



The Inns of
Court College
of Advocacy

Interpreters

Tag Questions

Transcript of video

Narrator: A so-called “tag question” is a very common form of question in English. It is constructed in two parts; a statement followed by a short interrogative. Compared with an open question, it gives the questioner much greater control over the person being questioned. Here is an example of an open question:

“Is this a dagger which I see before me?”

Convert that into a tag question:

“That’s a dagger isn’t it?”

The legitimate use of tag questions in court is very much debated, even when the proceedings are conducted entirely in English. But when a foreign language is introduced tag questions are even more problematic because there are many languages into which they cannot be translated at all.

When you are working with an interpreter, avoid tag questions.

Mrs Justice McGowan: There is a great deal of learning from psychologists, social workers etc. that young children, or older children or adults with learning difficulties find the “you went to school, didn’t you?” formulation of a question really quite difficult, as oppose to “did you go to school?”

And often using an interpreter may not be the only difficulty that a witness has got; they’re in a strange environment, court is intimidating, English is not their first language, they may be the defendant, they may be the person who is likely to lose custody of a child.

And so if you add in all those complications, formulating a question in a way that is not the most straightforward way is creating an extra added difficulty.

Junior Advocate One: Mr Wu you sold the land in question six years ago didn’t you?

[Interpreter addresses witness and receives reply in native language]

Interpreter: Yes.

Junior Advocate One: Planning permission was obtained by the property developer for the land, wasn’t it?

[Interpreter addresses witness and receives reply in native language]

Mrs Justice McGowan: In some languages it works very well; we probably all remember from school French, tacking “isn’t it?” on the end of a sentence in French makes perfect sense. But in many other languages it doesn’t, and in some it is impossible.

“Why did you go over to where the English people were sitting?”, “Were you angry when you spoke to the Englishmen who’d shouted at you?”, “Did you have a knife in your pocket?”, “Was the blade in or out?”, “Why

didn't you say that to the policeman?" etc. - it requires a bit of thought, and you don't fall into the "well that's not right is it?" syndrome - which we all do.

Junior Advocate Two: You were in the pub with Stanlas and Marrik, is that correct?

[Interpreter addresses witness and receives reply in native language]

Interpreter: Yes that's correct.

Junior Advocate Two: Both are your cousins, is that correct?

Trainer: "There were Englishmen nearby - is that right?", "One of them shouted at you - is that right?" - almost every question you ask ends in "is that right?", apart from the occasional time when you don't even end it with anything, you simply make a statement and you wait for a comment.

Now I know we teach you to do that, and we teach you to do that because we want you to control the witness - it isn't always easy to actually interpret tagged questions into another language...

Interpreter: The "wouldn't you?", "didn't you?" doesn't really help so I just have to do straight forward questions...

Trainer: Let's think about the early question you're asking; do you need to keep control over him, in relation to his cousins for example?

Junior Advocate Two: No.

Trainer: So we could ask that simply by saying "are they your cousins?"

Junior Advocate Two: Sometimes in English we ask... it's not a question, it's a statement with an intonation to say "they are your cousins?", so does the interpreter interpret that... you know in a foreign language? Or is it best just to ask a proper question?

Trainer: Always better to ask a better question.

Dr Sabine Braun: Yes, it's different in different languages how you can do with just intonation, and it's just more... potentially more re-formulation work for the interpreter to do.

Brooke Townsley: There may be languages where it appears to be straightforward but in fact if you did a close analysis of what was being said, what appears to be a tag question is actually slightly changing the emphasis of your question.

To sum up; it can be done but if you can find ways of getting your communicative intention across in a question without going to tag questions it would be better I would say from an interpreting point of view.

Mr Justice Edmunds: I'm increasingly drawn to expecting advocates who are using interpreters to follow similar principals to those that they would have to use if they were examining children.

And the simple truth is this; the reason that an advocate asks the question - whether it's in chief or in cross-examination - is with a view then to relying on the answer in their closing speech, whether it's to the witness's advantage or their detriment. And unless you have asked a crystal-clear question, which has clearly passed through the interpreting process and come back with crystal clarity, the tribunal is not going to be relying on that answer, either to your witness's advantage or detriment.

And I'm increasingly of the view that with witnesses being examined in languages not their own we will move to a stage when a very similar style to that for children is to be adopted. I'm actually prepared to predict that within five or ten years it'll be the general style required of all witnesses.

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