

# On the limits of translation in legal-lay communication

Philipp Sebastian Angermeyer  
York University<sup>1</sup>  
pangerme@yorku.ca

## 1. Introduction

Right to languages vs. translation and linguistic (in)justice

Linguistic diversity and justice (Piller 2016; Rickford & King 2016; Baugh 2018; Avineri et al. 2019)

- DeGraff (2020: e300) "core universalist-uniformitarian-egalitarian credo" of linguistics
- Duranti (2011) language as a "non-neutral medium"
- Blommaert (2003: 615) "*differences* in the use of language are quickly, and quite systematically, translated into *inequalities* between speakers"

Translation as a potential remedy for linguistic injustice

- Police caution (e.g. Communication of Rights Group 2016; Eades & Pavlenko 2016)
- Communication in court (e.g. Haviland 2003; Rickford & King 2016)
- Health policy communication around Covid-19 (e.g. Piller, Zhang & Li 2020)

## Sociolinguistics and translation

- Social identity of interpreters in language contact (Valdés & Angelelli 2003)
- Analysis of interpreter-mediated interaction (Davidson 2000; Vigouroux 2010; Jacquemet 2011; Maryns 2013)
- Language ideologies of translation (Haviland 2003, Gal 2015)
  - "Referential transparency," translation viewed as "exotic costume for shared meaning" (Haviland 2003: 772)
- Translation of social meaning (see also Blommaert 2006)
  - Silverstein (2003: 86–87) "Transduction:" "source-text indexical values have to be reconstructed in indexical systems of another culture as these can be made relevant to shaping the target text to be doing effectively equivalent 'functional' work."
  - e.g. representation of AAVE in German (Berthele 2000; Queen 2004) or Japanese (Inoue 2003; Hiramoto 2009)
- From translation to language change, via creation of new registers in context of Christian missionization (Schieffelin 2007; Hanks 2015; Mannheim 2015)

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<sup>1</sup> I recognize that many Indigenous Nations have longstanding relationships with the territories upon which York University campuses are located that precede the establishment of York University. The area known as Tkaronto has been care taken by the Anishinabek Nation, the Haudenosaunee Confederacy, and the Huron-Wendat. It is now home to many First Nation, Inuit and Métis communities. I acknowledge the current treaty holders, the Mississaugas of the Credit First Nation. This territory is subject of the Dish with One Spoon Wampum Belt Covenant, an agreement to peaceably share and care for the Great Lakes region

Two basic situations of translation in institutional settings

Translation *into* institutional language (“translating up”, Simon 2006)

- Other-language participant as principal (source)
- In face-to-face interpreting: Interpreter “giving voice”

Translation *from* institutional language (“translating down”, Simon 2006)

- Other-language participant as recipient (target)
- In face-to-face interpreting and written translation: Translator communicates institutional position (“giving information” or “giving orders”)

Asymmetrical distribution, inequitable use

**2. Court interpreting practices**Inequitable distribution of interpreting modes (see e.g. Ng 2009; Vargas-Urpi 2017)

Consecutive interpreting into institutional language

prone to interruptions (D’hondt 2004), narrative fragmentation (Angermeyer 2021)

Simultaneous interpreting from institutional language (*chuchotage*)

omissions likely, comprehension checking difficult (Angermeyer 2015)

Source-centered person deixis

(1)

- |   |              |  |   |
|---|--------------|--|---|
| 1 | Arbitrator:  | { <i>addressing the defendant</i> }                        | Do you have a lease with this lady?   |
| 2 | Defendant:   | (.)  | I have uh-  |
|   | Interpreter: | { <i>for the benefit of the Polish-speaking claimant</i> } |   |
| 3 |              |  | =Czy ma Pani umowę z tą panią?<br>{‘Do you, Ma’am, have a contract with this lady?’}                                      |
| 4 | Claimant:    |  | No ja to nie [mam umowy-]<br>{‘But I don’t have a contract.’}   |
| 5 | Interpreter: |  | [Nie nie] nie, Pani. Ja tylko tłumaczę co pani pyta.<br>{‘No no no, Ma’am. I’m only translating what the lady is asking’} |

- Insistence on source-centered interpreting style ("direct" or "verbatim" translation), see Angermeyer (2009; 2015); Wadensjö (1998) replaying vs. displaying;
- Systematic deictic shift for *chuchotage* in Hong Kong courts (Cheung 2012; Ng 2018)

Language boundaries

Translation contributes to construction of language boundaries (Blommaert 2006)

Codeswitching and translanguaging strongly discouraged in court, negating their functions in unified multilingual discourse (Angermeyer 2015)

(2)

- 1 Claimant: La que está en el **lease**.  
{‘The one who’s on the lease.’}
- 2 Interpreter: (1.3) Perdon?  
{‘Excuse me?’}
- 3 Claimant: Esa es la hija mía.  
{‘That’s my daughter.’}
- 4 Interpreter: That’s my daughter who is on the **lease**.
- 5 Claimant: (.6) ahum (.) ella está en el **lease**.  
{‘she (=her name) is on the lease.’}
- 6 Arbitrator: Do you [have your **lease**] with you?
- 7 Interpreter: [She’s on the **lease**.]
- 8 Está [con su] **contrato de arrendamiento**?  
{‘Do you have your lease with you?’}
- 9 Claimant: [Yes.]

“lubricate and legitimize the wheels of bureaucracy itself, including its systematic and structural injustices” (Haviland 2019: 99)

Support for raciolinguistic status quo, “a mechanism for producing governable subjects” (Rosa & Flores 2017: 642)

### **3. Translation in the linguistic landscape: Public order signs**

*Public order signs*: “manufactured by a public authority with the intention of informing the public about an aspect of public order. such signs ... often specify what is legally appropriate (and consequently sanctionable in the event of transgression) ... they are legally binding both for the authority producing them and for the audiences consuming them.” (Kroon, Jie & Blommaert 2015: 4)

*directive signs* (Mautner 2012), *warning notices and prohibitions* (Spolsky & Cooper 1991), *top-down signage* (Shohamy, Ben-Rafael & Barni 2010)



Figure 1: Sign from Prato, Italy, shown in Barni & Bagna (2010: 10)

Jaworski and Thurlow (2010: 11) "the presence or absence of a language on public signage" needs to be investigated "in combination with the type (or genre) of signs, their contents and style"

Dual indexicality of "no" (Kulick 2003) - rejecting deviant behavior while simultaneously affirming its existence

Punitive multilingualism (Angermeyer 2017: 167)

- Turkish in Germany (Hinnenkamp 1999), Chinese in Australia (Piller 2016)
- Spanish in US (Hill 1998; 2008; Troyer, Cáceda & Giménez-Eguíbar 2015)
- Hungarian (for Roma addressees) in Toronto (Angermeyer 2017)



Figure 2: Punitive multilingualism in Bonn, Germany (warning about penalty for fare evasion on public transit)



Figure 3: Monolingual public order sign in Toronto, produced with Google Translate; intended to restrict access to gym space in community center (edited to remove the name of the institution)

#### Machine translation

- Ties to the discipline of linguistics (Heller & McElhinny 2017)
- Use in multilingual discourse (e.g. Jacquemet 2019a; 2019b)

Pym (2011: 4) “[t]he more technology, ... the less we tend to see translation as communicating between people.”

#### 4. Conclusion

Translation as part of a range of communicative practices; (Maryns, Angermeyer & van Herreweghe 2021), to be investigated in relation to second language acquisition and use (Tipton 2019), codeswitching, translanguaging, mock languages, language contact, language shift, language change, language differentiation & standardization,

Understanding between **people**, rather than translation between **languages**

Justice in translation tied to justice overall

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