

The Influence of Defendants' Translanguaging Practices on Court Interpreters' Performance: A Case Study

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1. Introduction

After the launch of *The Reform and Opening-up Policy* in 1978, with the rapid economic development and the expansion of foreign exchanges, more and more foreigners have entered China to work and live. According to the statistics of the Ministry of Public Security, in 1980, there were nearly 20,000 permanent foreigners (that is, those who had lived for more than half a year) in China, which increased to nearly 600,000 in 2011, and to nearly one million by 2015 (Lv and Guo 2019). In order to better adapt to Chinese life, many foreign residents, including participants in court hearings, have developed multilingual capabilities.

¹ Although the paper was designed jointly, Bei Dong is mainly responsible for Sections 1, 2.1, 2.3, 4, 4.1, the analysis of the verbal elements in 5.1, and all the tables; Chiara Facciani for Sections 2.2, 4.2, and 5; Ira Torresi for Section 7. The transcription, Sections 3 and 6 are the result of a joint effort by Dong and Facciani.

This may entail a significant degree of translanguaging (TL), according to which communication is seen as a flow of verbal and non-verbal practices deployed by speakers depending on the interactions. The flexibility of speakers' translanguaging practices makes court interpreting a different story than is usually told in interpreting handbooks and codes of ethics.

This case study is based on a 91-minute court hearing video in which the defendant speaks both English and "Chinese"², and additionally uses facial expressions and gestures to communicate. The verbal utterances have been transcribed and the kinesic features annotated in order to apply a multimodal analysis which allow the authors to investigate elements such as language, facial expressions, gestures, etc. In order to understand how the translanguaging practice of the multilingual defendant influences the interpreter's performance, the authors have made a comparison between the code of ethics of 中华人民共和国香港特别行政区立法会 (Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Lifa Hui, Legislative Council of The Hong Kong Special Administrative Region of PRC, *LegCo* for short), and the communicative features of the interpreter shown in the selected video.

2. Theory and method

2.1. Court interpreting

Among all the categories of community interpreting, courtroom interpreting, as a particular domain of legal interpreting, refers to situations where, due to one or more participants' limited (or complete lack of) proficiency in the language of the

² From here on, we use the quotation marks to refer to the defendant's use of "Chinese" language because it differs from standard Mandarin. The defendant's "Chinese" includes complex linguistic features not easily associable to Mandarin.

court, or to speech and/or hearing impairments, interpreting services are required in oral judicial proceedings in order to overcome difficulties in communication (Morris 2015: 91).

Training handbooks suggest that when interpreting in the court, “the interpreter shall render a complete and accurate interpretation” (Dueñas González *et al.* 1991: 475). “In order to render a complete and accurate version of the SL message, the interpreter must preserve every single element of information that was contained in the original source language (SL) message” (*ibid.*: 476). Court interpreters should never alter the language level, register, or word choice of the SL message. They must also conserve obscenities, repetition and self-corrections of the SL (*ibid.*: 476-478).

During actual interpreting practice, however, it is inevitable that court interpreters may encounter difficulties caused by the participants’ diverse cultural backgrounds. Sandra Hale concludes that facing this, “both parties – interpreters or judicial officers/tribunal members – are not certain about the best way to proceed in such situations and call for clear protocols and guidelines that they can follow” (2014: 330). In Section 5, we will analyze how one specific interpreter acted against the usual “protocols and guidelines” on some specific occasions.

2.2. Translanguaging

Our analysis of the participants’ linguistic and semiotic practice draws from a theoretical structure that moves away from a focus on languages as distinct entities and examines the dynamic and fluid nature of language when speakers are engaged in using their full communicative repertoire.

The term “translanguaging” derives from the Welsh word *trawsieithu* coined by Cen William in 1994 to refer to the pedagogical practices of Welsh-English bilingual schools where students were asked to alternate the two languages according to the learning activities (García and Li Wei 2014: 20). Baker, who first

translated the Welsh term *trawsieithu* into English, defines translanguaging as “the process of making meaning, shaping experiences, gaining understanding and knowledge through the use of two languages” (2011: 288). García and Li Wei further develop the concept of translanguaging, stating that it does not refer to languages as separate entities or to a mixed hybrid mixture of them, but it is rather the “construction and use of original and complex interrelated discursive practices that cannot be easily assigned to one or another traditional definition of a language, but that make up the speaker’s complete language repertoire” (2014: 22). According to García and Li Wei, translanguaging is a lens that allows the analysis of language practice by taking into account the complex nature of language exchange characterized by the encounter of different histories, experiences and identities of the speakers (*ibid.*: 21).

García additionally points out that from a translanguaging perspective, each language user has one single repertoire comprising the full array of features from which s/he may select elements to communicate, rather than having a separate linguistic repertoire for each named language s/he may master (2009: 45). This notion explains why translanguaging cannot be conceptualized as a form of code-switching.

According to Juffermans *et al.*, the difference between translanguaging and code-switching derives from a distinct theoretical base (2014: 50). While code-switching considers languages as separate categories, translanguaging views linguistic practices as belonging to every speaker’s single repertoire where communicative features are utilized according to the interaction (Grosjean 2016). Apart from a difference in terms of theoretical backgrounds, García points out that the distinction between code-switching and translanguaging stands in the perspective we adopt to analyze communicative interactions. According to García, code-switching portrays an external view on language, allowing to distinguish linguistic elements belonging to different languages (*ibid.*). On the contrary, translanguaging takes the internal view of the speaker’s language use, where communicative elements are understood as belonging to a single and

unique repertoire, from which the speaker draws according to the communicative event. Our analysis takes into account a translanguaging perspective and it sees participants' communication as a flow of verbal and non-verbal elements. This perspective sees speakers as active participants in the interactions who flexibly adapt their repertoire to the communicative event.

Block underscored that studies on multilingualism have mainly focused on the morphological, syntactical, phonological and lexical elements of communication, while the embodied dimension of interactions has often played a secondary role (2014: 56). Similarly, Davitti and Pasquandrea argue that in interpreter mediated interactions, the non-verbal elements of communication have often been considered as additional elements, rather than features integrated to the verbal communication (2016: 4). A translanguaging perspective focuses on the centrality of both linguistic and non-linguistic communicative tools and underscores their importance in interactions amongst multilingual speakers (Blackledge and Creese 2017: 255). In order to describe the bodily interaction of the defendant, McNeill's gestures' categorization has been adopted. According to McNeill (1985), gestures can be distinguished into four categories. "Iconic gestures" are utilized for picturable aspects of concrete objects and actions in talk. "Metaphoric gestures" refer to abstract ideas. "Deictic gestures" are used by speakers to indicate a physical object within a visible range or metaphoric one. Finally, "beats" are the same form of gestures speakers keep using regardless of the words or objects.

The reason why we adopt a translanguaging perspective to analyze the features of the multilingual defendant described in Section 4 below is that his communicative behavior involves a range of communicative features that is not limited to verbal communication but involves a variety of non-verbal elements such as gestures, gazes and postures that the speaker has acquired throughout his life and that are needed in the specific communicative event described in section 5. We believe that applying translanguaging theory to naturally occurring communicative events such as the one analyzed below may "expand existing

theories of multilingualism by focusing on the social practices of individuals” (Noguerón-Liu and Warriner 2010: 182), and as we will see, this includes court-based interactions as well. In this paper, the emphasis of analysis is put on the defendant’s TL practice. The interpreter’s behavior is treated as a reaction to the defendant’s rather than a spontaneous approach. It also seems that the interpreter is regarded by the defendant as an additional TL resource that he can resort to.

2.3. Codes of ethics for court interpreting in China

According to Article 9 of Chapter 1, Part I of *The Criminal Procedure Law of The People’s Republic of China*,

Citizens of all groups have the right to use their own spoken and written languages in litigation. People’s courts, people’s procuratorates, and public security organs shall provide interpretations for litigation participants who are not familiar with the local spoken and written languages. (National People’s Congress of the People’s Republic of China 2012)

In order to contextualize the work of the interpreter who worked in the hearings being analyzed, we examined the relevant Chinese courtroom interpreters’ professional codes of ethics (CoE).

In the *Specification for Translation Service Part 2: Interpretation* of the current National Standard of China, or 国标 (Guobiao, meaning “National Standard”) as its official name in Chinese, interpreters of all types of interpretation have been required to “准确地 将源语言译成目标语言 (accurately interpret the source language into the target language)” (GBT 19363.2-2006). Nevertheless, so far there has not been any Code of Ethics or guidelines for court interpreters in mainland China. Fortunately, a relevant one can be found in Hong Kong, China. In 兼职传译员基本指引 (Jianzhi Chuanyi Yuan Jiben Zhiyin, Basic Guidelines for

Part-time Interpreters) released by LegCo, several articles have produced detailed requirement for court interpreters' interpreting practice.

For instance, Article 7 offers requirement on faithfulness: “兼职传译员的职责是将庭上各人所说的一字一句忠诚传译，不能增加或遗漏 (The responsibility of a part-time interpreter is to loyally interpret the utterance of all the participants in the court word by word and sentence by sentence without any addition or omission)” (LegCo 2003: 3). A similar requirement also appears in Article 8: “传译员向被告宣读控罪及让其答辩时，必须将被告对控罪的答复以直接语方式全部传译 (When the interpreter reads the charges to the defendant and asks him/her to defend, s/he must directly interpret all the response of the defendant towards the charges)” (LegCo 2003: 3). Moreover, the guideline in Article 10 not only ensures the rights of defendants and litigants, but also offers requirement for the completeness of interpreting practice: “所有刑事案件的被告及民事案件无律师代表的诉讼人均有权知晓法庭内所说的每句话，因此有必要向他们传译法庭上的陈词 (Defendants in all criminal cases and litigants without legal representatives in civil cases have the right to know every word spoken in the court, so it is necessary to interpret for them words in the court)” (LegCo 2003: 3).

To summarize, precision, accuracy, completeness and faithfulness have become the key words guiding the interpreting practice of court interpreters. The so-called verbatim interpretation requires the interpreter to preserve not only the language level, register and word choice of the SL message, but also elements such as obscenities, repetition, self-corrections or the mistakenly addressed third-person references.

In the following section, we will describe the transcription method we applied to transcribe our data.

3. Transcription method

As mentioned before, this case study is based on a 91-minute court hearing video from 中国庭审公开网 (Zhongguo Tingshen Gongkai Wang, the official website of live court hearings in China)³. In order to protect the participants' privacy, all personal information has been made anonymous in the transcription. Moreover, in order to respect international copyright law about the reproduction of visual materials, non-verbal features have been described verbally rather than using screenshots.

The transcription of the speakers' verbal utterances follows Jefferson's transcription conventions, as presented in Table 1 (Hutchby and Wooffitt 1999).

SYMBOL	DESCRIPTION
(.)	A micropause – a pause of no significant length.
(0.7)	A timed pause – long enough to indicate a time.
[]	Where speech overlaps.
> <	When the pace of speech has quickened.
< >	When the pace of the speech has slowed down.
()	Unclear section.
(())	An entry requiring comments but without a symbol to explain it.
Underlining	A raise in volume or emphasis.
↑	Rise in intonation.
↓	Drop in intonation.
→	Entered by the analyst to show a sentence of particular interest. Not usually added by the transcriber.
CAPITALS	Louder or shouted words.
(h)	Laughter in the conversation/speech.
=	Will be at the end of one sentence and the start of the next. It indicates that there was no pause between them.
:::	A stretched sound.
-	A cut off.

Tab. 1 Jefferson Transcription System Symbols.

³ Link to the website: <http://tingshen.court.gov.cn/>

The authors used the software ELAN to transcribe the data. ELAN is a software which allows its users to align audio, video files and texts. In order to accommodate all annotations that are useful for analysis, the transcription of selected excerpts will be presented in a table with seven columns, following the model of multimodal analyses such as Thibault (2000), Vasta (2001) and Balirano (2013), with adaptations. Column 1 (“Timeline”) refers to the time code of the features appeared in the video. Column 2 (“Speaker”) indicates the participant who is speaking or doing bodily movements. Column 3 (“Non-verbal Features”) describes the annotated bodily movements such as gestures and facial expressions, etc. The “Original Utterance” from the speaker is indicated in Column 4 and “Pinyin”⁴ for the corresponding original utterance in Chinese can be found in Column 5. Since all the participants in this court hearing speak Chinese, including the defendant, who learnt Chinese for three years and speaks fluent Chinese (see Section 4), a Pinyin column has been provided for all the participants. Word-to-word translation (“WTW Translation”) ⁵ and “Free Translation” have been presented in Columns 6 and 7.

4. Background information

The video⁶ we will be using is the recording of the first hearing of a drug smuggling case. Like other criminal cases with public prosecution, this case

⁴ Pinyin: the official romanization system for Standard Mandarin which shows the pronunciation of Chinese characters. The tier is added to help people who don't speak Chinese to more or less follow the process of the original utterance.

⁵ Word-to-word translation consists in a translation in accordance with the Chinese words as divided by the system of Pinyin. To be noticed, this type of translation is different from the literal translation because it is a translation disregarding the context while a literal translation still keeps the meaning intact.

⁶ <http://tingshen.court.gov.cn/live/1338445>

includes the stages of court investigation, court debate, and defendant's final statement. The participants of this case include one defendant and the collegial panel, which includes one presiding judge, two judges, two prosecutors, one attorney, one clerk, one interpreter (EN-ZH) and two court policemen. The collegial panel led by the presiding judge controls the sequence of the stages of the proceedings, but since the defendant has a right to defend for himself, most of the time, he is free to express himself.

To the best of the authors' knowledge, there has been no Chinese law or regulation limiting the defendant's language choice during a court hearing. Interpreting in the court is provided in various languages including English, Russian, Thai, etc. That is to say, the defendant is free to choose either his native language or Chinese or even a mix to maximize the communication effect. Since there is an interpreter appointed before each hearing, the only limitation is the defendant should use the languages corresponding to the interpreter's working languages. In the case of this paper, the defendant is supposed to use either English or Chinese during the court hearing.

To sum up, though being a highly institutionalized context, courtroom discourse is still allowed to proceed within a natural language environment, which may include TL practices.

In the following, we will briefly describe the whereabouts of the case, and the linguistic ecology of the courtroom that emerges from the video itself. This will contribute to contextualizing the analysis of the defendant's TL practices and the relevant interpreter's strategies, in section 5 and 6.

4.1. About the case

The defendant in this case is a Nigerian citizen studying in China. He was arrested under the charge of drug smuggling. On an evening of January 2017, while the defendant was working in a restaurant, a customer of the restaurant –

another Nigerian citizen – came to ask him to help to send a batch of cargoes to New Zealand. Then this man gave the defendant two boxes of adapters with drugs hidden inside. Later, when the defendant contacted XX Freight Forwarder company, he emphasized several times that the two parcels should be in transit through Malaysia to two different addresses in New Zealand. Meanwhile, the defendant asked the cargo owner 3000 RMB as delivery cost for the two parcels and an extra 400 USD as compensation, which was later changed into 300 USD. Afterwards, XX Freight Forwarder delivered this batch of cargoes to XX Logistics Company Limited. When XX Logistics Company made the security check on the above-mentioned cargoes, they found illegal drugs inside and they called the police. After arriving at the scene, the police seized the two parcels and found 571 grams of methamphetamine inside them. During the trial, the defendant was appointed an interpreter to ensure understanding between him and the court.

4.2. About the court hearing's linguistic ecology

In order to analyze the defendant's multilingual background and his TL practice, we will now clarify the linguistic ecology of the court hearing where the interaction is taking place.

The defendant comes from Nigeria and he came to China to study. As emerges from his own statements and exculpations – the document under discussion in the excerpt below – he has been learning Chinese for 3 years and is able to communicate in Chinese.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
00:44:23.233 - 00:44:25.306	PCT1 ⁷	# ⁸	被告人的供述与辩解	beigaoren de gongshu yu bianjie	Defendant's statements and exculpations	Statements and exculpations of the defendant.
00:44:26.209 - 00:44:30.512		#	呃(.)被告人多次供述均否认(.)呃(.)走私毒品	e (.) beigao ren duo ci gongshu jun fouren (.) e (.) zousi dupin	eh (.) defendant many times statements all denied (.) eh (.) smuggling drugs	In all his statements, the defendant has denied committing the crime of smuggling drugs.
00:44:30.695 - 00:44:34.740		#	称学习(0.5)了三年中文(.)可以进行中文交流	cheng xuexi (0.5) le san nian zhongwen (.) keyi jinxing zhongwen jiaoliu	Claimed having studied (0.5) three years Chinese (.) can conduct Chinese communication	He claimed that he has been learning Chinese for three years and is able to communicate in Chinese.

Example 1.

Also, from the statements and exculpations of the defendant, we can find that even though he can speak Chinese, he chooses not to do so with people in daily communication.

⁷ PCT 1: Prosecutor 1.

⁸ When the verbal features are not relevant to the analysis, the authors use the symbol “#” to represent it.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
00:47:20.612 - 00:47:24.456	PCT1	#	我会讲中文 (.) 但一般我 和人聊天时(.) 都不会说 (0.2)中文	wo hui jiang zhongwen (.) dan yiban wo he ren liao tian shi (.) dou bu hui shuo (0.2) zhongwen	I can speak Chinese, (.) but usually I with people talk when (.) all don't speak (0.2) Chinese	I can speak Chinese, but normally when I talk with others, I don't speak Chinese.

Example 2.

Interestingly, however, during the entire hearing, the defendant tends to use “Chinese” to communicate.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
01:09:39.511 - 01:09:44.166	DF ⁹	#	我现在我- 我 是- 我是- 用 中文说吧(.) 如果我不太懂 (.) 我会-	wo xianzai wo- wo shi- wo shi- yong zhongwen shuo ba (.) ruguo wo bu tai dong (.) wo hui-	I Now I- I am- I am- use Chinese to speak (.) If I don't too understand (.) I can-	Now I use Chinese to defend. If I don't know how to express, I will-
01:09:43.463 - 01:09:43.815	JG1 ¹⁰	#	嗯	ng	hm	Hm.
01:09:44.268 - 01:09:46.567	DF	#	我现在我应该 不知道怎么说的	wo xianzai wo yinggai bu zhidao zenme shuo de	I now I should not know how to say	Honestly, I don't know where to begin.

Example 3.

⁹ DF: Defendant.

¹⁰ JG1: Judge 1.

From the above example, we can find out that even the defendant is still not sure about the communication efficiency of his level of Chinese, he still chooses to use it. But at the same time, he also implicitly outlines his need for interpreting to ensure a successful communication.

The data also shows the prosecutor's use of Chinese and his partial understanding of English. On few occasions, in fact, he is able to directly communicate with the defendant, without the interpreter's intervention. The table below shows the defendant producing the first turn in English followed by the prosecutor's reply in Chinese. The interaction does not involve the interpreter since the two interlocutors understand each other.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
00:19:36.600 - 00:19:40.540	DF	DF places his right hand in front of his face. He moves his right-hand fingers towards the court and then towards his face.	I thought we two- (.) but if I cannot understand very well (.) maybe you help me?			
00:19:39.814 - 00:19:42.254	PCT1	#	对 (.)如果你 (0.2) 不懂的话 (.) 可以让翻译翻译	dui (.) ruguo ni (0.2) bu dong de hua (.) keyi rang fanyi fanyi	Right (.) if you (0.2) don't understand (.) can let interpreter interpret	Yes, if you don't understand, you can ask the interpreter for interpretation.
00:19:41.980 - 00:19:43.030	DF	#	OK, OK, OK.			

Example 4.

Similarly, the following table not only reveals the prosecutor's understanding of

English, but it also shows his ability of using the English conjunctions “and” and “or”. The prosecutor utilizes the English words to understand the compensation the defendant received for sending the parcels.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
00:21:44.729 - 00:21:54.459	PTC1	#	你在跟黑人男子提三千人民币 (0.2) 邮费的时候 (.) 用的是 和三- 四百美金 (0.2) 报酬“(.) 请问如何解释?	ni zai gen heiren nanzi ti san qian renminbi (0.2) youfei de shihou(.)yong de shi he san- si bai meijin (0.2) baochou (.) qingwen ruhe jieshi?	You are with black man mention three thousand RMB (0.2) shipping fee when (.) used and three- four hundred USD (0.2) compensatio n (.) Please ask how to explain?	When you mentioned the three- hundred shipping fee to the black guy, the word you used is “four hundred USD”. Please answer my question. How to explain?
00:21:55.700 - 00:21:56.520	DF	#	I don't understand			
00:21:56.569 - 00:22:00.489	PCT1	#	啊 (0.5) <i>and</i> (1.2) 就是说- (.) 他用的是 <i>and</i>	a (0.5) <i>and</i> (1.2) jiushi shuo- (.) ta yong de shi <i>and</i>	Ah (0.5) <i>and</i> ¹¹ (1.2) that is say- (.) he used is <i>and</i>	That is to say, the word he used is “and”
00:21:57.244 - 00:21:57.604	ITP ¹²	#	嗯	ng	hm	Hm.
00:22:00.509 - 00:22:02.119	PCT1	#	不是 或者(.) <i>or</i>	bu shi huozhe (.) <i>or</i>	Not or (.) <i>or</i>	Rather than the word, “or”

¹¹ The English words in the original utterances have been made *italic* to be distinguished from English translations.

¹² ITP: Interpreter.

00:22:02.139 - 00:22:07.699	PCT1	#	他在那个 (0.2) 三百- (.) 呢 (.) 三千人 民币邮费和四 百美金报酬 (.) 第一次提到的 时候	ta zai nage (0.2) san bai- (.) e (.) san qian renminbi youfei he si bai meijin baochou (.) diyi ci ti dao de shihou	He was that (0.2) three hundred- (.) eh (.) three thousand RMB shipping fee and four hundred USD compensatio n (.) first time mentioned when	When he mentioned for the first time the three- thousand- RMB shipping fee and the four- hundred-USD compensatio n.
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Example 5.

Having clarified the linguistic ecology of the courtroom, we will now analyze the defendant's TL practice and their influence of the interpreter.

5. The defendant's translanguaging practice

5.1. Translanguaging using own resources

Throughout the whole court hearing, the defendant translanguages in order to participate in the communicative event. Zhu *et al.* define translanguaging not only as the speakers' capacity of transcending boundaries between named languages, but also as a perspective from which the verbal and non-verbal communication are parts of an integrated system (2019: 2). In the selected video, this is apparent since the defendant's communicative practices flexibly adapt to the interlocutors and the interaction, deploying verbal turns as well as non-verbal elements such as gestures, gaze and posture. The importance of considering verbal and non-verbal elements comes from the idea that the movements of the body and the oral production belong to the same psychological structure (McNeill 1985: 361). In our case study, the defendant is repetitively utilizing the non-verbal communicative elements of his repertoire to support his verbal communication. From a translanguaging perspective, the gestures function together with the

verbal elements in creating the communicative flow and reach the communicative goal. This is particularly evident when the defendant is communicating in Chinese and accompanies the oral production with the movements of his body.

The following three tables show the defendant translanguaging and effectively communicating with the court. In all the three examples, the flexible repertoire of the defendant is sufficient to communicate. As a consequence, the interpreter’s performance will adapt to such context and remain silent since her intervention is not needed.

The following example shows the defendant explaining where he met the Nigerian guy that asked him to deliver the parcels.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
00:00:37.510 - 00:00:46.999	DF	#	我下来那天回家路上(.)碰到他外面(.)他跟我打招呼	wo xia lai na tian huijia lu shang (.) peng dao ta waimian (.) ta gen wo da zhaohu	I came down that day back home on the way (.) met him outside (.) He to me greeted	That day, when I came downstairs and was on my way home, I met him outside and he greeted me.

Example 6.

In Example 6, the defendant’s words “碰到他外面 peng dao ta waimian” (met him outside) has a wrong sequence of the verb “peng dao” (met) and the adverbial of place “waimian” (outside). In fact, the authentic sequence should be “在外面碰到他 zai waimian peng dao ta” (outside met him). This sentence follows an English syntactic structure while he was utilizing Chinese words. With the help of the context, even the defendant was applying his TL practices, it is still possible for the interpreter to understand the meaning behind, also for other participants in the court. As a result, the interpreter remains silent most of the time, which is against the CoE mentioned above.

Similarly, example 7 shows the defendant successfully communicating with the court through the combination of verbal and non-verbal communicative features.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
00:11:31.544 - 00:11:38.004	DF	DF indicates below with the index of his right hand; DF imitates the action of calling with his right hand	然后呢 (.) 在那个- 那天的时候 (.) 那个物流公司 (.) 看完以后 (.) 他们说 (.) 两千五百	ranhou ne (.) zai nage- na tian de shihou (.) nage wuliu gongsi (.) kan wan yihou (.) tamen shuo (.) liang qian wu bai	And (.) at that- that day when (.) that logistics company (.) had a look after (.) they said (.) two thousand and five hundred	After the logistics company checked the parcels that day, they said, two thousand and five hundred
00:11:38.019 - 00:11:42.089	DF	DF joins his hands and keeps them at the level of his chest while slightly bending ahead	我自己跟那个人 (.) 我在那个物流的时候 (.) 我打电话给他	wo ziji gen nage ren (.) wo zain age wuliu de shihou (.) wo da dianhua gei ta	I myself with that guy (.) I was that logistics when (.) I called to him	When I was at the logistics company, I called that guy.
00:11:42.119 - 00:11:44.589	DF	DF points below with his right hand	因为他一开始没有给我一分钱	yinwei ta yi kaishi meiyou gei wo yi fen qian	Because he at the beginning didn't give me a fen ¹³ money	Because he didn't pay me anything at the beginning.
00:11:44.899 - 00:11:46.699	DF	DF slightly bends ahead	我也不知道多少钱	wo ye bu zhidao duoshao qian	I also didn't know how much money	I had no clue about how much money.
00:11:46.739 - 00:11:50.389	DF	DF rotates twice his right thumb and then he	然后我在那个物流的时候 (.) 他们跟我	ranhou wo zai nage wuliu de shihou (.)	Then I was at that logistics (.) they to me said need	Then, when I was at the logistics company,

¹³ One RMB or Chinese *yuan* 元 divides into ten *jiao* 角, and a *jiao* 角 in turn divides into ten *fen* 分.

		opens his right hand	说要两千五百	tamen gen wo shuo yao liang qian wu bai	two thousand and five hundred	they asked for two thousand and five hundred RMB.
00:11:50.790 - 00:11:53.790	DF	DF lowers his hand	我在那边 (.) 还没有跟他们说完什么 (.)	wo zai na bian (.) hai meiyou gen tamen shuo wan shenme (.)	I was there (.) have not to them say finish anything (.)	When I was there, before giving them any response,
00:11:53.905 - 00:11:57.835	DF	DF imitates the action of calling with his right hand	打电话给那个 (0.5) 黑人 (.) 给我那个 (.) 东西地址 (.)	da dianhua gei nage (0.5) heiren (.) gei wo nage (.) dongxi dizhi (.)	Called to that (0.5) black guy (.) give me that (.) stuff address (.)	I called the black guy for the detailed shipping address.
00:12:02.485 - 00:12:09.135	DF	DF indicates five with his right hand	因为我想赚五百块 (.) 我是这样子 (.) 我没想到可能会有:: (0.3) 其它的 (0.5) 麻烦	yinwei wo xiang zhuan wu bai kuai (.) wo shi zheyang zi (.) wo mei xiang dao keneng hui you:: (0.3) qita de (0.5) mafan	Because I wanted to earn five hundred yuan (.) I was this (.) I didn't think up might have:: (0.3) other (0.5) troubles	Because I want to earn five hundred yuan as compensation. I didn't expect any trouble afterward.
00:12:10.425 - 00:12:11.595	ITP	#	他的意思是说 -	ta de yisi shi shuo-	His meaning is to say-	He means-
00:12:10.890 - 00:12:19.860	DF	DF indicates three with his right hand	然后呢 (.) 然后呢 (.) 他说我要求那个人三- (.) 他们说四百块 (.) 以后 (.) 然后改变了 (.) 三百	ranhou ne (.) ranhou ne (.) ta shuo wo yaoqiu nage ren san- (.) tamen shuo si bai kuai (.)	Then (.) Then (.) he said I requested that person three- (.) They said four hundred	I didn't ask him for four hundred USD ¹⁴ first and later changed that into three

¹⁴ Considering the context, though using Chinese yuan here, the defendant is referring to USD as the compensation to him by the Nigerian man.

			(.) 不是这样 子的	yihou (.) ranhou gaibian le (.) san bai (.) bus hi zheyang zi de	yuan (.) afterwards (.) then changed (.) three hundred (.) Isn't this	hundred USD. It is not as what they said.
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Example 7.

Following McNeill's gestures categorization (1985), it is possible to notice that the defendant translanguages through the use of deictic (indicating below) and iconic gestures (imitating the action of calling with the hand; producing the number five with the right-hand fingers). From a translanguaging perspective, a gesture produced with the hands, the inclination of the chest or the movements of the arms are all useful resources to actively function in the interaction and achieve a successful communication. The defendant's communicative flow, comprised of verbal and non-verbal elements, makes it harder for the interpreter to follow the requirement of verbatim interpretation. As a result, the interpreter tries to intervene, but the defendant goes on without letting her the time to complete her turn.

On a similar note, example 8 shows the defendant applying his translanguaging practices to communicate with the court without the need of the interpreter.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
00:21:21.394 - 00:21:23.494	DF	DF indicates three with his right hand	他- (.) 他- (.) 我记得- 我记得他了	ta- (.) ta- (.) wo ji de- wo ji de ta le	He- (.) He- (.) I remember- I remember him	I remember him now.
00:21:23.499 - 00:21:24.299	DF	DF joins his hands in front of his face and slightly bends ahead	他那天问我	ta na tian wen wo	He that day asked me	That day he asked me
00:21:24.334 - 00:21:25.924	DF	DF touches his head with both his hands	因为我没想起来	yinwei wo mei xiang qilai le	Because I didn't think up	Because I forgot.

Example 8.

Example 8 portrays the defendant's TL practices and their efficacy to communicate without the interpreter's help. The combination of verbal and non-verbal elements (a metaphoric gesture in this case) functions successfully to communicate.

The data discussed in this section have shown that the interpreter does not follow the CoE, as no verbatim interpretation is provided. The defendant's capacity of expressing himself in Chinese, together with his use of his own body to communicate, affects the interpreter's role and her behavior in the interaction. As we will see in the following section, however, at other times she is seen supporting the defendant's TL practices, to such an extent that she becomes part and parcel of them.

5.2 Translanguaging using external resources (interpreter)

So far, we have looked at those cases in which the TL practices deployed by the defendant are effective to communicate with the court. This section will show the cases in which his own communicative resources are not sufficient to communicate alone. The three following examples will depict the defendant

utilizing the external elements available to him as supports to achieve his communicative goal, namely the interpreter’s support and the prosecutor’s intervention (not directly requested by the defendant and appearing as an unexpected action).

Example 9 shows the defendant not finding the Chinese correspondent to the word “warehouse” and addressing the interpreter for help.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
00:12:40.100 - 00:12:40.770	DF	#	她在- (.) 我 (0.3) 把那个到他们的:: (1.0) 呃 (.) warehouse (1.0) warehou-	ta zai- (.) wo (0.3) ba nage dao tamen de:: (1.0) e (.) warehouse (1.0) warehou-	She was- (.) I (0.3) made that to their:: (1.0) eh (.) warehouse (1.0) warehou-	When I took the parcels to their warehouse, she was-
00:12:40.100 - 00:12:40.770	ITP	#	仓库	cangku	Warehouse	Warehouse

Example 9.

In this example, the interpreter’s role becomes an external support to the defendant’s TL practices who does not a low frequency word such as “warehouse”¹⁵.

Similarly, example 10 shows the defendant directly asking the interpreter how to say the word “adapter” in Chinese, which he pronounces as “adopter”.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
00:27:33.384 - 00:27:36.004	DF	#	那个是 adapter (.) 什么是	nage shi adapter (.) shenme shi	That was adapter (.) What is	That was the adapter. How to say

¹⁵ According to *xiandai hanyu yuliaoku 现代汉语语料库 (The Modern Chinese Language Corpus)*, the frequency of “cangku 仓库 (warehouse)” is merely 0.0264%.

			“adapter”?	adapter?	adapter?	adapter in Chinese?
00:27:36.690 - 00:27:37.340	DF	#	How to say?			
00:27:36.889 - 00:27:38.689	ITP	#	那个电- 电源适配器	nage dian-dianyuan shi pei qi ¹⁶	That power-power adapter	Power adapter.
00:27:38.880 - 00:27:39.010	DF	#	Yeah.			

Example 10.

In this example, the defendant is explaining to the collegial panel what was inside the parcels. This time, when he does not know how to express “adapter”¹⁷ in Chinese, he directly asks the interpreter how to say it. Interestingly, instead of fulfilling her duty (as stated by the CoE, see §2.3) of interpreting the defendant’s utterance as a whole, the interpreter only answers his question, telling him the correct Chinese word, “电源适配器 (adapter)”. The example shows the interpreter supporting the linguistic flow of the defendant and answering his question without providing any translation for the court.

Apart from the interpreter functioning as a contextual element that supports the defendant’s multilingual flow, the prosecutor also performs a similar role in the following example.

¹⁶ “Dianyuan shi pei qi 电源适配器 (adapter)” consists two words in Chinese, “dianyuan 电源” as “power”, “shi pei qi 适配器” as “adapter”. Here, the interpreter adds “dianyuan 电源 (power)” to the source language to make the meaning clearer.

¹⁷ According to *xiandai hanyu yuliaoku 现代汉语语料库 (The Modern Chinese Language Corpus)*, the frequency of “dianyuan 电源 (power)” is 0.0249‰. The frequency of “shi pei qi 适配器 (adapter)” is 0‰ and the frequency of its synonym, “zhuanhuan qi 转换器 (converter/adapter)” is 0.0013‰.

Timeline	Speaker	Non-verbal Features	Original Utterance	Pinyin	WTW Translation	Free Translation
01:19:51.290 - 01:19:55.067	DF	#	我收-收到过那个::: (0.7) <i>scholarship</i> (.) <i>How to say?</i>	wo shou-shou dao guo nage::: (0.7) <i>scholarship</i> (.) <i>How to say?</i>	I receive-have received that::: (0.7) <i>scholarship</i> (.) <i>How to say?</i>	I have received a scholarship.
01:19:55.352- 01:19:55.747	ITP	#	Sorry?			
01:19:55.737 - 01:19:56.587	DF	#	Scholarship.			
01:19:57.242 - 01:19:57.952	ITP	#	Scholarship?			
1:19:57.907 - 01:19:58.507	DF	#	Scholarship.			
01:19:57.907 - 01:19:58.507	PCT1	#	奖学金	jiangxuejin	Scholarship	Scholarship.

Example 11

In example 11 the defendant does not know the Chinese word for “scholarship”. In this case, his repertoire does not seem to be sufficient to communicate. This is why he directly addresses the interpreter asking for help “How to say?”. Here the interpreter, instead of providing the Chinese word for “scholarship”, repeats the English term with an interrogative tone. After the defendant again repeats the word “scholarship”, the prosecutor intervenes by suggesting the Chinese word “jiangxuejin 奖学金”. The intervention of the prosecutor works as a contextual element that supports the defendant’s communicative need.

The examples have shown the defendant’s TL practice and the reaction they produce in the interpreter’s performance. We will now consider the interpreter’s behavior in comparison with the CoE’s requirements.

6. Interpreting strategies and Code of Ethics

As Goffman wrote, “when a word is spoken, all those who happen to be in perceptual range of the event will have some sort of participation status relative to it” (1981: 3). The interpreter, as a participant of a court hearing activity, is influenced by all the other participants in the court. As a consequence, the interpreter not following the CoE’s requirement such as being faithful or verbatim can be understood as a reaction to the other participants’ turns. The context in which she is asked to interpret forces her break the existing CoE. This can be observed, first and foremost, in her remaining silent throughout most of the hearing, and additionally, trying to intervene in the interactions without succeeding (as in example 7 in section 5.1). Additionally, the data analyzed shows that the interpreter’s performance, instead of interpreting “word by word and sentence by sentence without any addition or omission” (LegCo 2003: 3), works as a support for the defendant’s TL practices. The examples 9 and 10 in section 5.2. portray the interpreter providing interpretation only when the defendant does not know low frequency words such as “adapter” and “warehouse”. The interpreter resists the CoE and supports the defendant’s communicative flow by only providing the Chinese correspondents of the words he does not know.

To summarize, although verbatim interpreting may still be essential in ‘standard’ court interpreting, our case shows that under specific working conditions, the CoEs of court interpreting in China do not fit in well with actual interpreting strategies.

7. Conclusion

The CoEs for court interpreting taken into account in this paper prescribe that a professional court interpreter should produce verbatim interpreting in his/her practices. Nevertheless, the authors found that at least in the hearing analyzed

here, when interpreting for a multilingual participant adopting TL as a communication practice in court, issues concerning this verbatim strategy arise. In the video presented in our study, the defendant can directly communicate with the other participants in the court using his TL resources, which significantly affects the interpreter's performance. The defendant's ability to effectively function in the interaction as an active speaker pushes the interpreter aside most of the time, in open breach of what is implied to be the norm in the CoE. The data presented has shown the interpreter remaining silent for most of the time, occasionally trying to intervene in the interaction without succeeding. Despite the defendant being often able to communicate independently with the court, the paper has also described a few occurrences in which his communicative repertoire is not sufficient to interact. On such occasions, the defendant seeks for support from the context in which the interaction takes place, addressing the interpreter whenever he does not know a low frequency word. Once, when the interpreter fails to respond quickly, the prosecutor takes the initiative to step in for her.

In conclusion, although verbatim interpreting is one of the requirements of CoEs, our case shows that when involving multilingual speakers, actual working contexts may require more flexible interpreting strategies. Further research, then, appears to be necessary to better describe court interpreting practices in today's multilingual, translanguaging world. This might in turn inform professional CoEs and training.

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