter the trajectory of the conversation.

Ultimately, all these approaches place particular emphasis on the description of the exchange structure from the perspective of turn-taking, either in terms of a simplified core version consisting of question-answer pairs or a more elaborate description which explicitly accommodates the clarification-seeking moves used by the speakers, including the interpreter, to complete the purpose of the question-answer series. These chain-based perspectives may provide an adequate framework for the description of interaction in certain institutional settings, where the power differentials between the speakers maximize the need to achieve a definite contribution to the common ground within the bounds of a single exchange. However, they fail to account for a number of the interactive mechanisms that I have identified in less rigid patterns of adversarial courtroom interaction, where a given interactional goal may be pursued across several exchanges.

As opposed to such local, strictly sequential approaches, Martin (2000a, 2000b) develops a multinocular vision of the exchange structure that builds on previous systemic functional descriptions of this interactional unit (Berry, 1981; Ventola, 1987). Martin’s framework sets out to account for patterns of interactive organization which manage to track down the connections between different constitutive exchanges of a given conversational encounter on the basis of their common orientation to a shared communicative aim. This model thus represents an attempt to account systematically for the fact that moves occupying equivalent slot-types within their respective, local exchange structures may have different pragmatic forces. In other words, it seeks to highlight the fact that the moment-by-moment negotiation of common ground in conversation does not rely exclusively on the organizational role of structural motifs. Martin argues that the organization of the exchange can be factored into four structural motifs:

(a) The first is the ‘serial motif’, which defines the exchange as a “chaining structure involving interdependent turns at talk, with interlocutors responding to preceding moves” (2000b:23).
(b) The second is the ‘orbital motif’. In ‘knowledge-orientated’ or information-seeking interaction (Berry, 1981), exchanges are organized around K1, i.e. the contribution of the ‘primary knower’ who knows the information required. When the primary knower discloses the information through an answer, K1 follows K2, i.e. the contribution of the ‘secondary knower’ who requires the information. The orbital motif of the exchange acknowledges the possibility that a whole exchange can revolve around a single contribution that provides information. This is the only move that has to be realized obligatorily in each exchange, all others being “dependent satellites” (Martin, 2000b:23) of the nucleus.  

12 As opposed to the so-called monocular visions, which describe exchanges as series of turns at talk bound together by their mutual adjacency, Martin’s multinocular account relies on the existence of additional structural tiers that connect turns both within and beyond the boundaries of individual exchanges. Consequently, any given turn is related both to non-adjacent turns within the same exchange and other turns belonging to different exchanges.

13 For a more comprehensive description of the orbital motif, including the whole range of move types that primary and secondary interactants can produce in interaction, see Berry (1981) and Pérez González (1998).
illustrates the organizational dynamics of orbital motifs and highlights the centrality of the exchange nuclei (turns 50 and 54) with regard to their respective satellites.

Example 5b (Sample 3.3:48–54)
[Participants: (S1) lawyer; (S2) witness; (I) interpreter]

48 S1 Pero esta no era la primera vez, porque usted ha dicho que ya le había prestado en tres ocasiones el portátil, ¿correcto? K2
49 I But he had already borrowed your laptop on three occasions before, correct? K2′
50 S2 Yes. K1
51 I Sí. K1′
52 S1 *Que a usted desde luego le haría falta para su trabajo diario y eso él me imagino que lo sabía*; que lo sabría. K2
53 I Which you needed at work. Presumably he knew that? K2′
54 S2 De sobras, hasta mi mujer se lo teníamos dicho. K1
55 I Yeah, even my wife had told him thousands of times. K1′

(c) Third, the ‘periodic motif’ underscores the fact that each exchange represents a wave of information “with all but one missing piece of information provided in the opening move” (Martin, 2000b:24). K1, the nuclear slot, typically provides the only missing element of information before a new exchange/wave is initiated by the secondary knower. In Example 5c, the constitutive moves of the exchange are displayed next to each other in a linear progression that unfolds from left to right. When the item of information elicited by the exchange-initiator (S1, far left) is provided by S2, the wave of information breaks and subsides:

Example 5c (Sample 3.3:48–54)
[Participants: (S1) lawyer; (S2) witness; (I) interpreter]

48 S1 Pero esta no era la primera vez, porque usted ha dicho que ya le había prestado en tres ocasiones el portátil, ¿correcto? K2
49 I But he had already borrowed your laptop on three occasions before, correct? K2′
50 S2 Yes. K1
51 I Sí. K1′
52 S1 Que a usted desde luego le haría falta para su trabajo diario y eso él me imagino que lo sabía. K2
53 I Which you needed at work. Presumably he knew that? K2′
54 S2 De sobras, hasta mi mujer se lo teníamos dicho. K1
55 I Yeah, even my wife had told him thousands of times. K1′

(d) And finally, there is the ‘prosodic motif’ of telos or interactional purpose of the exchange. Bearing in mind the relevance of the prosodic motif to this study, it is worth quoting Martin’s explanation at length (2000b:24):
Once an exchange is initiated, we know how it is expected to finish – what it’s (sic) goal is. It is on this basis that we recognize the tracking and challenging moves . . . as interruptions . . . Because it maps over several moves this teleological aspect of the exchange can be treated as prosodic, establishing the domain throughout which the exchange unfolds.

The most relevant aspect of Martin’s multi-tiered framework in the current context is the dynamic relationship that is claimed to hold between the telos and the three remaining structural motifs of the exchange. More specifically, this interpersonal approach acknowledges the possibility of a ‘dissonant mapping’ of the four structural tiers. The speakers’ joint construction of common ground may not unfold in such a way as to allow each interactional objective to be accomplished within a single exchange, but may rather result in this objective being realized across a series of exchanges. Each constitutive exchange would realize its own serial, orbital and periodic motifs, but the realization of the prosodical telos may require a serial chaining of exchanges. Martin’s notion of telos helps us to account for the fact that NRRC-based declarative questions are used by lawyers to initiate exchanges which pursue the same interactional goal as their previous and, possibly, following counterparts. Moreover, it enables the researcher to establish meaningful connections between moves belonging to different exchanges and account for interactional phenomena in relation to what goes on elsewhere in the encounter, thus paving the way for a more systematic study of revolving contextualization. But even though the possibility of the prosodic motif of telos mapping dissonantly with the other tiers suits my analytical interests, it is still necessary to flesh out this construct by looking at the way it manifests itself through language in interaction.

My contention is that the interpreters’ rendition of NRRC-based declarative questions as polarity questions aborts what the lawyer conceived of as a series of exchanges bound together by their orientation to a common telos. The polarity question devoid of evaluative content that the interpreter produces in his or her rendition sets up a new conflation of serial, orbital, periodic and, more importantly, prosodic motifs. Accordingly, the pursuit of the telos projected by the lawyer is interrupted. In some cases, the witness’s response to the interpreter’s question alerts the lawyer to this shift, thus triggering off the implementation of monitoring measures (as in Example 3). In other cases, the consequences of this interlingual recontextualization pass unnoticed and the lawyer proceeds to exploit the product of the interpreter’s mediation for the benefit of his or her own case (Example 4). Two questions arise at this point. What is it about this replacement of an eliciting move by a different eliciting move that aborts the prosodic telos activated by the lawyer’s anchor question? What role, if any, does the loss of the evaluative function of an NRRC-based declarative question play in this respect?

According to Martin’s (2000b) model, the prosodic motif is realized through two sources of telos that enable speakers to pursue the negotiation of interpersonal meanings. These sources of telos co-exist and complement each other in any conversational encounter, although their relative weighting varies depending on the type of setting in which the interaction takes place.

(a) On the one hand, there is the ‘mood telos’ (Martin, 2000b:27). Within the systemic functional linguistics traditions, ‘mood’ (Halliday, 1985) refers to the organization of the lexico-
grammatical resources available in a given language. Typically, speakers engaged in interaction launch telos by using interrogative moves with a recognizable combination of ‘mood’ (‘do you...’) and ‘residue’ (‘...smoke?’). In launching a given telos, the question orients immediately to the culmination of the interactional purpose by eliciting an appropriate answer. The capacity of mood functions to set up interactional expectations is so important that “mood telos can be read as projecting closure for the exchange; it grammaticalizes a culmination – defines an end” (Martin, 2000b:30). Accordingly, mood telos is particularly evident in institutional conversation, where there is a need to accomplish the interactional goal effectively.

(b) On the other hand, there is the ‘appraisal telos’ (Martin, 2000b:30). Appraisal telos is particularly important in casual conversation, where speakers do not always pursue a specific interactional end. In fact, casual conversation is usually oriented to exploring differences or similarities between the speakers’ stances, securing certain alignments or probing for mutual (dis)agreement on specific issues. According to Martin’s ground-breaking work (2000a), this continuation-seeking goal of everyday interactants is pursued by the lexicalization of different types and strategies of appraisal. Evaluation is claimed to represent a “major source of propulsion in casual conversation” (Martin, 2000b:32), whereby speakers encourage their interlocutors to take the floor for an extended turn or, alternatively, to take more turns-at-talk.

In most of the samples included in my corpus of Spanish simulated courtroom interaction, the interpreters’ performance seems to be influenced by the mood telos because of its associations with institutional settings. Accordingly, they interpret the lawyers’ eliciting moves as closure-focusing mood functions that aim to accomplish the interactional goals as fast and as efficiently as possible. Each mood function is thus interpreted as launching a new telos, a new direction of negotiation, rather than a possible expansion or elaboration of the telos launched in the previous exchange. It is worth noting that this tendency reduces the cognitive load on the interpreter. The constant generation of a new telos every time an exchange is initiated makes it easier for the professional to concentrate on the current turn rather than having to remember the series of turns with which it may be connected.

As the same corpus shows, the performance of the lawyers involved in informal systems of adversarial justice, where courtroom proceedings are not subject to such rigid conventions as in English-speaking countries, is not always determined by the mood telos, but rather by its appraisal counterpart. My corpus illustrates how the lawyers occasionally attempt to launch a particular telos across a series of exchanges by resorting to NRRC-based declarative questions. This type of elicitation is considered highly effective in the monolingual courtroom. The interrogative nature of NRRC declarative questions is disguised within a ‘metaphor of mood’ (Halliday, 1985), because it is grammaticalized as a declarative. At the same time, as my second COR92 corpus confirms, this type of elicitation conveys the evaluative function that characterizes informal conversation. It seems reasonable to conclude that lawyers’ use of NRRC-based declarative questions aims to encourage the witness or defendant to come up with extended responses. The expanding potential of the appraisal telos allows the lawyer to covertly elicit as many evaluation-based alignments from the witness or the defendant as they require before securing a favourable one that they can pick on before the jury. NRRC-based declarative questions are thus best defined as covert or strategic recontextualization cues designed to place the witness or defendant within the relevant frame for an extended exploration of (dis)agreements and a sustained securing of strategic alignments with the lawyer’s stance. It is the door that leads from mood telos into sequences of exchanges shaped by the appraisal telos. Ultimately, it is the
lack of specific training in the conventions of court interpreting that explains the interpreters’ lack of awareness of the fact that they are the custodians of the key to this strategically crucial door.

6. Conclusions

This paper has offered a corpus-driven illustration of the advances that interpreting studies may derive from the description of interpreter-mediated interaction as dynamic and jointly negotiated processes of contextualization. There is clearly a case for moving beyond traditional approaches which treat context as a static notion and placing more emphasis instead on the patterning of extended stretches of interaction. I have also suggested that Martin’s model of exchange structure, especially his notion of prosodic telos, can provide a more systematic explanation of how and why speakers involved in a given encounter sometimes fail to build on the existing common ground and end up moving interactionally away from each other as the conversation progresses in pursuit of diverging sources of telos.

This paper has also illustrated how the emergent discipline of corpus-based translation studies may prove relevant to the study of interpreter-mediated communication, despite the present lack of large computer-held collections of interpreted interaction. Similarly, it has highlighted the contribution of corpus-based studies to a better understanding of the dialectic between lexico-grammar and the negotiation of interpersonal meaning through interaction.

Finally, the complexity of courtroom interpreting, together with the pressure to provide a speedy delivery, leads interpreters to opt for the shortest possible renditions rather than pragmatically adequate versions of source utterances. Given Spain’s recent adoption of an adversarial system of trial by jury, combined with an increased influx of immigrants, interpreters’ performance in the Spanish court has assumed greater importance and visibility. And yet, no mechanism has yet been put in place for regulating the ethical standards of court interpreting in Spain. In fact, courtroom interpreting is often still undertaken by ad hoc mediators who cannot be expected to understand, let alone replicate, the pragmatic force of the strategies used by lawyers during the examination of witnesses and defendants. In this context, and pending the regulation and professionalization of court interpreting in Spain, studies of interpreter-mediated courtroom talk as jointly negotiated processes assume greater urgency, if only to demonstrate the dangers of failing to understand the complex processes of contextualization in such sensitive settings. Hopefully, such studies can also inform the training of a new and better equipped generation of court interpreters in Spain.

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Luis Pérez González is a Lecturer in Translation Studies at the University of Manchester, UK. He lectures on legal and financial translation, screen translation, intercultural pragmatics and translation for multinational institutions. A freelance translator since 1995, he has published articles on different aspects of the interface between language and the law, ranging from translator training-related issues to the impact of technology on the practice of legal translation. His current work focuses on the impact of growing globalization of judicial practices on courtroom semiotics, interaction and ethics. He is Editor of Speaking in Tongues: Language across Contexts and Users (2003).