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Court interpreting, monolingual ideologies and legitimate language

How translanguaging voices are silenced in court proceedings

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Abstract

"(T)he legal rationale for court interpreting rests on the assumption that litigants who are assisted by an interpreter cannot speak English at all" (Angermeyer, 2015: 142). Hence, all proceedings are guided by monolingual ideologies where the court speaks 'one language' and the litigant another. However, court interpreters are becoming increasingly aware of how some clients 'translanguage' when called to testify.

Drawing on research, involving 6 professional court interpreters in the UK, this article explores how court interpreters are seemingly little prepared for acts of translanguaging among their clients and how this needs to be addressed in interpreter training pedagogy.

Key Words

Non-legitimate language, translanguaging, superdiversity, monolingual boundaries, community interpreting.

1. Introduction

Court interpreting is a sub-category of what is generally termed *Community interpreting*[1]*,* representing an essential part of everyday life all around the world. As the name suggests, this type of interpreting is specific to any form of community-based organizational setting where language is an impediment to communication between service providers and the public, particularly with regards to essential services, such as medical, legal, educational, social security, etc.

Article 2 of the Universal Declaration of Human Rights[2] states that the rights and freedoms of all are an entitlement "without distinction of any kind, such as race, colour, sex, *language*, religion, political or other opinion" (my emphasis), and that "(f)urthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs". In this context, community interpreting is intrinsically tied to human rights, social justice and equity, in that it provides an essential bridge between different languages and cultures to uphold and protect all of the above (Bancroft, 2015; Garber, 1998).

The often-used term 'bridge' however, is already an ideologically loaded concept, as it draws on monolingual approaches to intercommunication which frame languages as state-centric and

separate linguistic regimes (an L1, L2, L3, etc.). Indeed, *monolingualism* continues to be used as a broadly accepted concept to support nation state ideologies, claiming 'one nation, one language, and one culture' status for all its citizens, and continues even today to play a major role in nationalistic discourses of a 'mythical' homogenous uniformity of peoples within these states (Blommaert and Rampton, 2011). However, even from a sociolinguistic perspective, *so-called* monolinguals shift between codes, registers, and discourses in a manner that challenges any simplistic monolingual definition of an individual or collective community (Canagarajah and Liyanage, 2012).

Court interpreting (as with most forms of community interpreting) draws on this concept of translation as being a bridge between two monolingual bounded resources, which in itself attempts to remove non-standardized forms, such as dialects and regional variations, from consideration in the

1 Other terms exist, such as public-service interpreting or intercultural mediating.
2 https://www.un.org/en/universal-declaration-human-rights/

translation act. Hence, the voice of any prospective 'monolingual' litigant in a court case may already be modified and filtered by standardized translation processes. Any variations are considered as non-legitimate by the praxis of court proceedings, defaulting to *de facto* standardised monolingual renderings of the litigants' speech. Indeed, a standardised monolingual approach is the default benchmark for interpreting processes in court in general.

Another non-legitimate mode of communication is the use of 'translanguaging'. This a form of multilingualism, but varies from the concept in that it represents a creative, dynamic and fluid sourcing of diverse linguistic repertoires, without recognising the 'artificial boundaries' between languages (Garcia, 2009; Garcia and Li Wei 2014). Translanguaging, indeed, represents an individual, group or community's ability to create 'new language' from all the principal and partial linguistic resources they have acquired through their personal histories and experiences (Ibid). Moreover, translanguaging can be seen as a form of 'multilingualism from below' (Pennycook and Otsuji, 2015), emerging typically in urban spaces where mixed language practices are an essential part of *getting things done* in daily life (Ibid). These spaces are where superdiversity is most evident in society, in the marketplaces, shops, and areas of production in cities, where getting things done legitimises drawing on every resource available to build relationships, to promote conviviality among community members and to do business.

It is argued here that translanguaging is not a superficial, take it or leave it practice, but rather an essential part of an individual's social voice, in particular of migrants, refugees and asylum seekers, whose own minority language(s) have adapted in many (semi-) competent ways to the dominant language. Translanguaging is an integral part of how these people communicate and build communities in their daily lives, and this is not reducible to the monolingual models demanded, for example, by court dictates. Furthermore, it is argued that individuals who translanguage should not be penalised or seen as purposefully obstructive in court proceedings, which the data presented here suggests.

The article begins by looking at superdiversity and translanguaging as a post-modern phenomenon, before turning to the wider concept of legitimate and non-legitimate language in institutional settings, specifically in relation to power and authority. It then considers how interpreters have been influenced and shaped by monolingual ideologies in relation to legitimate language usage in professional contexts, and how they often do not recognize the practice of

translanguaging as being valid in court proceedings. In this approach, the research presented here takes a relatively innovative perspective, as little to no previous research has examined the interpreter's specific reactions to translanguaging practices in courts. The article goes on to present preliminary research findings to support this argument before concluding with an overview of the problems that professional interpreters face now, and proposes changes to pedagogic curricula for their future training.

2. Superdiversity and translanguaging

'Multiculturalism' and 'multilingualism' have been politically acknowledged as a *reality* in most nation states for over 50 years. Beginning in Australia and Canada in the 1960s and 1970s, respectively, followed by America, Britain and the other EU member states in the 1980s and 1990s (Mahood, 2016). Yet today, there is an even more complex form of globalization and migration which has deeply "altered the face of social, cultural and linguistic diversity in societies all over the world" (Blommaert & Rampton, 2011: 1). This new diversity has come to be known as 'superdiversity' (Vertovec, 2007), representing:

> a (new) level and kind of complexity surpassing anything the country has previously experienced. Such a condition is distinguished by a dynamic interplay of variables among an increased number of new, small and scattered, multiple-origin, transnationally connected, socio-economically differentiated and legally stratified immigrants. (Ibid: 1024)

Superdiversity has given rise to the creative and fluid use of multiple languages in everyday urban speech, a practice and a phenomenon that has become known as translanguaging (Garcia, 2009; Garcia and Li, 2014; Pennycook and Otsuji, 2015). Unlike 'code-switching' though (see Canagarajah, 2013; Hall and Nilep, 2015), which envisages a crossing of *linguistic borders*, translanguaging represents:

> a practice that involves (the) dynamic and functionally integrated use of different languages and language varieties, but more importantly *a process of knowledge construction* that goes beyond language(s). (Li Wei, 2018: 15. Original italics)

How people construct their knowledge of the world is intricately tied to language, and translanguaging, in its multiple language use, allows for a new

voice to permeate new social realities "by bringing together different dimensions of (people's) personal history, experience and environment" (Li Wei, 2011: 1223). This relatively new social space in urban settings has brought people together from very diverse ethnic, cultural and linguistic origins with very different personal histories and experience, ranging from relative newcomers to those who have already established deep roots in their local communities, where translanguaging has become a new social necessity and a new reality (Creese et al, 2018; Pennycook and Otsuji, 2015).

3. Legitimate and non-legitimate languages

> Language is not only an instrument of communication or even of knowledge, but also an instrument of power. A person speaks not only to be understood but also to be believed, obeyed, respected, distinguished. Hence the full definition of competence as the right to speech, i.e. to the legitimate language, the authorized language which is also the language of authority. Competence implies the power to impose reception. (Bourdieu, 1977: 648)

In institutional contexts (i.e. education, law, etc.) the legitimate language is the language that has been negotiated between the state and its institutions, based on dominant discourses and ideologies that have been historically legitimised over time and which invest the people that speak that language with the power "to be believed, obeyed respected (and) distinguished" (Loc. cit). There is no objective language evaluation here, where the relative value of different languages can be somehow resolved by linguists who might claim equality for all, because in a social context they never are (Bourdieu, 1977). Indeed, for reasons of political and economic power, *legitimate language speakers* are also those who remain within the matrix of power, and continue to propagate specific language hierarchies to maintain that power (Ibid). Thus, non-legitimate language users, those without legitimised repertoires, remain marginalised and powerless (Reagan, 2016), and language practices and conventions are "invested with power relations and ideological processes which people are often unaware of" (Fairclough, 1992: 7).

Legitimate language therefore is part of what Bourdieu calls the 'doxa' (Bourdieu, 1989), defined as an individual's unquestioning belief and investment in a socially organised *game,* where whoever 'plays the game' must ultimately believe in it, as well as the 'rules' that shape it. 'Doxa' then, is the state of complete acceptance of these rules as a form of social *reality*, the

accepted status quo. In this context, *legitimate language* is conceived as being part of that *reality*, where individuals accept that they are voiceless in certain social contexts, and must devolve their voice to others (i.e. lawyers, judges, and officials of the court), and ultimately, when they do not speak the majority language to a *sufficiently acceptable level*, to interpreters. In sum, access to legitimate language is access to power and a legitimate voice in institutional contexts, it is a game with rules that exclude those who enter the field with little or no 'symbolic capital' and are subject to 'symbolic violence' by those who do (Ibid).

In most cases, the litigant in a court of law might know *a priori* that their language is already non-legitimate, and even when they are called to speak for themselves there might be an underlying preoccupation on their part that they will be asked (or more precisely, ordered) to reword or rephrase what they say in order to conform to the undeclared rules of what is a *legitimate* response for the court. The power to shape the speech that is acceptable in this context (the underlining doxa of the field) lies firmly in the hands of the lawyers, judges and court officials who act as linguistic gatekeepers, but also interpreters too can silence the litigant wherever a *violation* of the rules of legitimacy has occurred, in particular a breach of monolingual practice (as initial data in the research showed). This does not necessarily mean that litigants do not resist attempts to silence them, and sometimes their responses might be given with a partial, or even a full knowledge, that it will be challenged.

The court interpreter's power to represent the litigant's speech might also be challenged by the court as well, as they exist in a mediatory space between the court and the litigant. In some instances, they might be accused of violating the rules, as they are often treated as being extensions of the litigant's speech. In one such instance, a participant in the research (Eva) described how her translation was criticised as not representing legitimate language for the court. The instance refers specifically to the litigant's use of 'bad language':

> when a judge first accused me of using inappropriate language for the court and ordered me to clean up my language, I told him I was merely interpreting what the witness was saying. He ordered me to adopt a language that was compatible with the solemnity of the proceedings. I ignored his instructions. My colleague, on the other hand, when it was her turn, left out every obscenity "her" witness uttered. At the end of the trial, the judge complimented her and accused me of being utterly ignorant of the need to respect the court.

Here the legitimate court language is framed as being that which is 'compatible with the solemnity of the proceedings'. 'Solemnity' indexes (Silverstein, 1976;

Johnstone, 2009) a serious and dignified social occasion, with associations of a religious rite or practice, hence the non-legitimate language used is framed almost as *defiling* a 'sanctified space'. Although it is not the interpreter who is actually doing the defiling, merely representing the litigant's speech, the language used is more important than the agent itself. As with a religious ceremony, certain language must not be heard by the 'congregation' for fear of offending a presupposed 'higher power'.

The judge here highlights what Bourdieu (1997) says about how legitimate language must be spoken by the legitimate speaker:

> i.e. by the appropriate person, as opposed to the impostor (religious language/priest, poetry/poet, etc.); uttered in a legitimate situation, i.e. on the appropriate market (as opposed to insane discourse, e.g. a surrealist poem read in the Stock Exchange) and addressed to legitimate receivers; it is formulated in the legitimate phonological and syntactic forms (what linguists call grammaticalness), except when transgressing these norms is part of the legitimate definition of the legitimate producer. (Ibid: 650)

In the example given, the judge positions the interpreter (and by extension the litigant she interprets for) as being 'imposters' by reason of their non-legitimate use of language, of which the judge is the ultimate arbitrator. However, as the interpreter states, "she ignored his instructions", contesting the right of the court to silence the litigant's voice, or constraining her to misrepresent it. This example highlights how not only litigants but also the interpreters that represent them are continually susceptible to the accusation of being imposters, and therefore not recognised as having the right to address the 'legitimate receivers' of the court. It also highlights how interpreters are intricately involved in the discourses of the court with regard to what is legitimate or non-legitimate language. Whereas the interpreter positions herself here as resisting this, when it comes to issues of litigants translanguaging, this is perhaps less so (as the research data shows).

4. Legitimate language and monolingual models

The linguistic inequalities and asymmetries between litigants and legal representatives in courts have received substantive attention over the last 20 years (Conley and O' Barr, 1998; Mertz, 1994; Matoesian, 1999; Cotterill, 2004). However:

> a searching examination of the language-based discrimination of linguistic minority participants in legal contexts has developed only recently. The primary focus of analysis in these studies has been the institutional hegemony of monolingual ideologies that persistently disadvantage speakers of minority languages in procedural contexts. (Maryns, 2012: 297)

These monolingual ideologies have been shown to frame the interpreter as working between two clearly defined, discrete and bounded monolingual sets of code, where the litigant is presumed to be equably represented in the mediatory process, i.e. Court = L1, litigant = L2, interpreter = L1-L2 (Inghilleri, 2003; Wadensjö, 2004; Angermeyer, 2008; 2015). However, translanguaging identities are marked by a fluid and creative interchange between multiple repertoires (Auer, 1998; Maryns and Blommaert, 2001; Maryns, 2005; 2012), and consequently a complete monolingual competence in one language can never be completely assumed, and indeed rarely is the case (Rampton, 1995; Harris, 1997; Leung, Rampton and Harris, 1997; Maryns and Blommaert, 2001).

Interpreters themselves might be very aware of the difficulty of maintaining linguistic boundaries in their own personal lives, and how often their languages blend, particularly outside their professional roles, however:

> many of the social institutions in which they work still view languages as separate and separable units which come into contact in highly regularised ways and can therefore be highly regulated whenever they meet. In other words, many social institutions still operate on the assumption of a monolingual norm even though many social actors within them do not. (Rock, 2017: 218)

This might be the product of an educational approach to language learning in general where individual languages are taught in isolation, and code-switching practices between multiple languages is ideologically seen as deficient (Creese & Blackledge, 2010; Cummins 2005; Li Wei and Wing, 2018; Rock, 2017). This perspective is not reserved for the court alone though and interpreters themselves might be responsible for propagating the same monolingual ideology in their professional interpreting roles.

However, in the context of the court (which is our focus here), litigants have been shown to be often incapable of expressing themselves wholly in the 'native' language assigned to them through the services of a court interpreter, often leading to disadvantaging the individual by the courts, and even the interpreter's questioning of his/her credibility (Maryns, 2012; Rock, 2017). The complexities of the linguistic variables in play and the everyday nature of

translanguaging practices, particularly in some communities, are hardly ever addressed by both courts or interpreters, both working 'it seems' under the persistent ideological assumption that a nation's language is monolingual only.

5. Research overview

In order to acquire a cohort for the research, the UK 'National Register of Public Service Interpreters' (NRPSI[3]) was approached, initially to explore the impact of the Covid-19 pandemic on their membership. The association subsequently agreed to publish a description of the research on their site[4] together with the researcher's contact details. In the course of two weeks 6 members agreed to correspond with the researcher, in groups and individually, on the effect of the Covid-19 crisis on their professional careers. However, conversations subsequently emerged that threw light on other aspects of court interpreting in general.

The cohort consisted of 5 females and 1 male, with a range of 3 to 28 years' experience in the field of court interpreting. The following gives a brief outline of each participant based on an initial questionnaire:

- Sara (French-English), court interpreter since 2002.
- Jacub (Polish-English), court interpreter since 2017, mostly with assignments from the Ministry of Justice but also with the police service (custody interviews; obtaining witness/victim statements).
- Eva (Dutch-French-English), court interpreter since 1992, with the European Court of Justice, later assimilated with SCIC[5] in the early 2000s.
- Henna (English - Portuguese), court interpreter since 1999.
- Tatania (Russian – English), court interpreter since 2015.
- Solada (Thai – English), court interpreter since 2014.

The analytic frame in the research involved a discourse analysis of written texts (email correspondence over a three-month period), with a focus on how the

3 https://www.nrpsi.org.uk.

4 Ibid.

5 The European Commission's interpreting service. The acronym comes from the formerly used French name '*Service Commun Interprétation-Conférences'.*

participants constructed their specific 'Community of Practice' (Lave and Wenger, 1991), i.e. professional court interpreters. The analysis focused on identifying dominant discourses in the data with regard to ethical practices, shared (or unshared) professional values, and best practice with regard to dealing with occurrences of translanguaging in the courtroom.

The data analysed here was specifically related to the cohort's exchanges with the researcher after posing the following initial focus question:

> Have you ever been in an interpreting situation where the client(s) were code-switching, that is using more than one language interchangeably as they spoke? This might have been anything from a few words to a long stretch of discourse. If so, can you describe the situation (with example/s) and say how you dealt with it?

Although translanguaging practices were a central focus of the research, by using what was thought to be a more familiar and established term, 'code-switching', and framing it as 'using more than one language interchangeably', this was envisaged as reducing conceptual confusion, and a potentially exasperated to-ing and fro-ing over specific terminological/conceptual meaning. It was also seen as helping avoid the participants taking an anticipatory theoretical or conceptual stance towards the practice of translanguaging itself.

6. Preliminary research findings

Everyone in the research cohort raised the issue of language transiting in their clients' speech as hindering legal proceedings and negatively impacting on their interpreting. The following represent two participants' comments:

> I would say, depends on whether the speaker is recorded and whether the switch occurs after a prompt. If he is recorded and still speaking in full flow, I would probably first interpret into English and then add "part of this was in another language", knowing that if it matters to know exactly when the switch took place, we can play back the record. This would enable me to render the evidence without imposing my own person on that evidence. If not recorded, I would announce the switch at precisely the point it happened. (Eva)

> I have a lot of clients from North Eastern of Thailand. They speak Isaan which is a dialect for the North Eastern of Thailand. Some speak Laotian as they live near the border of Thailand and Laos. I do not speak Isaan nor Laotian and have many times faced a scenario where my clients mixed Isaan and Laotian

> words into their Thai sentences. When this occurred, I didn't ask them to clarify nor repeat, I instead told the judge/barrister/police officer/or doctor that the client had just used Isaan or Laotian words that I didn't understand. Then I interpreted what I had just said to the service provider into Thai for the service user too. After that I asked the service provider to repeat the English question again, by this time the service user should answer properly in Thai. (Solada)

These examples suggest that translanguaging appears to be quite common in some of these court interpreters' experience. The Dutch-French-English interpreter (Eva) describes her approach when translanguaging occurs, where if the proceedings are being recorded she waits until the litigant has finished but otherwise interrupts the individual to flag the event immediately. The Thai-English interpreter (Solada) also describes how her Thai clients, from the North of Thailand, regularly break with monolingual protocols (mixing Thai, Isaan and Laotian in their speech) and how she too interrupts proceedings immediately where this occurs. It is not clear, however, if these instances of translanguaging make understanding the litigant's speech impossible for the interpreter, and hence important to interrupt their speech when they occur, or whether the interpreters feel obliged to do so due to an inherent discourse that monolingual standards must be observed in the court.

Interestingly, in Solada's case, it appears that she sees her client's mixing of languages as a problem that can be overcome by making them aware of this in the court, and expecting that consequently they then 'should answer properly in Thai'. In a further development of this discourse, however, she makes the following observation about the socio-educational demographic of some of these clients:

> I'm not being judgemental but ex bar girls who are married to English men in the UK are not highly educated. They know how to speak Thai but they sometimes mix different dialects together. They also don't understand high standard Thai in medical or legal terms as their highest education is year 6 in primary school.

By framing these clients as being uneducated Thai girls who 'sometimes mix different dialects together' we might presume that their access to formal monolingual Thai might be limited, as it is potentially unlikely that such tight restrictions in their forms of speech have been imposed before. What might appear to be a relatively easy switch to standard monolingual forms of speech, from the perspective of an educated Thai interpreter, could be a much more difficult task for uneducated 'ex bar girls' whose everyday language might be a

form of translanguaging. Indeed, it might be supposed, that requiring this from them could actually cause some anxiety or distress in the context of a formal court hearing. Moreover, both Solada's and Eva's approach to instances of translanguaging would also appear to interrupt their client's flow in mid speech and affect their overall performances in the court case, potentially exasperating and/or negatively influencing the court's perception of the litigants, particularly if this happened on a regular basis.

In these cases, we note how both interpreters feel professionally obliged, whether they understand all of what is said or not, to raise the issue of translanguaging with the court officials. Court responses in this situation appear to vary quite considerably however, as Eva observes:

> It really depends on the lawyer or other professional who is present as responses vary from no interest at all to detailed questions as to which language, whether it is their first or second, etc. language, do you the interpreter also speak it and so on.

The court response varies in what appears to be a rather arbitrary way, ranging from 'no interest at all' to 'detailed questions', aimed at identifying the exact changes that occurred and whether information might have been missed or miss-interpreted by the interpreters. Thus, proceedings can be affected in very diverse ways, from no interruption at all to a potentially sustained interruption with lengthy interrogation by the lawyer, or other.

In these examples we can see how interpreters frame translanguaging as being a problem that they would rather avoid if possible, particularly as it might cause a halting to proceedings and a potential interrogation of their own abilities to represent the litigant. These examples refer principally to languages other than English, however there are even more complex cases where English might play a major role in the translanguaging act.

Jacub (a Polish-English interpreter) describes some of his clients' language in the following manner:

> I have also had Polish people trying to give full answers in English during their custody interview but they would swap between giving a full answer in Polish and a full answer in English so I never knew if they were going to stick to one language or not. When they gave a full answer in English but the officer didn't understand it because it was broken English and it wasn't grammatically correct, the officer would say then "Please if you could use the interpreter", which I would proceed to interpret in Polish. Sometimes after the suspect again tried to answer in English, which would quite likely not get his

> message across to the officer, I would also just point my finger at myself to indicate the suspect should speak to me directly in Polish. I realise it was kind of breaking the being-unobtrusive-rule, but I only did so to aid the flow of communication.

Jacub's clients are described as continually attempting to express themselves in English, randomly interchanging between Polish and English, which causes confusion both for the interpreter and the court officials. In the latter case this is exasperated by what Jacub calls his clients' use of "broken English". Despite having access to an interpreter then, the clients evidently feel the need to have their own voice in the proceedings, albeit one that appears not to be always effective in communicating. On closer examination however, the 'broken English' described seems to be a form of translanguaging, something that has potentially emerged in the clients' linguistic repertoire as a direct experience of their working lives, as this extract suggests:

> I have had quite a few situations during custody interviews where Polish speakers were throwing in English phrases or words, albeit in broken English sometimes, whilst giving their version of events. Usually these are the people who had picked up some language and they'd been using their mother tongue and English interchangeably at work[...]
>
> Most common examples I come across involve using English work-related lingo whilst giving the rest of the evidence in Polish. The words uttered in English would, for example, be: … *boksy* (a Polish-formed declension in a plural form of the English *boxes*).

What is of particular interest here is the word 'boksy'. The English word 'box' has undergone a morphosyntactic modification to indicate plurality in Polish, represented here with a 'y' suffix, but representative of an –ie termination in Polish, both orthographic representations being pronounced as a long open-front vowel /i:/.

When I requested more examples of this from Jacub in our correspondence, he gave the following:

- '*Skinowałem chickeny*' (I was skinning chickens)
- 'Rozmawiałem z *supervisorem'* (I was talking with the supervisor)
- 'Byłem na *kitchenie*' (I was working the kitchens)

In the first example, we see how the English verb 'to skin' has taken the Polish suffix -*owałem,* indicating the past imperfect aspect, i.e. 'I was skinning'. The object of the verb, 'chickens', in the same way as 'boksy' in the previous example, is given the Polish plural suffix, -ie, represented here by the letter 'y'

again, *chickeny*. In the next two examples we see how the English noun 'Supervisor' is given the *-em* suffix to signal an instrumental noun in Polish, and 'kitchens' again takes a Polish plural /i:/ phoneme, represented by the spelling 'ie'.

One might presume that Jacub's Polish client is aware that he is translanguaging, however he has incorporated the language he speaks into a repertoire he is apparently incapable of modifying to suit the strict monolingual dictates of the court. The 'English work-related lingo' that Jacub describes, is a language that comes from the world of *getting things done*, the everyday world of a man working in the labour market. This 'multilingualism from below' (Pennycook and Otsuji, 2015) challenges the legitimate language of the court, not in an overtly, agentive manner, but in a subtle way that is perhaps more instinctive than purposefully resistant. The reaction to its use is expressed by Jacub's assigning it to being a non-legitimate form, i.e. "broken", not whole but arbitrarily fragmented and subjective, a consequence of the individual's lack of knowledge, or ignorance about the rules of standard, English grammar.

Translanguaging can also be seen in ways that not only involve the morphological adaption of English words to the speaker's 'native language' but also phonetic as well, as Jacub's following example shows:

> Sometimes, however, people pick up a particular English word but don't get its pronunciation right and then I have no idea what they're talking about. One example has stuck with me. A suspect suddenly said 'Pracowałem na *pisorku*. (literally: I was working on *pisorku*.) Because I had no idea what that word meant I asked during the interview 'May the interpreter ask the suspect to clarify a word he's used?' and after some explanation I realised that he was trying to say *piecework* but was completely mispronouncing it and so my interpretation back to the officer was 'I was doing piecework'.

Jacub's client is speaking Polish when he introduces a word that is initially incomprehensible to the interpreter. After asking the court if he can clarify the meaning with his client (consequently halting court proceedings) he eventually realizes that the word in question is actually English, but due to a morphological and phonetic adaptation to Polish is unfamiliar and confusing. On closer examination we can see how the word 'piece' remains relatively intact, orthographically represented by the interpreter as 'pis', but presumably pronounced with a long open front vowel /i:/, as in English. What occurs after this is tied specifically to Polish phonetics and morphology, dropping the

'w' (/w/), which is not a phoneme in Polish, and adding a final 'u' signaling a masculine noun in Polish, hence *pisorku*.

This example, as with the previous examples, shows a certain consistency in the transformative translanguaging process. The 'rules' of Polish grammar and phonetics are applied to English in a relatively consistent manner. Moreover, these examples also show how translanguaging resists the legitimate monolingual language of the court (i.e. you can only speak 'good' English, or your 'native language' through an interpreter, but not 'both'!). Despite attempts on both sides, however, (through appeals from both the interpreter and the court official) the litigant is unwilling, or incapable, to conform to the demands made on him to speak a legitimately recognized form. The confusion and incomprehension caused by translanguaging is left to the court to sort out by stopping and starting proceedings repeatedly and positioning the litigant as using broken forms of language and/or being obstinate in delaying the court's work.

Jacub's client is presumably aware, to a greater or lesser extent, that his communication requires some aid (evidenced by his request for an interpreter in the first place), but is unable to relinquish the need to represent himself with his own words and his own 'voice' in matters that could ultimately affect the course of his life (the court's final verdict and what ensues from that). Moreover, his translanguaging practices come from his everyday experiences and personal history, which have impacted his linguistic repertoire outside the legal proceedings of the court, in the 'real' world of work and quotidian communication practices, and yet continue to claim validation and legitimacy in the legal setting, regardless.

Solada (a Thai-English interpreter) illustrates how popular Thai culture has impacted English in translanguaging ways. When her client talks about 'pompam' in the court, the interpreter's knowledge of this popular culture helps her avoid misunderstanding her client, as Jacub did when his client said 'pisorku' in his Polish speech (thus also avoiding a delay in court proceedings due to the need for clarification):

> Thai people have a problem with their r and l. They can't pronounce the word "problem" and they replace it with "pompam" when they try to use an English word mixing in a Thai sentence. Pompam is taken from a popular Thai song. It's widely used in Thailand, so when my client use "pompam", I know they try to use an English word "problem".

Although at first, this might not seem to be an example of translanguaging (based principally on substituting English phonemes that do not exist in Thai with alternatives that do), however, there are potentially other possible phonetic variations available. The key here is the 'popular Thai song', which has made only one version apparently the universally valid form. It shows how popular usage and cultural referencing have normalised a way of speaking an English loan word which has become general, and how the interpreters' knowledge of this can avoid the problems that translanguaging can cause on both sides of the court dialogue (client to interpreter and client to court).

It might be assumed that in their everyday talk, Thais who say *pompam,* or Poles who say *pisorku,* experience no communicative problems, the translanguaged words/terms have become 'normalised' for them, and indeed by using the same words with monolingual English speakers or even court interpreters, who need to translate their talk from their native speech, there seems to be an expectation that they have the same legitimate, communicative value.

The ideologically driven concept that all variances from monolingual practices are 'non-legitimate' in relationship to 'normal' patterns in the linguistic *status quo* of nation state discourses is contentious. Personal histories, life experiences, and multiple language exposure, can and do claim legitimacy. It is argued here though that this is quite probably not a conscious effort on the speaker's part, but rather a reaction to having their own 'voices' silenced. Jacub and Solada's clients' personal means of expression are not an appendage but an essential part of their social identity, one that they instinctively defend as legitimate, regardless of the social arena they find themselves in.

In sum, translanguaging practices, such as these, challenge the theoretical framing of languages as being discreet objects, as exemplified by Saussurean linguistics, by challenging idealistic monolingual models, and by firmly rooting linguistic resources in the real world. In a Saussurean approach, close syntactical and referential analysis of a bounded language aims at arriving at the speaker's meaning without contextualising it with respect to the social activity and personal history of the speaker (Silverstein, 1981). However, language that is abstracted from the 'real' world only tells us more about the language itself than about the people who use it, and for what purpose.

7. Conclusions

> Codeswitching is rarely mentioned in studies of interpreter-mediated interaction because scholars generally assume a communication barrier posed by "a perfect and reciprocal absence of knowledge of the other's language by both of the principal interlocutors" (Davidson, 2002: 1293). Similarly, the legal rationale for court interpreting rests on the assumption that litigants who are assisted by an interpreter cannot speak English at all. (Angermeyer, 2015: 142)

In an increasingly superdiverse society however this is rarely the case, and indeed in much court interpreting the interpreters' interlocutors might frequently mix their own language(s) with English, not only by code-switching but also in translanguaging ways, as this initial research shows.

Courts are places where legitimate language is a barrier to a litigant's right to self-expression, their right to have a voice in proceedings that may affect their lives in very profound ways. This is exponentially so when the litigant in question is a minority language speaker and has developed a form of speech which draws from their whole linguistic repertoire based on their personal history and experience, a form that has come to be known as 'translanguaging'. Courts presume, a priori, that any litigant who has requested the services of an interpreter has no recourse to English in any meaningful way and should therefore limit all their interventions in proceedings to the monolingual 'foreign' language they are associated with. Any variations from this are considered to be non-legitimate and/or obstacles to the whole due process of the law.

Yet, now we live in increasingly superdiverse societies where translanguaging has become more of the norm than the exception for migrants, refugees and asylum seekers, some of whom have set down roots in communities over single and even multiple generations. Translanguaging is an everyday urban practice for many of these people, a way of maintaining ties, cementing relationships and developing conviviality, as well as engaging in commercial activity in multiple city spaces. Translanguaging is a product of this new complexity and represents a form of 'multilingualism from below' (Pennycook and Otsuji, 2015), a creative, dynamic and fluid sourcing of diverse linguistic repertoires that challenge monolingual ideologies in public discourse. It is representative of the increasingly complex multilingual, multicultural world people need to navigate today in urban settings in order *to get things done*.

This linguistically fossilised perspective of seeing these individuals as being 'native-speaker monolinguals', based on their nation state and ethno-cultural origins, is reductive and moot, and yet persists, particularly in the world of service providers. In the legal field, court officials as well as the court interpreters continue to insist on monolingual boundaries, where litigants must meet either monolingual standards in English or avail themselves of interpreter services wholly, if they wish to be heard. However, litigants continue to resist such a positioning, claiming validity for their hybrid voices, which are an essential aspect of their social identities.

Many of the examples that the professional interpreters present are of people transposing the language of the street, the language of their daily lives, into the context of a court of law, where "the legal rationale for court interpreting rests on the assumption that litigants who are assisted by an interpreter cannot speak English at all" (Angermeyer, 2015: 142). However, these people appear to speak a translanguage where English might play a minor but equally a central role in their lives. It is part of their 'metrolingualism' (Pennycook and Otsuji, 2015), a melded set of linguistic resources that do not conform to hegemonic monolingual dictates, the dictates of institutional service providers such as courts and the legal field in general.

The Polish workers that emerge in this research have, one might suspect, found forms of employment while living in the UK that they were not particularly aware of before. 'Skinning chickens' is perhaps a new occupation for them in the manual labour market, and not something they did 'back home'. Hence, the job has also emerged as a new linguistic reality for them, something that also emerges in their translanguaging between the unfamiliar occupation in an English-speaking context and their more familiar Polish means of giving it grammatical meaning (i.e. *Skinowałem chickeny*).

Language is not a choice but rather a product of lived experience, the voice that emerges from accumulated socio-cultural interaction and personal history. In the examples presented here (albeit through the third-party accounts of interpreters) we can see these voices as being part of a counter discourse, challenging the legitimising pull of monolingual standardized expression. Jacub and Solada cannot shut their clients up, to stop them returning to their own 'broken English' or bad Thai, and the court officials (lawyers, etc.) can only continue to direct defendants back to their interpreters when they attempt to speak for themselves repeatedly.

The monolingual model is already straining at the seams and it is difficult to imagine a way out of an apparent impasse where clients are continually translanguaging in courts where conservative values of what is acceptable as legitimate language (a monolingual model) are often resistant to change. In the light of this, more needs to be done to train interpreters to be increasingly aware of this phenomenon and to develop strategies to cope with it. How this might be approached specifically is beyond the scope of this article, which seeks only to raise the issue, however, as an initial step interpreter training curriculum might introduce modules on translanguaging and encourage discussion and debate about the phenomenon. Teachers might also begin designing practice task-based exercises to mirror potentially complex translanguaging scenarios, by introducing *role-plays* that draw from texts with translanguaging examples, rather than a simple one to one, source to target language approach (L1-L2). Role-play activities in interpreting pedagogy are nothing new but they have remained stubbornly monolingual in their approach.

The professional interpreters of tomorrow need to begin to question the monolingual discourses inherent in approaches to interpreting to meet the challenges of a changing society, one where translanguaging might very well be a more prevalent phenomenon among their future clients.

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