

Research on Court Interpretation under the Principle of Cultural Equivalence

Zifu Liu, Guifang Wang *

School of English, Zhejiang Yuexiu University, Shaoxing, China

* 20072026@zyufl.edu.cn

Abstract

With the deepening development of globalization, court interpretation plays an increasingly important role in ensuring judicial fairness and facilitating cross-cultural communication. This paper illustrates the concept and requirements of the principle of cultural equivalence, discusses the issues brought by cultural differences and the quality of court interpretation, and explores how to achieve better court interpretation through interpretation services. The study aims to deeply analyze the common cultural misunderstandings and communication barriers in court interpretation, propose strategies to promote cultural equivalence and improve the quality of court interpretation, thereby enhancing the professionalism and effectiveness of court interpretation and safeguarding judicial fairness.

Keywords

Court interpretation; cultural equivalence; cross-cultural communication; judicial fairness.

1. Introduction

Under the background of globalization, the communication between countries is becoming increasingly profound, and the application of court interpretation is becoming more and more widespread, and its accuracy and professionalism are also increasing challenges. The conversion of language is not just a direct translation of words, but also involves the conveyance of deep cultural meanings, enabling the audience of the target language to obtain a similar understanding experience to that of the audience of the source language. If the translation is inappropriate, it can lead to cultural misunderstandings and communication barriers, which will have a significant impact on judicial fairness. At the same time, the realization of judicial fairness can't be achieved without the precise conveyance by court interpreters. Inaccurate translations are likely to put an innocent person in prison or allow real criminals to escape legal punishment. This paper discusses and suggests how to achieve the principle of cultural equivalence and improve the quality of interpretation in court interpretation, hoping to provide theoretical support and practical guidance for court interpretation, to improve the quality of interpretation, achieve equivalent translation, and ensure judicial fairness.

2. The Concept and Requirements of Cultural Equivalence

The concept of cultural equivalence is an important notion in translation theory. It emphasizes that not only the literal meaning of the source language text should be conveyed in the translation process, but also its cultural background, customs, and values, so that the readers in the target language can gain a similar understanding and cultural experience as those in the source language. Translation is not just a conversion of languages, but also a transformation and transmission of culture. A good translation requires cultural equivalence.

Eugene A. Nida is an internationally renowned American linguist who proposed the theory of functional equivalence, which is closely related to the concept of cultural equivalence. The theory of functional equivalence shifts the focus of translation from the text to the reader, from the form of information to the reader's response, emphasizing the reader's experience in the translation process. The concept of cultural equivalence is also very similar. It not only pays attention to the direct conversion of language, but also to the transmission and exchange at the cultural level, in order to achieve effective cross-cultural communication.

The implementation of the principle of cultural equivalence has high demands for interpreters, who not only need to understand the values, customs and social behaviors in various cultural backgrounds, but also need to update the knowledge reserve simultaneously and follow the trend of the new era. Other court members are also indispensable in raising cultural awareness and having a deeper understanding of different cultures, contributing together to better judicial fairness. The achievement of this goal also requires an improvement in the quality of court interpretation. Interpreters should be more skilled in the use of some specialized terms and be able to accurately capture the important information of the speaker. To enhance the professionalism of interpreters, the government should also establish professional codes of conduct and provide higher-level education.

3. The Issue of Cultural Differences in Court Interpretation

The issue of cultural differences in court interpretation is a multi-dimensional phenomenon. It involves not only the direct translation of language but also the transmission of deep cultural meanings. Cultural differences reflect in that people from different cultural backgrounds may have different understandings of the same legal terms or expressions. Some legal concepts may also have different meanings in different legal systems, which can lead to deviations in understanding during interpretation.

Secondly, non-verbal elements such as body language, facial expressions, and eye contact may also have different meanings in various cultures, which need interpreters to recognize and convey these non-verbal messages. In a court case in the United States, a witness from the Middle East frequently nodded while testifying, which in his culture is an act of agreement and respect. However, the court interpreter failed to fully explain the cultural significance of this behavior, leading the judge to believe that the witness was evading questions, misunderstanding the witness, and causing the judge's wrong judgement on the testimony, so that it influenced the outcome of the judgment.

People from different cultural backgrounds may also have different values and beliefs, which can affect their views on and participation in court proceedings. For example, in a case involving domestic violence, a victim from Asia used more implicit language when describing the incident. In her culture, it was a protection of the family's reputation. If the interpreter doesn't explain to the victim the severity behind this implicit expression, it may lead the court to underestimate the seriousness of the incident, thereby giving a lighter punishment for the offender, which does not meet the victim's expected outcome.

Additionally, people from different cultural backgrounds may have different language habits and ways of expression. Interpreters need to adapt to and accurately convert these cultural differences for equivalent translation. In an international commercial lawsuit, a European businessman used a lot of metaphors and exaggerated expressions in court, which is common in his culture. However, if the interpreter can't adjust these expressions appropriately during translation to fit the communication habits of the target culture, it may result in the opposing lawyer or judge doubting the authenticity of the testimony, repeatedly asking for confirmation, thereby slowing down the progress of the court proceedings.

The principle of cultural equivalence is crucial in court interpretation. Interpreters must not only be proficient in languages but also possess sensitivity and ability in cross-cultural communication. They need to continuously train and practice to better understand and adapt to communication styles from different cultural backgrounds, thereby reducing cultural misunderstandings and communication barriers, and ensuring the fairness and efficiency of court proceedings.

4. Case Analysis of Court Interpretation Quality

4.1. Case Background

The Sun Yang CAS doping arbitration case is a matter involving the Court of Arbitration for Sport (CAS). Chinese swimmer Sun Yang had a dispute with the World Anti-Doping Agency (WADA) over anti-doping testing. The hearing of this case drew global attention, and the quality of interpretation services became a key factor in the case.

4.2. Interpretation Quality Issues

The hearing continued for 11 hours, and the interpreters were changed three times. The first round of interpretation was simultaneous interpretation, but there were many problems with the interpreter's performance, including grammatical errors, inaccurate pronunciation, omission of content, and serious semantic deviations. All of those violated the basic principles of interpretation accuracy. For example, there were grammatical errors such as when Ian Meakin asked, "Are you at tab 5?" and the interpreter responded with "Yes, I do." among other mistakes.

The second round of interpretation was alternate interpretation. WADA staff member Cui Ying served as the interpreter. However, the emerging problems in the translation process further complicated the hearing and slowed down the proceedings. The interpreter's body language was too frequent during the interpretation, with constant gestures and emotional changes such as anxiety, tension, confusion, and looking up as the translation went on. When the athlete's mother, Ms. Yang, did not directly answer a question from WADA, the interpreter not only repeated the question but also explained the meaning of the question to her, and asked her not to answer in her own way of thinking. This went beyond the scope of the interpreter's duties and interfered with her freedom of expression.

The Sun Yang CAS doping arbitration case highlights the importance of cultural equivalence and interpretation quality in court interpretation. To promote cultural equivalence and improve the quality of interpretation, more professional training for interpreters is needed to enhance their understanding of legal terms and cultural differences. At the same time, the court team also requires to improve their cognition of cross-cultural communication to better utilize interpretation services, ensuring judicial fairness and efficiency.

5. Strategies for promoting cultural equivalence and enhancing interpretation quality

In the field of court interpretation, achieving cultural equivalence and high-quality interpretation services is the key to ensuring judicial justice and efficiency. The following strategies can facilitate the realization of culturally equivalent translation and ensure the quality of court interpretation.

5.1. Training and educating interpreters

To implement the principle of cultural equivalence, it is first necessary to recognize cultural differences and then achieve equivalent translation within different cultural backgrounds. To enhance understanding of cultural differences, interpreters need to receive training in cross-

cultural communication, learning about the communication habits, value concepts, and social behaviors in different cultural backgrounds. They should also regularly attend seminars on various cultures to refresh their understanding of different cultural phenomena, which will enable them to better achieve equivalent translation in the court. Moreover, the educational curriculum for interpreters should include in-depth understanding and learning of the cultures of specific cultural groups, such as immigrant, refugee, and minority ethnic communities, in order to better serve these groups.

5.2. Promoting the cultural awareness of other court members

In addition to training interpreters, it is also necessary to raise the cultural awareness of judges, lawyers, and other court staffs. If court members lack understanding of parties from different cultural backgrounds, it may cause biased judgments on cases, thereby affecting the fairness of the rulings. The cultural awareness of other court members can be improved through cross-cultural training and seminars, such as inviting experts from different cultural backgrounds to share their experiences and insights, thus enabling the entire court team to understand and respect cultural differences. However, when encountering special cultural or language issues, the court should also have contingency plans to deal with them, such as rapid access to expert resources or the use of remote interpretation services.

5.3. Making good use of technological aids

The advancement of technology has provided new auxiliary tools to improve the quality of court interpretation. In this era of rapid development of artificial intelligence, translation software and applications can serve as auxiliary resources for interpreters in the new era, which are highly practical, especially helpful when dealing with specialized terminology or rare vocabulary. Real-time speech recognition systems can also help interpreters more accurately capture the content of speeches and provide immediate written records, improving the quality and efficiency of court interpretation. However, it must be noted that technological aids should be used cautiously. Although they are very intelligent, when facing complex court interpretation, it is difficult to ensure that they can accurately convey what the parties want to express. It is still necessary to rely on the interpreters' own professional judgment and cultural sensitivity to provide concise, smooth, and accurate translations.

5.4. Legal and policy support

The support of laws and policies is vital for establishing standardized court interpretation services. Clear standards and regulations should be formulated to guide the work practices of interpreters, including confidentiality, neutrality, and professional codes of conduct. Policymakers should encourage and support the professional development of interpreters, providing them with opportunities for certification and continuing education in this AI-driven new era. The legal framework should also ensure the accessibility and quality of interpretation services, especially in cases involving vulnerable groups. The quality of interpreters affects the advancement and efficiency of the legal process in the courtroom.

Implementing these strategies can help promote the achievement of cultural equivalence and improve the quality and effectiveness of court interpretation. This plays a significant role not only in ensuring that all parties can receive a fair trial but also in promoting the transparency and credibility of the judicial system. Achieving the principle of cultural equivalence requires persistent effort and commitment, involving multiple aspects of education, technology, law, and policy. Through a comprehensive approach, court interpretation can better serve the requirements of a diverse society.

6. Conclusion

Court interpretation is not only a language service but also a cultural service. It requires interpreters to convey cultural meanings while converting languages, ensuring that participants from different cultural backgrounds can be treated fairly in the courtroom. The principle of cultural equivalence has an enormous impact on court interpretation. It affects the understanding of legal terms, the interpretation of non-verbal communication, and the conveyance of emotional expressions. People from different cultural backgrounds may have different understandings of the same legal term, non-verbal communications such as body language and facial expressions may also have different meanings in different cultures, and different means of expression can transmit the intensity of different emotional colors, all of which influence the results of court decisions and the fairness of justice.

Improving the quality of court interpretation is also essential. High-quality interpretation can quickly advance legal proceedings, increase efficiency, and ensure judicial fairness. Interpreters play a crucial role in the courtroom. They are not only converters of language but also coordinators and communicators of cultural differences. They build bridges for communication between court participants from different cultural backgrounds, ensuring information is accurately conveyed to other court members. Interpreters face multiple challenges such as language barriers, cultural misunderstandings, accurate translation of technical terms, and the complexity of court procedures. This requires training interpreters' abilities, raising the cultural awareness of court members, using auxiliary tools, and supporting national policies to reduce the burden on interpreters and improve the quality of court interpretation. More professional interpreters will help people have a fairer and more just court.

References

- [1] Min Huang: A Study on the Equivalence Translation of Legal Texts from the Perspective of Legal Culture, *Journal of Hunan University of Humanities, Science and Technology*, (2014) No.6, p. 89-91+112.
- [2] Zhu Zhu, Wei Zhang: A Review of International Court Interpretation Research in the Past 20 Years: With a Discussion on the Development Direction of Court Interpretation Research in China, *Journal of Beijing International Studies University*, 43 (2021) No.4, p. 116-125.
- [3] Biyu Du: The Current Status and Countermeasures of Court Interpretation in China, *Journal of Shanxi University of Finance and Economics*, 32 (2010) No. S2, p. 261-262+264.
- [4] Chunwei Liu, Yiwei Cao: A Study on the Discourse Characteristics of Court Interpretation: Taking the CAS Doping Arbitration Case of Athlete Sun Yang as an Example, *Language Education*, 12 (2024) No.1, p. 105-113.
- [5] Qing Cao: Nida's Theory and Cross-Cultural Translation, *Journal of Zhejiang University*, (1995) No.3, p. 98-103.
- [6] Jinfeng Wang, Junfei Zhou: The Application of Functional Equivalence Translation Principles in Legal English Translation: A Perspective of Chinese and Western Legal Culture, *Weekly Exam Journal*, (2009) No.30, p. 60-61.