Volume 4.1 2014
ISSN 1839 8308

# International Journal of Law, Language & Discourse

Chief Editor

Le Cheng

International Journal of
Law, Language & Discourse
Volume 4.1 2014

# CONTENTS


# International Journal of Law, Language & Discourse

**Volume 4.1**
**July 2014**

**Chief Editor**

**Le Cheng**

The International Journal of Law, Language & Discourse is an affiliated journal of Multicultural Association of Law and Language.

The International Journal of Law, Language & Discourse is a print of English Language Education Journals.

The International Journal of Law, Language & Discourse is an interdisciplinary and cross-cultural peer-reviewed scholarly journal, integrating academic areas of law, linguistics, discourse analysis, psychology and sociology, presenting articles related to legal issues, review of cases, comments and opinions on legal cases and serving as a practical resource for lawyers, judges, legislators, applied linguists, discourse analysts and those academics who teach the future legal generations.

**For electronic submission**

Chief Editor: Le Cheng (chengle163@@hotmail.com)

Editorial Manager: Jian Li (jianjian_le@hotmail.com)

Production Editor: Jane Lee (ljjane@foxmail.com)

Published by the International Journal of Law, Language & Discourse Press

Australia, Hong Kong and Hangzhou

http://www.ijlld.com



ISSN 1839 8308

# EDITORIAL BOARD

# Contents

# Face-threatening Acts in Chinese Courtroom Discourse

Guang Shi

The courtroom is a site of power struggle. In order to realize their goals and show their power or authority, courtroom subjects use various language resources and strategies, among them face-threatening acts figure prominently. Employing Brown and Levinson's politeness strategies, this paper analyzes face-threatening acts used by different subjects in the courtroom. It is found that: the more powerful a subject is, the more impolite s/he tends to be, i.e. s/he tends to employ more face-threatening acts. As the most powerful subjects in the courtroom, judges perform face-threatening acts most frequently in various ways. The three major types of face-threatening acts used by the judges are appellation (word(s) used to call a subject), reiteration of instruction (discourse used to restate a previous instruction), and dissatisfaction (expression used to show dissatisfaction with a subject's performance). By contrast, other subjects' face-threatening acts are not only smaller in quantity, but also less threatening to the addressees' faces.

*Keywords*: Chinese courtroom discourse, face-threatening act, politeness strategy, face-saving theory

## 1 Introduction

Politeness is the cornerstone of the social order, and the premise of mutual cooperation between people. In their extensive essay 'Universals in Language Usage: Politeness Phenomena', Brown & Levinson (1978) systematically explored the politeness phenomena, which attracted great attention in the linguistic circles. Since then, politeness has been widely studied. Representative works include the politeness principle put forward by Leech (1983) and study of politeness in classrooms by Cazden (1988). In China, politeness has been studied from different perspectives (Hu and Dai 2009, Liu 2009, Ran 1996, Ran 2003, Ran and Yang 2011). However, previous studies mainly focus on everyday discourse; few have involved institutional discourse, especially courtroom discourse. Lakoff (1989) argues that politeness theories should be used to analyze different genres of discourse, especially institutional discourse, to expand the breadth and depth of research. Chinese scholars have already studied politeness in the courtroom (Gu 1990; Jiang 2011, Liao 2003, Liao 2011) However, thus far, no scholar has employed Brown & Levinson's (1978, 1987) face-threatening act model to analyze (im)politeness in Chinese courtroom discourse. By analyzing the face threatening acts of the courtroom subjects, we can have a better understanding of how the courtroom subjects (especially the powerful ones) maintain their face and power while debating, questioning, and cooperating with each other. This paper is a preliminary attempt in this regard.

## 2 Face-threatening Acts

Goffman (1967: 5) defines face as ‘the positive social value a person effectively claims for himself by the line others assume he has taken during a particular contact’. Brown and Levinson (1978: 66) expand Goffman's theory of face and define it as ‘the public self-image that every member wants to claim for himself’. For them, face is ‘something that is emotionally invested, and that can be lost, maintained, or enhanced, and must be constantly attended to in interaction. Since face is so sensitive, it is in the mutual interests of both participants in the interactions to try to maintain each other’s face. When threatened, people will try to maintain their faces, which at the same time threatens others’ faces, so it’s best to use politeness language in communications. Accordingly, Brown and Levinson put forward the face–saving theory to explain the politeness behaviour of the competent adult members of a society. Brown and Levinson (1978: 67) distinguished two components of face, ‘positive face’ and ‘negative face’, which are two related aspects of the same entity and refer to two basic desires or ‘wants’ of any individual in any interaction. Positive face is “the positive consistent self-image or ‘personality’ (crucially including the desire that this self-image be appreciated and approved of) claimed by interactants”; negative face is “the basic claim to territories, personal preserves, rights to non-distraction, i.e. to freedom of action and freedom from imposition”(ibid).

In social interactions, FTAs (face-threatening acts, i.e. acts that inherently damage the face of the addressee or the speaker by acting in opposition to the wants and desires of the other) are

at times inevitable based on the terms of the conversation. So in communications, we use various polite strategies to avoid FTAs or mitigate the face-threatening level in order to avoid awkward situations or worsening of relations. These politeness strategies are used to formulate messages in order to save the hearer's face when FTAs are inevitable or desired. Brown and Levinson (1978: 74) outline five main types of politeness strategies: bald on-record, negative politeness, positive politeness, off-record (indirect), and don't do the FTA. Bald on-record strategies usually do not attempt to minimize the threat to the hearer's face, although there are ways that bald on-record politeness can be used in trying to minimize FTAs implicitly. Positive politeness strategies seek to minimize the threat to the hearer's positive face. Negative politeness strategies are oriented towards the hearer's negative face and emphasize avoidance of imposition on the hearer. Off-record strategies use indirect language and remove the speaker from the potential to be imposed. Figure 1 shows the framework of politeness strategies.

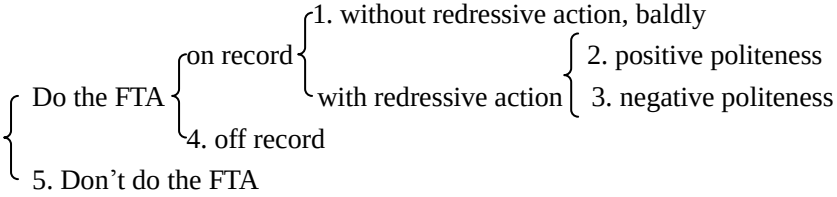


Figure. 1 Strategies for doing 'face threatening acts' (1978: 74)

In the analysis of data, we found that almost all the FTAs in the eight trials are on record and there are few off record strategies. Furthermore, the aim of this study is to find out the features of

FTAs in the courtroom. So we will mainly focus on the three on-record strategies. Thus the analytical framework of this study is as follows:

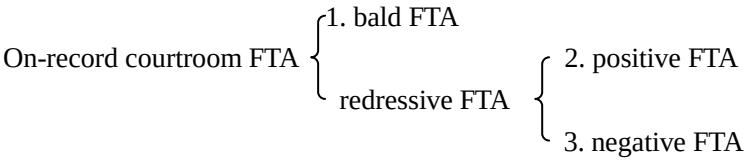


Figure. 2 FTA strategies in Chinese courtroom

## 3 Data description

From May 2006 to January 2007, the author observed and audio-recorded eight trials with permission from the courts, totalling audio-recordings of approximately 24 hours. The audio-recordings were transcribed into written form, resulting in a data set of more than 200,000 words. Of the eight trials, five were tried at Nanjing Intermediate People's Court (NIPC) while the remaining three at Jiangning District People's Court of Nanjing (JDPC). Furthermore, four of the eight trials are criminal, three are civil, and the last one is administrative. These eight trials were selected because they represent the three major types of trials in China and their recordings were comparatively complete and of good quality. Table 1 provides general information about the eight trials.

Table. 1 General information about the eight trails

| Number | Type | Description | Place |
|---|---|---|---|
| Trial 1 | Criminal | Murder | NIPC |

| | | | |
|---|---|---|---|
| Trial 2 | Criminal | Murder | NIPC |
| Trial 3 | Criminal | Theft | JDPC |
| Trial 4 | Criminal | Theft | JDPC |
| Trial 5 | Civil | Real estate purchase dispute | NIPC |
| Trial 6 | Civil | Debt dispute | NIPC |
| Trial 7 | Civil | Property management fee dispute | NIPC |
| Trial 8 | Administrative | Occupational injury confirmation | JDPC |

## 4 FTAs in Chinese Courtroom Discourse

In order to have a general picture of FTAs performed by the subjects in the eight trials, let's have a look at the numbers of FTAs, words, and turns of the judges and other courtroom subjects. See Table 2 for the figures.

Table 2 FTAs, words, turns of the judges and other courtroom subjects

| Courtroom subject | FTAs | Words | Turns |
|---|---|---|---|
| Judges | 847(61%) | 60,303 (30 %) | 1,007 (44%) |
| Other subjects | 535(39%) | 140,275 (70%) | 1,297 (56 %) |
| Total | 1,382 | 200,575 | 2,304 |

Table 2 shows that: There are altogether 1,382 FTAs in the eight trials, 847(61%) of which were performed by the judges. The rest 535(39%) were attributed to other courtroom subjects. Compared to words spoken (60, 303 words, 30%) and turns taken (1, 007 words, 44%), FTAs performed by the judges

account for a much larger proportion. This shows that the judges tend to perform more FTAs than other courtroom subjects.

It should be noted that an FTA is identified according the meaning expressed or the function performed, instead of the number of words used. So, an FTA can be a word, a phrase, a clause or a sentence. Let's first have a look at FTAs performed by the judges.

### 4.1 FTAs of the Judges

The three major types of FTA strategies used by the judges in the eight trials are: appellation, reiteration of instruction, and dissatisfaction. Let's consider them in turn.

#### 4.1.1 Appellation

Appellation refers to the expressions used by the judges to call other subjects. The judges frequently use "legal appellation" (Liao 2003: 242) to call a subject. For example:

Extract 1

审判长：**被告人**什么时候来浦口打工的？

被　告：今年过年以后。

JUDGE: **Defendant**, when did you come to work in Pukou?

Defendant: After the Spring Festival this year.

（Translated by the author, the same below）

In the above extract, the judge calls the defendant *bèigào rén* 'defendant', which is his 'title' or 'role' in the trial. This type of appellation is neutral and impersonal, showing the distance between the judge and the defendant. It's impolite because it threats the defendant's negative face. In the eight trials, all the

other subjects (except the court clerk) were frequently called by the judges in this way.

Another important strategy used by the judges is to call the names of other subjects directly. For example:

Extract 2

| | |
|---|---|
| 审判长： | **刘永刚**，你什么时间向杜小花要的钱？ |
| 原　告： | 这个钱，在写过借条后一个礼拜开始我就要了。 |
| JUDGE: | **Liu Yonggang**, when did you ask Du Xiaohua to pay your money back? |
| Plaintiff: | The money, one week after she wrote the IOU, I asked her to pay the money back.' |

In the above extract, the judge calls the plaintiff by his name *liú yǒng gāng*[1]. As we know, usually, if A calls B's name directly in a conversation, it shows that A and B have a close relationship or A is more powerful than B, e.g., A is superior to B. However, the judge should not have (or at least show) a close relationship with any other subject in the courtroom according to law; so calling someone's name directly is a strategy for the judge to show the distance between him/her and the addressee, which threatens the latter's negative face and thus is impolite. This way of appellation is frequently used to call the plaintiff, the defendant, the appellant, and the appellee, but is never used to call the prosecutor, the court clerk, and the lawyer of opposing parties. This shows that, ideologically, the judge considers the latter (i.e. the prosecutor, the court clerk, and the lawyer of opposing parties) to be closer to them in terms of

[1] For confidentiality, the names of courtroom subjects are pseudonyms

social distance.

In addition to the above two ways, the judges also call other courtroom subjects *nǐ* 'you' frequently. For example:

Extract 3

审判长：　**你**对他的资质有质疑？

上诉人：　对，资质没有年审。

JUDGE:　**You** doubt about his qualifications?

Appellant:　Yes. The qualification has not passed annual inspection.

In Extract 3, the judge calls the appellant *nǐ*. Notice that both of the two Chinese characters *nín* and *nǐ* can be translated as 'you' in English, but the difference is that the use of the former shows the addresser's politeness to and respect for the addressee, but the latter doesn't have this implication. The *nǐ/nín* distinction is like *tu/vous* dichotomy in French. Usually, the speaker makes the choice between them according to the social statuses of, power relations and distance between the interlocutors [19: 75]. So the frequent use of *nǐ* by the judge to call other subjects shows that the judge doesn't mean to be polite. By doing so, the judge wants to send the signal that s/he has higher social status and is more powerful than the addressee. It is worth noting that the judge never uses *nǐ* to call the prosecutor. As a matter of fact, the judge only uses the legal appellation *gōngsù rén* 'prosecutor' to call the prosecutor. The reason may be that among all the other subjects in the courtroom, the prosecutor has the closest social distance to the judge.

It should be noted that the other subjects never use *nǐ* to call the judge. They use *nín*, *fǎguān* 'judge', and *fǎguān dàrén* 'your honor judge' to call the judge.

### 4.1.2 Reiteration of Instruction

Reiteration of instruction refers to the discourse used by the judge to reiterate an instruction that has been made before. For example:

Extract 4

T1 审判长： 还有没有问题要问？

T2 原　告： 我认为你借这个钱，又不是数字很小，对不对。你现在想逃避，这是不可能的，在法院，你现在▲[2]

T3 审判长： **▼我现在问你有没有问题要问?**

T1 JUDGE: Do you have other questions to ask?

T2 Defendant: I think you borrowed this money, which is not a small sum, right? You now want to escape, it is not possible. In court, you now ▲

T3 JUDGE: **▼ I now ask you do you have other questions to ask?'**

Extract 5

上诉代理人：当时他的先生王建华并不知情，如果说他知道，在一审的时候▲

法官 1： **▼提醒你一下，你在这里讲事实和发表观点，请注意一下，不要再停留在应该在诉讼当中说明的问题。刚才审判长已经反复讲了，就是不要再重复；这是第一个问题，第二个问题就是，你前面已说过的观点，就不要再重复了，**

[2] ▲ indicates the discourse being interrupted, ▼ means the interrupting discourse.

简明扼要，扼要一点。

Appellant agent: At that time her husband Wang Jian didn't know. If he had known, in the first trial▲

Judge 1: ▼Remind you that when you state fact and express views, please note, don't repeat what should be explained in the proceedings. Just now the presiding judge repeatedly told you not to repeat. This is the first point. The second is, don't repeat the opinions that you have already expressed. Be brief and concise.

In Extract 4, the judge asks the plaintiff whether or not he has questions to ask in T1 (T=Turn). The plaintiff doesn't ask a question, but expresses his opinion instead in T2. In T3, the judge interrupts him abruptly and then reiterates his instruction, i.e. he requires the plaintiff to ask questions, but not to express his opinion. In Extract 5, the agent of the appellant tries to explain something but is interrupted by a judge. The judge then goes on to reiterate the instruction made by the presiding judge before, i.e., don't repeat what has been said and try to be concise. Interestingly, the judge requires others not to repeat and try to be concise, but his own utterance is full of repetitions and redundancies, and is not concise at all (also see Liao 2003: 202).

Sometimes if a subject is not 'obedient', more than one judge will reiterate the instruction to keep the subject 'under control'. For example:

Extract 6

T1 审判长：有没有问题要问？

T2 原　告：借这么多钱，你躲是躲不掉的▲

T3 法官 1：　　▼有问题你就问！

T4 审判长：直接回答法庭这个问题，有没有？有或者没有？有没有问题？

T1 JUDGE: Do you have questions to ask?

T2 Plaintiff: You borrowed so much money. You can't escape▲

T3 Judge 1: ▼**If you have questions, ask!**

T4 JUDGE: **Answer this question directly, do you have questions? Yes or no? Do you have questions?**

In Extract 6, the presiding judge asks the plaintiff whether or not he has questions to ask in T1. The plaintiff doesn't follow his instruction and expresses his opinion instead in T2. In T3, another judge interrupts him abruptly and tells him that he is supposed to ask questions if he has. In T4, the presiding judge uses three repeated questions to reiterate the instruction.

Notice that in all of the above three extracts, before the judges reiterate instructions, they interrupt the other subjects first. So interruptions play an important role here. Generally speaking, interruptions are impolite because they damage the 'order of communicative interaction' (Liao 2003: 172) This strategy belongs to the first type of FTA in our analytical framework, i.e. bald FTA. Furthermore, the judges' reiteration of instruction after the interruption is full of repetitions, which shows that the judges care very much about whether or not their instructions are understood and followed by other subjects. The reason is that if their instructions are understood and followed, their authority and power is maintained, otherwise, their authority and power will be threatened.

### 4.1.3 Dissatisfaction

Dissatisfaction refers to various ways used by the judge to express his/her dissatisfaction with a subject's performance, including order, evaluation, delay, correction, prohibition, criticism, warning and scolding, etc. For example:

Extract 7

上诉代理人：实际上从刚才我们所讲的庭审笔录和一审判决书已经证明了，这个债务是杜小花▲

▼（手机铃声）

审判长：　　▼ **手机关了。**

Appellant agent: In fact the trial transcript and the first instance verdict have proved that the debt is Du Xiaohua▲

▼（mobile phone ringing)

JUDGE: ▼**Switch off your mobile phone.**

Extract 8

原　告：他们门口的人都知道。

审判长：那个，这样，**你讲的意思不太明确**。法庭问一下，能不能证明在诉讼前你向杜小花家里要钱的时候，而当时王建华还是杜小花的丈夫？

Plaintiff: Their neighbours all knew this.

JUDGE: Well, **your meaning is not quite clear**. The court asks you, can you prove that before the case, when you asked Du Xiaohua to pay your money back, Wang Jianhua was still Du Xiaohua's husband?

Extract 9

上诉人：她讲的和事实是有出入的。当时▲

审判长：　　▼**你等会再说**。

Appellant: What she said is different from the fact, at that time▲

JUDGE: ▼**Wait for a while.**

Extract 10

审判长： 你具体讲一讲，你什么时候迁出的？

被上诉人：大概是 02 年的 7 月份吧。

审判长： **不要大概▲**

被上诉人： ▼是 02 年的 7 月 5 号。

JUDGE: Specifically, when did you move out?

Appellee: About in July 2002.

JUDGE: **No about▲**

Appellee: ▼It was on July 5, 2002.

Extract 11

被上诉人：我的户口是这样。我▲

审判长： ▼**好，你不要再讲话了。我没有问你你不要再讲话了**

Appellee: My household account is like this. I▲

JUDGE: ▼**Ok. Speak no more. If I don't ask you, don't speak any more.**

Extract 12

被 告：我忘了。

审判长：**你说你这是什么态度啊！**

Defendant: I, I forgot.

JUDGE: **What's your attitude!**

Extract 13

上诉人：人家跟你什么关系啊？那么好啊？先把钱给你，然后过两年再问你要房子。啊是的啊？

审判长：**发言要经过法庭的允许。已经第二次随便发言了噢！**

Appellant: Did he have an intimate relationship with you? Was he so generous? He paid you the money first, and asked you to hand over the apartment two years later. Is that right?

JUDGE: **You should get permission from the court to speak. This is the second time you speak without permission!**

Extract 14

审判长：有没有给他看，你是说他不开门，你没办法给他看，是不是这个意思？

被　告：他看不看是他的权利，跟我没关系。他▲

审判长：**▼这又不是吵架，我问你有没有给他看。你讲一句就行了，什么看不看是他的权利，跟我没关系。**

JUDGE: Did you show it to him? Did you mean he refused to open the door, so you couldn't show him, right?

Appellee agent: Whether he read it or not is his right, and has nothing to do with me. He▲

JUDGE: **▼This is not a quarrel. I asked you whether you showed it to him or not. Just answer the question. It's pointless to say "whether he read it or not is his right, and has nothing to do with me."**

In the above extracts, the judges express their dissatisfaction with other subjects' performance in different ways: order in Extract 7, evaluation in Extract 8, delay in Extract 9, correction in Extract 10, prohibition in Extract 11, criticism in Extract 12, warning in Extract 13 and scolding in Extract 14. All of the above ways belong to the first type of FTA, bald FTA (without

redressive action). Furthermore, the degree of the threat to the face of the addressees increases successively from Extract 7 to Extract 14, which means that the way in Extract 7 constitutes the least threat to the addressee while that in Extract 14 poses the biggest threat, with those in the other extracts falling in between.

### 4.2 FTAs of Other Subjects

Other subjects in the trials also perform FTAs. First, let's consider the FTAs of the prosecutors. Generally speaking, the prosecutors' FTAs mainly involve two strategies: appellation and dissatisfaction. For example:

Extract 15

公诉人：**你**当时为什么想到马上跑回店里去拿刀子?

被　告：因为他们人多，所以我拿刀。

Prosecutor: Why did **you** immediately go back to the store to get a knife?

Defendant: Because they had several people, so I got the knife.

Extract 16

公诉人：**被告人**目无法律，漠视他人的生命权利和健康权利，其行为严重践踏了刑法所保护的最基本的人权。

Prosecutor: The defendant ignored the law and disregarded others' right to life. His behaviour seriously violated the fundamental human rights protected by the Criminal Law.

In Extract 15, the prosecutor uses *nǐ* to call the defendant. Actually, the prosecutors call the defendants in this way most of the time, especially at the stage of court investigation. In Extract

16, the prosecutor calls the defendant *bèigàorén* ‘defendant’, which is his role or title in the trial. This type of appellation is used mainly when the prosecutors read the indictment or summarize their opinion.

The prosecutors also use some strategies to express dissatisfaction with the performance of the defendants. Education and criticism are the two most important ways. For example:

Extract 17

公诉人：**按照你的文化程度，你应当知道盗窃的是违法的，你为什么还要这样做?**

被　告：当时人也是给逼的，钱用完了，饿的没办法了。

Prosecutor: **Considering your education level, you should know that theft is illegal, why did you do this?**

Defendant: I was forced to do so. I had no money and I was so hungry.

Extract 18

公诉人：**你**当时为什么想到马上跑回店里去拿刀子?

被　告：因为他们人多，所以我拿刀。

公诉人：**你也太不冷静了。**

Prosecutor: Why did **you** immediately go back to the store to get a knife?

Defendant: Because they had several people, so I got the knife.

Prosecutor: **You are too irritable.**

In Extract 17, the prosecutor educates the defendant, saying that he should know that theft is illegal. In Extract 18, the prosecutor criticizes that the defendant is ‘too irritable’. The above extracts

show that the prosecutors exert their control over the defendants by such FTA strategies as appellation and dissatisfaction.

Other subjects in the trials also perform FTAs. For example:

Extract 19

T1 被上诉人： 我刚才不讲了吗，借的时候我就到她家找她要钱了，他怎么会不知道呢？我就找她要钱了，他怎么会不知道这个事呢？

T2 上诉代理人：**你如果知道这个事的话，那还是请你提供证据来证明这个事情。因为在法庭上面是要讲证据的。**

T3 被上诉人： 你这个讲话讲的，该我▲

T4 上诉代理人： ▼其他我就不讲了。

T5 被上诉人： 现在，我到她家要钱的时候，他肯定知道的▲

T6 上诉代理人： ▼而且，你跟她是，而且你自己讲的，她拿你的钱你也没有报案。知道吧。

T7 被上诉人： 是这样子啊。她借我的钱▲

T8 上诉代理人： ▼**你必须拿出证据来证明。**

T1 Appellee: Just now I said, after she borrowed my money, I went to her home to ask for the money back. How couldn't he know? I asked her to pay the money back. How couldn't he know this?

T2 Appellant agent: **If you know the matter, please provide evidence to prove it, because in the court trial we should prove our statements with evidence.**

T3 Appellee: What do you mean? Should I▲

T4 Appellant agent: ▼I don't want to say anything else.

T5 Appellee: Now, when I went to her home to ask for the money back, he must know▲

T6 Appellant agent: ▼Besides, she and you are, you said, she stole your money, but you didn't report to the police, you know.

T7 Appellee: The fact is, she borrowed my money▲

T8 Appellant agent: ▼**You must produce evidence to prove it.'**

The opposing parties (defendant/plaintiff, appellant/appellee, etc.) perform FTAs to each other; see Extract 19 above and Extract 20 below. In Extract 19, the appellee wants to prove something without producing evidence in T1. The appellant agent takes advantage of this weakness of the appellee and asks him to produce evidence in T2. In the following turns (from T3 to T7), the two speakers enter into a short debate, but the appellee still produces no evidence. So in T8, the appellant agent insists on asking the appellee to produce evidence, with a very firm tone. Notice the high value modal verb *bìxū* 'must'. In this extract, the appellant agent asks the appellee to produce evidence twice in order to prove that what the appellee says is groundless, which is face-threatening to the appellee.

Extract 20

上诉代理人：我想问一下那个——杜小花，你这个钱，你借的 153,000 元钱，你这个钱，家庭用的，用在家庭生活的什么地方？

被上诉人： 我跟你讲，我在六合法院还是讲的这个话，我没有拿这笔钱。还知道，我再跟你讲，我没有拿这笔钱。**你没有资格问我。**我没有拿，你要我讲什么呢？

Appellant agent: I would like to ask – Du Xiaohua, the money, the￥153,000 that you borrowed, the money, your family used, which aspects was it used in your family life?

Defendant: I tell you. I also said this in Luhe Court. I didn't take the money. Do you know? I tell you again, I didn't take the money. **You don't have the right to ask me this question.** I didn't take the money, what can I say?

In Extract 20, the appellant agent wants to ask the defendant a question (i.e. in which aspects of family life did she use the ￥153, 000 she had borrowed?). The defendant says she didn't borrow the money and the appellant agent had no right to ask her this question. The defendant's deny of the appellant agent's right to ask the question indirectly reduces the reliability of what the latter has said and thus damages his negative face.

The defendants or the defense attorneys in criminal trials sometimes perform FTAs to the prosecutors. For example:

Extract 21

公诉人：第 11 次呢, 偷了什么东西?

被　告：**我忘了。**

Prosecutor: The 11th time, what did you steal?

Defendant: **I forgot.**

In Extract 21, the prosecutor asks what the defendant stole in his eleventh stealing. The defendant says that he forgot, which

shows that he is not cooperative with the prosecutor and attempts to challenge his authority. Notice that in later turns, under the cross-questioning of the prosecutor, the defendant did 'remember' something at last.

Occasionally, the judge's face is threatened. For example:

Extract 22

T1 审判长： 他说业主委员会没有召开业主大会，他说是以上门的形式征求业主意见的。我说他们的就是业主的意见有没有以书面的形式提供给你呢？他说没有。

T2 被上诉人：**我认为这个和本案没有关系。**

T3 审判长： **有没有关系由本院，法庭来定，问你什么你就答什么。**

T1 JUDGE: He said the Property Owners Committee did not convene the meeting of owners, he said they collected opinions from the owners by way of going to their homes. I asked 'have theirs, i.e. the property owners' views, been provided in writing to you?' He said no.

T2 Appellee: **I think this is not related to the case.**

T3 JUDGE: **Whether it is related to the case or not is decided by the court. Just answer questions that we ask you!**

In Extract 22, the judge instructs the court clerk to note down some facts in T1, but in T2 the appellee cuts in and claims that what the judge has just said is not related to the case, which is a great challenge to the judge's face and authority, because if the appellee were right, i.e., what the judge has just said is not

related to the case, it means that the judge is incompetent, or at least is not meticulous enough. Notice how the judge reacts to such a face-threatening act. In order to save her face and guard her authority, the judge claims that it is the court (the judges), not anyone else, that decides whether or not what she has said is related to the case. The judge then requires the appellee only to answer questions when asked and not to cut in on others' conversation or express his opinion casually.

## 5 Conclusion

Various FTA strategies are used by the subjects in the courtroom. The more powerful a subject is, the more impolite s/he tends to be, i.e. s/he tends to perform more face-threatening acts. As the most powerful subjects in the courtroom, judges use face-threatening acts most frequently. By contrast, other subjects' face-threatening acts are not only smaller in quantity, but also less threatening to the addressees' faces. The three major types of FTA strategies used by the judges in the eight trials are: appellation, reiteration of instruction, and dissatisfaction. Appellation refers to the expressions used by the judges to call other subjects. Legal appellation, name and *nǐ* 'you' are the three most important forms of appellation. Reiteration of instruction refers to the discourse used by the judges to reiterate an instruction that has been made before. Usually before the judges reiterate the instruction, they interrupt other speakers first. This is an important strategy for the judges to guard their authority and power. Dissatisfaction refers to various ways used by the judges to express dissatisfaction with a

subject's performance, including order, evaluation, delay, education, correction, prohibition, criticism, warning and scolding, etc. The FTA strategies used by the prosecutors are mainly appellation and dissatisfaction. Other courtroom subjects also perform FTAs, but less frequently and systematically.

**Acknowledgements**

This research was supported by The Second Phase of the Project Funded by the Priority Academic Program Development of Jiangsu Higher Education Institutions (20140901).

**References**

Brown, P. and S. C. Levinson. (1978). Universals in language usage: Politeness phenomena. In E. N. Goody (ed.). *Questions and politeness: strategies in social interaction*, Cambridge: Cambridge University Press. 56-289.

Brown, P. and S. C. Levinson. (1987). *Politeness: Some universals in language usage*. Cambridge: Cambridge University Press.

Cazden, B. C. (1988). *Classroom discourse: the language of teaching and learning*. Portsmouth, NH: Heinemann.

Fairclough, N. (1992). *Discourse and Social Change*. Cambridge: Polity Press.

Goffman, E. (1967). *Interaction ritual: essays on face-to-face behavior*. New York: Doubleday Anchor.

Grice, H.P. (1975). *Logic and conversation*. In P. Cole and J. Morgan (eds.). *Syntax and Semantics.* New York: Academic Press. 43-58.

Gu, Y. G. (1990). Politeness phenomenon in modern Chinese. *Journal of Pragmatics* 14: 237-257.

Halliday, M. A. K. and C. M. I. M. Matthiessen. (2004). *An Introduction to Functional Grammar* (3rd edition). New York: Edward Arnold.

Hu, H. L. and Dai, Y.C. (2009). An explorative analysis of face-threatening acts and politeness strategies in teacher talk. *Journal of Zhejiang University of Technology (Social Science)* 2: 172-178.

Jiang, L. (2011). Study of politeness in courtroom discourse. *Journal of Changchun University of Science and Technology (Social Science)* 5: 57-58.

Lakoff, G. and Turner, M. (1989). *More than Cool Reason: A Field Guide to Poetic Metaphor.* Chicago: University of Chicago Press.

Leech, G. (1983). *Principles of Pragmatics*. London: Longman.

Liao, M. Z. (2003). *A Study on Courtroom Questions, Responses and Their Interaction: A Linguistic Perspective*. Beijing: Law Press.

Liao, M. Z. (2011). (Im)politeness Phenomena in Chinese Courtroom Discourse", In X. R. Chen (ed.). *Studies in Pragmatics*, Higher Education Press.

Liu, D.D. (2009). Study of politeness phenomena in courtroom discourse. MA thesis of Central China Normal University.

Ran, Y. P. (1996). Face threatening acts and their regulating strategies in speech communication. *Journal of Chongqing University (Social Science)* 2: 72-77.

Ran, Y. P. (2003). A pragmatic account of the discourse marker

‘well’. *Journal of Foreign Languages* 3: 58-64.
Ran, Y. P. and Yang, W. (2011). A pragmatic analysis of deliberate offensive utterances in interpersonal conflicts. *Journal of Foreign Languages* 3: 49-55.
Shi, G. (2008). *A critical analysis of Chinese courtroom discourse*. Ph.D. dissertation of Nanjing Normal University.
Xin, B. (2005). *Critical Linguistics: Theory and Application*. Shanghai: Shanghai Foreign Language Education Press.
Zhang, J. C. (2008). On politeness strategies and Euphemism. *Science and Technology Information* 18: 181, 199-120.

Guang Shi received his Ph.D. in Linguistics from Nanjing Normal University in 2008 and is now an Associate Professor of Linguistics at Nanjing Normal University. He conducted his post-doctoral research at Zhejiang University from November 2009 to November 2011 and worked at the University of Sydney as a visiting scholar from May 2010 to May 2011. His research interests include Critical Discourse Analysis, Systemic-Functional Linguistics, and Forensic Linguistics. His representative works include: A critical analysis of Chinese courtroom discourse (International Journal of Speech, Language and the Law) and An analysis of modality in Chinese courtroom discourse (Journal of Multicultural Discourses).

.

# Othering the "other" in court: Threats to self-presentation during interpreter assisted hearings

Torun Elsrud

This paper is based on an ethnographic research project studying interaction processes and rituals; the interplay between speech and social interaction during interpreted hearings in Swedish District Court cases on domestic violence, where opponents have Middle Eastern, Muslim backgrounds. It is argued that a combination of linguistic changes performed by an interpreter – subtractions, additions and content alterations – during interpreted hearings can cause situations of emotional drainage and contagion, leading to further ”othering” of parties that already are culturally and linguistically ”othered”, both inside and outside the courtroom context. Ultimately, their loss of control over self-presentation is a matter of unequal power distribution and a potential threat to the principle of legal security. Thus, the view of the interpreter as merely a context-bound supportive drummer at the back of the orchestra is challenged and related to social order and stratification processes on an abstract societal level.

*Keywords:* court interpreting, interaction rituals, emotional energy, othering, self-presentation

*"You don't tell the truth at all."*

At first glance, this statement, recorded during a Swedish court hearing, is not particularly surprising given that the nature of court cases is based on the idea that actors are guilty or innocent, trustworthy or untrustworthy. This may, at times, lead to rather emotional moments and to conversations and hearings that bear little resemblance to the objectivity upon which the outcome of court cases is expected to rest. Nevertheless, it is a surprising statement since it is not uttered by any of the involved parties, or by members of the court trying to make their client look good or bad, but by a court interpreter adding linguistic extras while interpreting the prosecutor's questions into a language spoken by the witness. This spoken incident quite obviously propagated itself within the court context, from verbal speech to body language and almost tangible emotions, making observers in court aware of the negative turn the hearing was taking, yet without knowing what was being said between the interpreter and the witness.

The observation was made during a research project initially focused not on interpretation processes but on expressed notions and ideas about gender, culture and ethnicity in court cases where one or both parties had Middle Eastern [1] and Muslim backgrounds. However, it soon became uncomfortably clear that interpretation activities were not just liminal phenomena present in court in order to provide various actors with more or less verbatim translations, turning any language into legally tenable evidence. In the cited conversation, the interpreter has become an independent actor as he accuses the witness of lying and while doing so wrongfully pretends he is interpreting the prosecutor's claim. A bilingual listener would be aware of the fact that, in this case, the interpreter is adding whole sentences to the courtroom conversation but the precise

reason for engaging interpreters is that most people present in court are not bilingual. They will not know about the accusation taking place in the verbal interaction between the interpreter and the witness, which could have added to an understanding of why this hearing turned more tangibly emotional the longer it lasted.

Having observed several interpreted hearings turning antagonistic or emotional in ways I could not understand, these became the subject of a bilingual analysis by means of a bilingual assistant with interpreter background, revealing a variety of ways in which statements became skewed and altered. The purpose of this text is to explore some of these alteration processes and, to show how they are delicately interconnected to the overall social interaction, and emotional swings in court. It will be argued that courtroom interpretation practises are unavoidably related to individuals' control over self-presentation and, subsequently, to power distribution and subordination in a court context.

Earlier research in Sweden (Nordström, Gustafsson & Fioretos, 2011; Torstensson, 2010; Wadensjö, 1992) as well as governmental initiatives (Ennab, Hjelmskog, Lindblom & Nur, 1999; Kammarkollegiet, 2010) to raise awareness about these issues, clarify that interpretation practice remains an urgent matter in a Swedish court context. Internationally, a number of scholars have provided knowledge about the dangers and shortcomings of interpretation, in courtroom settings as well as in police interrogations or health care (e.g. Angermeyer, 2005; Berk-Seligson, 2002; Hale, 2004, 2006; Inghilleri, 2003; Komter, 2005; Morris, 1995; Nakane, 2009; Nida, 1964).

In that respect, this article is no exception to earlier findings as it explores problems of language and linguistic exchange in the courtroom. However, it also incorporates a court ethnographic approach, including courtroom observations and

analyses of the social context in which linguistic practice take place, leading to findings where interpretation events – alterations of content and meaning – can be recontextualized. Thus, while exploring the differences between what is said in the source language and what is said in the interpretation to a target language, the article also addresses the interrelatedness between spoken discourse and social interaction. Such interrelatedness becomes particularly noticeable at times of troublesome events of interpretation, often caused by the interpreter moving from a copying mode to a script writer mode, consciously or unconsciously taking charge over the linguistic agenda. It will be argued that court interpretation practice is in a reciprocal relationship with courtroom emotions and issues of trustworthiness. For witnesses, plaintiffs or defendants self-presentation is vital to provide the court with a favourable or trustworthy version of events. However, when words and sentences are converted back and forth between languages, control of this self-presentation is lost and placed in the hand of an interpreter.

Court interpretation processes are neither easily done, nor unproblematic. One of the challenges to interpreters is to find the proper words for a verbatim translation within a moment's time (Berk-Seligson, 2002, p. 65; Torstensson, 2010, p. 70). In the spur of the moment, the interpreter must also choose between a formal or dynamic equivalence (see also Nida, 1964). The interpreter tries to stay as close to the source language (i.e. the speaker) as possible by striving towards a formal equivalence, making sure the speaker's language structure is maintained as much as possible. As languages are structurally different, this may lead to a distortion of the speaker's intended message. On the other hand, choosing a dynamic equivalence the interpreter's focus will be on the receiving end, trying to

present an interpretation that is as close as possible to the speech structure of the target language in order to make sure that the message is "substantially the same" (Nida, 1964, p. 159). Both ways, the interpretation will lose clarity and logical content to either of the linguistic receivers.

According to Berk-Seligson (2002), the translation process can "transform" the courtroom to the extent that it has an impact on the judicial proceeding in subtle, dramatic and obvious ways (p. 1; see also Angermeyer, 2005; Hale, 2004, 2006; Morris, 1995; Nida, 1964). Regardless of the interpretative competence of the interpreter, much can go wrong. Following the belief that vocabulary alone is the number one linguistic problem for an interpreter, and its subsequent lack of awareness of the pragmatic uses of language, perhaps the most common unnoticed problem is the "skewing of a speaker's intended meaning" (Berk-Seligson, 2002, p. 2; see also Nida, 1964). Such skewing leads to utterances appearing more harsh and antagonistic than the original utterance, or softer and more cooperative. This article extends the problematization of such skewing by suggesting that consequences reach well beyond alterations of single utterances and into the emotional fabric of the courtroom in its entirety. It argues that the loss of vital parts of self-presentation, which befalls a speaker whose voice and arguments are altered by a middleman, creates a kind of enhanced otherness to people who are already at risk of being othered in relation to both Swedish culture and the judicial system.

## 1 A multimodal approach

The strength of an ethnographic approach to court proceedings is that it catches different meaning-bearing perspectives and

practices, or different layers of meaning, referred to by linguists as multimodality. Matoesian (2010) argues:

> Focusing on just words neglects the role of multimodal activities in legal proceedings – how both language and embodied conduct mutually contextualize one another in a reciprocal dialectic – and leaves the study of forensic linguistics with an incomplete understanding of legal discourse. (p. 541)

Critical moments in the courtroom – as when a balanced hearing suddenly turns antagonistic – can be more thoroughly explored using such a multimodal approach. It may unveil troublesome power processes in the courtroom, which in the best of cases may just change the way court participants regard a particular witness, and in the worst of cases may have a bearing on the outcome of a court case.

I have used a combination of methodological designs, inspired by scholars focusing on the relationship between text and social practice, between utterances and acts, and between communication at a context-situated level and discursively positioned norms (see Barker & Galasiński, 2001; Fairclough, 1992; Matoesian, 2010; Oberhuber & Krzyżanowski, 2008; van Dijk, 1995, 1997; Wodak & Krzyżanowski, 2008; Wodak & Meyer, 2009). Language, manifested in text or speech, is always situated in a context and articulated in interaction, in routines and practices. In turn, these routines and practices serve to reproduce institutional logics, not to mention ideological ones. Critical discourse analysis and ethnographic observations can be combined for a number of reasons ranging from doing observations just to establish contact with the field, to "participation in the field over an extended period" while continuously collecting data, analyzing and theorizing (Oberhuber & Krzyżanowski, 2008, p. 186).

In this project, I have used observations to provide ideas about what material to submit to discourse analysis as well as to observe the interaction in its own right, as a type of "social speech". Above all, though, the observations have been used to contextualize written and spoken material and to get a complex understanding of the social processes that have led to specific statements and emotions. The approach has been, first and foremost, symbolic interactionistic. Inspired by Goffman (1959, 1967, 1981) and Collins (2004), I have approached the social interaction in court as "interaction rituals", events of symbolic exchange of notions and ideas, displayed through a variety of languages; various body expressions and signals, tone of voice, silences and content of talk. Interpreted hearings are a significant part of the social interaction taking place in hearings with people who do not speak the language of the court.

Out of necessity, as these hearings so profoundly affected observed interaction and the emotional atmosphere in the courtroom, I have approached linguistic detail during interpreted hearings as keys to understanding not only the language spoken but also the emotional swings, as well as the distribution of power, in the courtroom. This approach is in line with Collins (2004) arguments that interaction rituals are emotional matters, interaction instances where participants either gain emotional energy or experience emotional drain. While emotional energy is empowering, drain is oppressive and a sign of an individual having lost control over her self-presentation.

As mentioned, the project behind the article was originally designed to seek and analyse negotiations of ethnicity, culture and gender in court cases related to domestic violence where parties have "Middle Eastern" background. Nevertheless, observations soon pinpointed interpreter assisted hearings as an urgent issue to attend to, as several of the observed witness

hearings appeared to cause emotional stress and uneasiness in the courtroom. Court members exchanged glances, voice modes altered, and witnesses turned more and more quiet and even tried to leave the stand. Puzzled by these emotional shifts, I engaged a bilingual assistant[2] to go through the interpreted witness hearings.

The assistant did what a court interpreter can rarely do; he listened carefully and repeatedly to each statement, rewinding the recording as many times as he needed to in order to as meticulously as possible interpret each word, each phrase. If uncertain, he could return to the material another day or choose to enhance his performance by checking with a proper dictionary. When he was tired, he could take a rest. Rewinding the recorded hearings repeatedly, or checking the dictionary in a calm and quiet atmosphere, have been privileges for the project assistant, but hardly for a courtroom interpreter having to come up with the proper interpretation in the spur of the moment. In court, the interpreter has little time to consider options. Importantly, it is not the competence of the interpreter being put into question here, but the prevailing idea that an interpreter is like a photocopy machine "who without any personal engagement is duplicating in the corresponding form of another language what is said in the primary parties' originals" (Wadensjö, 1992, p. 54).

Statements and interpretations have been thoroughly scrutinized and examined for lexical and grammatical changes, which might cause skewing or slippage of meaning or changes to the content of the conversations in court. Identified lexical and grammatical changes have subsequently been cross-examined against observation notes, to recontextualize interpreted utterances and gain an understanding of just what

was said (or not said) during an observed mood swing, or a hearing turning obviously antagonistic.

The findings come from approximately ten interpreter assisted hearings. The project has been approved by an ethical board with some precautions. In order to avoid identification of court cases, the paper does not include a description of case details, case location and dates or the identity of languages other than Swedish. I am aware of the shortcomings such an approach may render, where the withholding of certain potentially identifying information may also lead to losses of nuanced and argument supporting data. There is no straightforward solution to this ordeal, other than carrying out data collection and analysis with considerable caution and continuous considerations whether or not specific details may be harmful to groups/individuals. In addition, it sometimes calls for the abandoning of relevant arguments, in order to protect the integrity of individuals.

In order not to reveal identities of other languages, I have excluded these non-Swedish language statements in the following section. Instead, I have used the comments by the "project interpreter" (bilingual assistant) who lifts issues of concordances and discrepancies between the interpretations and their sources. I have placed *project interpreter* comments in separate frames to increase readability and to avoid a mix-up with court interpreter comments.

Structurally, this article now moves over to presenting empirical findings and my interpretations in three sections. The first one deals with linguistic *additions, subtractions and content exchange* in order to display the nature and presence of various changes to verbal content and the power these have to alter the meaning. This section provides a background to the two subsequent sections *from dialog to interrogation, from*

*compliance to resistance* and *development of an antagonistic hearing*, where empirical examples become increasingly positioned within the courtroom context as they give rise to various signs of failed communication and emotional drainage.

## 2 Additions, subtractions and content exchange

Additions, subtractions and content exchange often co-operate in the skewing process in a variety of constellations. Nevertheless, the following attempts to address one skewing practice at a time, beginning with *additions* made by an interpreter:

> **Prosecutor:** Did X often have bruises on her body?
> **Interpreter to court:** With respect for you as a prosecutor, and I mean absolutely not you personally, but it is totally, that is, the things that they say and tell, that's nonsense. They're just talking nonsense, these people. In that case, someone in the world must..., would have seen her some time, that she has bruises on herself, or had been burned by boiling oil, or something. Some doctor, some neighbour, somebody, somebody.

**Project interpreter** comment**:** Defendant's actual answer: *"No, that which she says* [refers to prosecutor], *with all respect for what she says, but it is all lies. I don't mean her, but all that they have told her are lies and fabrications. Who would do something like that? Doctors would know, neighbours would know, the children". "Bruises"* or having been "*burned by boiling oil"* are not mentioned by the defendant, but are added by the interpreter.

An incident of abuse involving cooking oil was an issue during this trial. The translation provided in the courtroom at this moment suggests that this boiling oil incident – denied by the defence at various other times during the court case – is on the defendant's mind, when, rather, it appears to be on the mind of the interpreter. The addition of "*boiling oil*" to witness statements that do not contain boiling oil appears at least six times in translated hearings.[3] On some occasions, it appeared "out of the blue" while, on the others, the interpreter added "*boiling*" if a witness mentioned oil. While it is likely that the oil was boiling or near boiling as it was argued that it resulted in burn injuries, it was not mentioned as such by the prosecutor or witnesses but repeatedly brought into the speech agenda by the interpreter. Most likely unintended by the interpreter, it added drama to the story.[4]

Another example of lexical additions increasing dramatic effects involved a repeated addition of "*pull*[ing] *her hair",* said to have taken place during an assault, which was not mentioned by the witness, but was repeatedly placed in his speech act by the interpreter. To another witness' claim that "*he was hitting her"*, the concept "*again"* was added, making the assault sound like a recurrent act which indeed was the prosecutor's argument, but not this particular witness'.

Addition of lexical information such as those above frequently happened and may be a sign of various spontaneous well-intentions on the interpreter's behalf. Possibly, the boiling oil, or the grabbing by the hair, are linguistic artefacts from earlier in the trial, or even from pre-trial documents where these expressions existed. It may also, more or less unconsciously, have been added to clarify a statement or to create coherence between different statements and perhaps even hearings.

Nevertheless, material is added that gets a life of its own, feeding conversation with a surplus of details and meaning.

*Subtractions,* or *omissions,* are also common to many of the hearings. Not surprisingly, they often appear to result in significant information becoming lost in the interpretation process.

> **Prosecutor:** Did you, yourself, see that Y hit X on this occasion?
> **Interpreter to court:** Yes, I saw. Their balcony was right nearby. So I saw it, but the entrance has a code lock so I couldn't enter to...in some way...maybe help, but I couldn't get in.

> **Project interpreter** comment**:** The witness says: *"Yes, their balcony was open and their entrance was coded so I couldn't get in to help her, to prevent him from beating. I also asked why he had beaten her."* The interpreter fails to include *"to prevent him from beating"* as well as *"also asked why he had beaten her".*

If the last omission containing the witness' questioning of the defendant had been included, it might have provided the court with the idea of further questioning about this incident, but instead the hearing moved on to other matters. Several similar omissions which probably would have lead to more extensive questioning, had they been voiced, occurred during the hearings. Some of them brought additional information about the victim's state of fear. A number of omissions contained information about efforts, by witnesses, to help the victim. One witness' story of having interfered physically was never told to the court.

Nor did a witness who tried to talk the victim into seeking help, manage to get her story past the interpreter. Although this repeated disregard of witnesses' attempts to help may not have had a bearing on the verdict of the case, it provided the court with a crippled understanding of the social group to which the witness belonged.

Additions and subtractions rarely appear in distilled versions but often cooperate within the same statement, adding a difference to the overall mediation of the whole message:

> **Prosecutor:** Can you give me an explanation as to why a woman, unknown to you, say this, when you have never spit at X?
> **Interpreter to court:** Yes, I can say this last part, then we can take a break [note; the interpreter is firstly speaking on his own behalf as he addresses the court]. No, I don't know this woman. I don't know why she has said that and it is…I'm as surprised as you are. I don't know.

**Project interpreter** comment: Defendant says: *"I don't know this woman, have not seen her, she has not visited us. If she states this, let her come and tell about what time it was, and what place it happened at. She has not visited us. She is not speaking the same language as us, X can't tell her. Where did she see this? Let her speak."* Interpreter omits*" have not seen her, she has not visited us. If she states this, let her come and tell about what time it was, and what place it happened at. She has not visited us. She is not speaking the same language as us, X can't tell her. Where did she see this? Let her speak.",* and adds *"I'm as surprised as you are. I don't know."*

There is an obvious lack of concord between the witness statement and its interpretation, produced by an interpreter in need of a break. Indeed, only one of the sentences appears to have been translated. A major part of the witness' statement was omitted in front of an unknowing court, and two sentences were added, resulting in a story where what appears to be relevant arguments were left out, and a rather remarkable attribution concerning the prosecutor's state of surprise took their place. Often these types of changes of content remained difficult to detect in courtroom social interaction, but this particular incident had also been contextualized in the observation notes, page 5:

> "I am also thinking about the role of the interpreter. He has to be alert each and every second during the trial. Already today, the first day, you can see that it was almost too much. He sometimes seemed taken and had to stop in the middle of a hearing, to ask for a break. He often drank from the glass, and I imagine that it was a reflex to keep up the concentration."

This observation points at the embeddedness of speech in overall social interaction. The observed tiredness of the interpreter did, in fact, lead to a skewing of meaning that may have influenced the way court members received and interpreted interaction.

Sometimes alterations are not caused by additions or omissions but *content exchange*. In one hearing, assault is converted to murder:

> **Prosecutor:** There are claims from several people in the investigation that you should have *stabbed* a former wife in Z-land [country]. Is this information correct?
> **Interpreter interpreting to defendant:** Some people have claimed that before you married Y [wife's name] you had another wife who you, according to information,

did you bring a knife or dagger…don't know…. and *kill* her? Is that true or not?
**Interpreter interpreting back to court:** Never in my life.

**Project interpreter** comment**:** Interpreter adds "*before you married Y*" and "*is this true or not?*". Prosecutor's "*stabbed*" is changed to "*killed*".

There is a remarkable qualitative difference between stabbing someone and killing someone, making the defendant answering to a question not posed. Another example of content exchange common to many hearings happens when the "*homeland*" or "*place of birth*" mentioned by the prosecutor is replaced by "*our country*". Possibly, this alteration takes place as an implicit message of cultural or linguistic togetherness, signalling both unification and familiarity between interpreter and witness. In the meantime, it stresses the difference between "us" and "them" while reinforcing the idea that linguistic others are foreign guests in the courtroom.

Although adding, subtracting or exchanging content may not always result in direct and obvious communication failures or mood swings, it often changed the linguistic content of the studied hearings. Also, it is likely that recurrent interpreter additions of boiling oil, or subtractions of witnesses efforts to stop abuse, may have changed the way the court, the audience and the present media representatives viewed the involved parties and the cultural group to which they were said to belong. Undoubtedly, it is of vital importance to the involved parties whose self-presentation and version of events are changed. However, the incidents above went past without explicit signs of emotional shifts. This may be the result of the actors not being

aware of the alterations, but it can also be a sign of successful face-saving techniques when one senses problems but does not know what is happening. Losing emotional control in court may not be considered desirable and is most likely avoided for as long as possible. More obvious emotional shifts evolved in relation to meaning altering practises which changed the tone in addition to content.

## 3 From dialog to interrogation, from compliance to resistance

Linguistic changes can make cooperative, gentle utterances appear strict and cohesive. While these often stem from the alterations of meaning and content discussed above, there are yet other phenomena contributing to their progression.

On several occasions, subtractions from the prosecutor's questions washed the politeness out of the statement – as when an interpreter omitted a whole clause, such as "*could you please tell us*" or "*that I thought I should ask you about*" – making them direct and order-giving. Berk-Seligson (2002, p. 192) speaks about failures to account for polite clauses, as contributing to a much more "interrogative" tone than was intended by the speaker, subsequently making the interaction ritual appear harsh and hierarchical.

Other times the interpreter added orders, such as "*is this true or not*", or a "*tell us*", as if the witness needed to be poked or forced in order to answer. These, together with the failure to interpret polite sections, can change a hearing from a dialogical style to interrogation style. A related negative outcome occurs in the opposite direction, from witness compliance to resistance, when a witness or defendant answers to a prosecutor or to defence attorneys.

**Prosecutor:** Have I understood you properly, that Y has not, after he moved to Middletown, proposed to you?
**Interpreter to court:** No, but now I'm starting to get a bit irritated, now I'm becoming sad. I have children and I don't get what you are saying, what you are up to.

**Project interpreter** comment**:** Witness says *"What marriage, that is not true, I have children and he has a wife. How could this be possible?"* Interpreter has added *"[n]o, but now I'm starting to get a bit irritated, now I'm becoming sad"* and *"I don't get what you are saying, what you are up to."*

**Prosecutor:** I'm not being judgmental about this. But this information is in the [police] interrogation with you and that is why I would like for you to answer yes or no to this question.
**Interpreter to witness:** He/she [neutral pronoun in second language] says "I'm not thinking about you having children, husband or not", he/she says "but it's written here so answer me, has he proposed or not".

**Project interpreter** comment**:** Interpreter adds *"I'm not thinking about you having children, husband or not", "he/she says 'but it's written here'"* while omitting the prosecutor's *"I'm not being judgmental about this".* The tone becomes increasingly harsher when the prosecutor's *"that is why I would like for you to answer yes or no to this question"* is translated into *"so answer me, has he proposed or not".*

**Interpreter to court:** He has not proposed.
**Judge:** Then, let's leave it.

There are a number of interpretations in this sequence that make the witness' answers appear more resisting and hostile than the original statements. First of all, there is a clear *personalization* made of the witness' argument, where her original statement – "*how can this be possible?"* – addressed indirectly to the court, and no one in particular is replaced by the direct and quite annoyed response; *"I don't get what you are saying, what you are up to*" addressed to a personalized "*you*". Secondly, the addition made by the interpreter; "*I'm starting to get a bit irritated, now I'm becoming sad*" positioned the witness in an irritated and offensive mood, not predicated by the witness original statement. Emotional drama was created by the addition of an utterance. It is likely that the prosecutor had sensed the animosity as she rephrased in a polite way, by telling the witness she was not judgmental. However, this was not passed on to the witness. Eventually, the judge stepped in to end the questioning. In notes from this particular hearing, I have written:

> The atmosphere in this hearing is very different from the previous one. The woman is upset, and court members appear both more reserved and more dominant. Body language, with raised eyebrows and exchanges of looks between various actors, is obvious. I don't understand the interpretation, but it interferes with the whole courtroom atmosphere (observation notes, p. 14).

In notes from the same day, I also recount a conversation I had with a fluently bilingual witness who had also been present during the hearing. She was upset with the interpretation process, claiming this witness was unfavourably represented, which supports my own experience from just "reading" emotions and body language at this hearing. The young witness also said that it was not the first time she saw this happening to an older woman on the witness stand. Her referral to the witness' age

and gender draws attention to the fact that this particular interpreter was a relatively younger male, but cannot be fairly treated in this restricted material.

Another phenomenon that is common to many of the hearings appears in the above sequence. Instead of carrying on with consecutive interpretation in first person the interpreter switches to third person accounts, leaving one of the ground rules of court interpreting. A change from first person to third, appears when an interpreter leaves the ”copying mode”, often referred to as the “conduit model”, and instead begins to describe what others have said, as in the case above where the interpreter suddenly starts telling the witness what the prosecutor wants to know rather than repeating the prosecutor’s sentences. In Kammarkollegiet’s God Tolksed [Proper Interpretation Praxis] (2010), providing instructions to Swedish interpreters, it is stated that ”[t]he interpreter renders what was said in the first person (I-form)” (p. 5). The first person approach is not only chosen because a translation should be as close to its source as possible, but also because it prevents the interpreter from becoming an independent party in the conversation, which could challenge his or her neutral position (see also Berk-Seligson, 2002; Norström, Gustafsson & Fioretos, 2011).

During witness and defendant hearings, alterations from first to third person took place quite frequently. In the longest hearing lasting just over two hours it occurred 40 times, and in a short 17 minute hearing third person addressing was used eight times. In these cases, the interpreter became less of an interpreter and more of an autonomous narrator and mediator as he starts talking *about* the prosecutor and not *as* the prosecutor.

First to third person alterations can be a sign of various circumstances. In a recent study of interpreters in a Swedish

immigration context, interpreters describe how they sometimes have resorted to third person modes almost unconsciously, when original messages have appeared too embarrassing or humiliating to present in first person (Norström, Gustafsson & Fioretos, 2011). By switching to third person, such as "*he wants to know why...*", the interpreter puts a distance between him- or herself and the original message, spontaneously declaring that she or he is not supporting the statement. Berk-Seligson (2002), on the other hand, finds that third person modes are commonly used in connection to what can be described as antagonistic hearings; that is hearings that evolve into animosity between witness/defendant and the interrogator. This antagonism may be caused by a hostile witness or an insensitive court representative, but can also involve the interpreter himself. Below I provide an example of such an antagonistic development in which the interpreter participates quite actively.

## 4 Development of an antagonistic hearing

Focusing on one hearing in particular, I will make visible the step by step build-up of antagonism and obvious emotional shifts, leading to a rather obvious lack of control over self-presentation on the witness' behalf. The hearing provides a comprehensive image of the joint forces of various types of interpretation slippages and their consequences for social interaction. It did not take place in the actual courtroom but was carried out with the witness "present" on a large screen through a video conference link which may have influenced the comfortableness of all actors involved. However, similar escalators of antagonism were observed at other interpreted hearings taking place within a courtroom context.

Initially, lexical slippages causing skewed meaning appeared to be minor. Again, it is the incident involving oil that was addressed in court:

> **Prosecutor:** What do you mean..., that it was all okay, and she had no problems, when she said that her husband had poured oil on her?
> **Interpreter to witness**: But how can you say that she has said that her husband has poured boiling oil on her and burnt her body and now you say that she didn't have any problems, how can this happen?

> **Project interpreter** comment**:** The prosecutor does not mention *"boiling" oil,* nor *"burnt her body".* The interpreter initiates with *"but how can you say that"* which differs from the prosecutors *"how do you mean"* and adds *"how can this happen?"* at the end.

Leaving the additions or "*boiling"* and "*burnt her body"* aside, there is a distinct change of tone in this interpretation, starting with the addition "*[B]ut"* and ending with a prodding, slightly reproachful, addition. While the prosecutor appeared to provide the witness with a chance to reflect and rephrase without appearing "guilty" or misleading, the interpretation projected more blame and lack of trust. This may, in turn, result in the witness not being able to answer without accepting the rather negative view of her, communicated through the interpretation. The harshness increased as the hearing moved on:

> **Prosecutor**: Uh. But tell us then, what types of abuse and threats that Z [prosecutor by mistake uses the witness' name instead of the plaintiff's] told about... or that X told you about.

**Interpreter to witness**: Okay, you say that you don't deny, but that talk on the phone, where you say she has said that her husband had been mean to her and hit her, what did she say? Tell us.

**Project interpreter** comment: Interpreter changes the sentence completely making the translation sounding harsher than the prosecutor's original.

It is not just additions skewing meaning here – such as "*you say you don't deny*" or "*she said that her husband had been mean to her and hit her*" – but there are syntactic features operating, as when the prosecutor's more open and less coercive question "*tell us then what types of threats....*" initiating the sentence, was exchanged for a more coercive command, ending the whole statement with a "*[t]ell us*".

During this particular hearing, it appeared as if the prosecutor was trying to use a battery of questions that could be described as less coercive, such as "*[c]an you tell us what happened?*" or so called "wh-questions" making use of words such as who, why or what as in "what was it like" suitable for open-ended questions and descriptive answers (see Berk-Seligson, 2002, p. 23). It was possibly done in a reaction similar to mine, where I noted the emotional shift through tones and body language. On a number of occasions, these relatively open questions were turned into more coercive and constraining questions in the interpretation process, suggesting that a spiralling escalation of linguistic misinterpretation was taking place through the interrelatedness between the interrogator's tendency to soothe the witness and the interpreter's subsequent tendency to daunt her. The hearing continued:

> **Prosecutor**: At page 629 in the police interrogation with you, you have said that you have seen injuries on X and it is in the fifth section from the top. "Z [name of the witness] is asked again to tell about the occasions where she has seen injuries on X. Z mentions an occasion when she came to visit in April."
> **Interpreter to witness**: He/she [meaning the prosecutor] says that it doesn't match up once again, what you have said in the police hearing and what you say now, where they asked you and then you said "yes, when I asked X she showed me her body, and I saw burn marks".

**Project interpreter** comment: Interpreter changes to third person and adds: "*He/she says that it doesn't match up once again, what you have said in the police hearing and what you say now".*

The interpreter stepped out of the first person address and become an independent narrator. At this point, he was far from the ideal image of an impartial translation machine as he took on "attorney-like functions" when he added a rather accusing claim basically informing the witness that she is caught with repeated lies. This accusation may have significant effects on the situation, not the least since a witness may experience that even the translator has taken sides against her. In observation notes from this hearing, I have written;

> The atmosphere appears to be turning for the worse minute by minute during this hearing. It is obvious the woman feels provoked and on defence. (p. 26)

Accusation-like remarks continued on several occasions during the hearing, where complete sentences were added to the prosecutor statements, such as the following; "*again you say something different. When you, in the police interrogation, were asked about(…)*", "*you don't tell the truth at all", "here you also say*

*something in the police interrogation that does not match what you say now",* and *"since it doesn't match what you have said earlier".* Repeatedly added, these may have multiple effects. Firstly, they make the prosecutor sound more interrogative and less sensitive than she appears in her original language. Secondly, they may result in an offended, scared, or hostile, witness. This, in turn, may lead to a witness cutting back on descriptions and detailed information suggesting that simple changes to the story give rise to further changes – both emotional and linguistic as the conversation moves on – exemplifying, in a condensed way, what Collins has described as "interaction ritual chains" (Collins, 2004)[5]. Indeed, the witness' answers became shorter and more abbreviated as the hearing continued, moving to what is sometimes described as a fragmented answering style, normally leading to less trustworthiness in court (Berk-Seligson 2002, pp. 20-21). Thus, a reluctant witness may automatically result in her being regarded as less trustworthy by the court.

The following example comes from a stage of the hearing where antagonism was clearly escalating, where witness' answers appeared shorter and shorter and where the additives by the interpreter appeared to get sharper.

> **Interpreter to court**: No, I don't know what you are getting at, really. You ask me a bunch of things. And besides…How can I know about the situation for their children? I am sick, and I want you to stop.

> **Project interpreter** comment: She says *"How can I know, I wasn't their neighbour, I don't know, I am sick and I don't have the strength to talk".* She says neither *"I don't know what you are getting at, really",* nor *"I want you to stop".*

There is a noticeable difference between "*I don't have the strength to talk*" (original) and "*I want you to stop*" (interpretation). In addition, she did not say "*I don't know what you are getting at*" which is a fairly argumentative, if not hostile, statement. A little later the tension in the room where the witness is located became obvious despite the distance created through the video conference system. The witness was distressed and according to the interpreter she claimed:

> **Interpreter to court**: Yes, I will not answer any further questions.

> **Project interpreter** comment: She says *"No further questions, I am ill, I must see a doctor".* Neither *"I am ill"* nor *"I must see a doctor"* are interpreted. It is very obvious that Z wants to end and leave the hearing.

At this point the witness, by the looks of her and her movements, was not well. She was bending forward and moving back and forth on her chair (observation notes, p. 25). While previously having mentioned that she was sick, the witness was now openly addressing this issue and was repeatedly asking to stop in order to see a doctor. However, this was not mediated to the court by the interpreter. Instead, her begging to receive treatment for her illness appears to have been presented as defiant assertiveness. Nevertheless, her distress was noted by other members in court, who most likely understood the situation through the woman's body language. When it was his turn, the defense attorney said:

**Defense attorney**: And I can reassure you that there will only be a few questions.
**Interpreter to witness**: He has some questions
.

> **Project interpreter** comment: The reassurance that there will only be a few questions is not included in the interpretation.

**Defense attorney**: First I would like to ask…[he is then interrupted by the interpreter who has reacted to an interrupting statement by the witness]
**Interpreter to court**: No, I'm not answering any questions.

> **Project interpreter** comment: She interrupts by saying *"I am done".* A voice can be heard in the background [the officials at the hearing location, my comment], saying *"no, you cannot leave"* and something else. Then the interpreter says *"you cannot leave, you have to stay. He says you have to sit".* The witness answers *"but I must see a doctor, see a doctor".* The conversation is not translated to court.

**Defense attorney**: I only have a couple of short questions, then you may leave.

> **Project interpreter** comment: This is not repeated to the witness. Interpreter remains silent.

In the first interpretation in this sequence, the lawyer's reassurance was omitted and his emphasis on the questions only being a few was altered by some. A few seconds later, the

witness disrupted the lawyer which is a violation of the rules not normally appreciated in a court room. Meanwhile, in the office at the other end of the video conference link the situation was problematic. The witness wanted to leave, and on the video screen it appeared as if she made an effort to stand up. She was told by officials there that she must stay which was confirmed by the interpreter who said; "*you must stay*", and "*[h]e says you have to sit*" while the witness' begging to see a doctor was not interpreted to the court. Instead, the full event was translated to "*I'm not answering any questions*". The woman appeared to surrender. The hearing only lasted for a little while longer, and she answered briefly and reluctantly, with her head bent forward, eyes facing down at the table in front of her.

This hearing is an obvious example of what Collins has conceptualized as emotional drainage. These appear when actors in interaction rituals lack reciprocity and mutual understanding. To begin with, formal and mandatory relationships that often characterize the interaction during trials create poor conditions for reciprocity. The ideal of interaction rituals being "naturally charged up with emotional entrainment" (Collins 2004:53) is not likely to occur during court hearings. Nevertheless, relationships, even in formal and/or mandatory settings, can become more or less successful. Flygare (2008:205) writes about "healing relationships" where reciprocity and entrainment can be strengthened (see also Lalander & Johansson 2013), thus increasing the positive emotional energy which could make witnesses feeling more comfortable and willing to communicate.

The antagonistic hearing discussed above appears to have evolved into the opposite – into an atrophic relationship characterized by emotional drainage through a lack of reciprocity and trust. When an interpreter – entangled or not in a "spur of the moment", spontaneous interaction ritual – accuses a

witness of telling lies he is engaging in an act of blaming, a rather effective domination technique in various forms of power struggles. Withholding information, as when lawyers reassure or witnesses request to end to see a doctor, is another example of domination and power exertion activity on interaction ritual level. The consequences of the above noted interaction – or lack thereof – between a witness and her interpreter is that the witness loses much of her control over self-presentation.

While successful self-presentation is of vital importance to all parties in a courtroom occupied by issues of guilt or innocence, this is a particularly delicate matter in relation to courtroom interpreting and to court cases where parties may lack, social as well as cultural and linguistic capital. The remainder of this text will discuss these issues and their complications.

## 5 Conclusion – othering through emotional drainage

From a sociological viewpoint, asymmetrical power relations are at the core of courtroom interaction. Court rooms, hearings and court interpretations are by no means neutral and objective arenas or situations. A day in court is influenced by various regulating factors besides judicial rules and laws; ideology, culturally sanctioned norms and values, interaction rituals and elusive matters such as faith and trust, all influencing the distribution of power in the court context.

Needless to say, both interaction and the outcome of a court case are linked to a command of legal discourse, providing the judicial system with methods for power exertion and social control. Legal discourse, sometimes referred to as Legalese (Berk-Seligson, 2002, p. 14), is a powerful weapon during contextualized social interaction, providing opponents with more or less extended arsenals of utterances that are useful for

"social manipulation and seduction" in order to strengthen one's arguments (Wagner & Cheng, 2011, p. 1; see also Conley & O'Barr, 1998/2005; Coulthard & Johnson, 2007; Fairclough, 1989/2001). It is usually strictly ritualized and formalized, a linguistic foundation for a "culture of law". It comes with a complete set of rights and obligations; when you may speak, who you may direct your speech to, who you may ask questions, in what order speakers should appear and so forth. A good command of this language improves your chances of gaining the audience's attention and an atmosphere of trustworthiness.

Representatives of the general public – as opposed to people with judicial training or experience – entering the courtroom are often facing a situation of uncertainty, a time-space where they lack the skills and routinized behaviour that may help them navigate in ways that support their case, either as witnesses, plaintiffs or defendants. They lack command of Legalese and court rituals. They have to count on the court system supplying them with linguistic and interactionistic aids – such as lawyers, prosecutors and court assistants – to help them in their efforts to behave according to proper rules of conduct and to provide the court with successful self-presentations. As lay people in a highly specialized field of action, they are to a certain extent the "other"[6] of those holding powerful positions in the courtroom, such as lawyers and representatives of court and prosecuting authorities. This positions them as knowledgeably inferior to judicial representatives, rituals and language.

The degree of "otherness" in relation to courtroom procedures depends on a number of factors. A prestigious education and a good command of the spoken language may provide a witness or party with cultural capital (Bourdieu 1986) expressed as high status and trustworthiness or the confidence needed to engage in court rituals in a face-saving way. Likewise,

social capital, manifested through suitable networks of influence and support, may provide a party with the best legal representative available, as may economic capital. Many of the participants in the studied hearings had not been in Sweden long enough to learn Swedish. They came from poor, rural areas and some of them could not read or write. As relatively newly arrived, they lacked experience of a lifetime of living in Swedish society, the codes, norms, rules and mental guidelines which many Swedes internalize quite unknowingly during various socialization processes. They lacked knowledge about rules and structures of Swedish authorities in general and the court system in particular. It can be assumed their social, cultural and economic capital did not provide them with a favourable position as they entered into the judicial system.

In addition, it can be argued that they faced yet another level of "othering" in relation to court case rituals in a Swedish courtroom. There are many indications that people with Middle Eastern and Muslim backgrounds are stereotypically categorized and addressed as fundamentally different to a taken for granted Swedishness, resulting in discriminatory action having been found in a variety of settings. Studies have shown that people with Muslim backgrounds file a majority of complaints to the Equality Ombudsman in Sweden (Hakim 2005), are discriminated against on the Swedish housing market (Ahmed & Hammarstedt 2008), are portrayed as different, unrestrained, criminal and exotic in Swedish media representations (for instance Brune 2004; Elsrud 2008; Hultén 2009) and face discriminatory action based on informal codes and attitudes at various levels of the justice system (Brå 2008; see also du Rées 2006; Sarnecki 2006; Diesen et al 2005). The latter may be linked to Torstensson's study (2010) of attitudes towards foreign accents in Sweden in which he finds that while "general

Western European predominantly Christian countries have a positive stereotyping bias (...) Eastern European and predominantly Muslim countries receive a negative stereotyping bias" (see also du Rées 2006). Hence, many people with Middle Eastern Muslim backgrounds enter court as the "others" of judicial linguistic and ritualized practice as well as Swedish culture in general.

In addition, those who lack command of the Swedish language face yet another position of "otherness", which draws attention to the rarely debated and questioned assumption that the "social and cultural location of the court is monolingual" (Inghilleri 2003, pp. 252-253). The language of the nation-home is given legal superiority to other languages. It is the Swedish translation that counts as legal material, upon which to judge and sentence. Norms of monolingualism make this seem natural. However, from a research point of view it is only natural as long as researchers take the idea of nation-states and nationalism for granted (Billig, 1995/2011, pp. 49-50). In consequence, languages requiring interpreter assisted hearings become languages of "otherness", languages of hierarchical inferiority.

As this project has provided plenty examples of, monolingual assumptions impact "on the care of attention paid to precise meanings expressed in languages other than the official language of the court, and the status given to the cultural knowledge required to unpack those meanings in such a way as to ensure as far as possible that sufficient understanding and justified outcomes are achieved" (Inghilleri 2003, p. 252; see also Corsellis, 1995; White, 1990). From this perspective, the interpreter occupies a rather delicate position as an actor who embodies and legitimizes a monolingual ideology while ensuring those being linguistically "othered" a proper interpretation and a fair trial. Thus, interpreters are crucial to the

principle of legal security where members of society are to be guaranteed a fair trial.

As clarified, interpreter activities may be far from neutral, norm-less and straight-forward. An interpreter can change both content and meaning, in addition to contributing to an emotional drama in the courtroom, which is far from the court's ideal of a neutral and objective procedure of establishing guilt or innocence. A proper interpretation is an essential aid for a witness, plaintiff or defendant to provide the court with a successful story and image of self, and if needed, to challenge potential stereotypes and notions about people with Muslim and Middle Eastern background.

Collins (2004), Goffman (1959, 1967, 1981), Flygare (2008) and other scholars with a symbolic interactionist approach have supplied valuable tools for drawing attention to the interrelatedness between talk, overall interaction and emotions in the courtroom, and to what happens when interpretative acts fail. An ethnographic approach can identify and visualize the interplay between spoken discourse and the context within which it is spoken. Single words, phrases, additions, omissions and alterations embed themselves into the very fabric of contextualized social interaction, giving rise to body signals, emotional shifts, trust, lack of trust, reassurances or resignation. A woman, like in the antagonistic hearing above, being summoned to a court case held in a language she does not understand, encountering a stressed and tired interpreter who accuses her of lies and fails to interpret her call for a doctor, is likely to experience strong emotional stress. She is trying a variety of face-saving techniques to protect herself from feelings of guilt and shame being projected onto her, ranging from emotionally charged counter attacks to emotionally drained silence.

Drainage should not, however, be mistaken for lack of emotional work. Coping with an emotionally drained situation is indeed emotionally exhausting (Hochschild 1983). It eventually appears to leave her with no other choice but to refuse to talk. She may also be aware of the negative images of Muslims in Sweden, knowing that any weaknesses to her self-presentation may feed into pre-existing assumptions, rendering her reactions as inappropriately emotional or strange.

Her face saving work, in this case presenting itself through the interpreter as defiant resistance, is then transferred to the overall interaction in the courtroom, illustrating Collins' (2004) interaction ritual chain in its most elementary form, where the chain of emotional reactions is actually visible within a given time-space. Other actors in the room feel the emotional turmoil and react to it by changing approach, creating a more a less vicious circle of emotional responses and unbalances. In this way, emotional energy work becomes contagious as it pulls all actors into the emotional negotiation. However, the emotional event does not stay within the boundaries of the courtroom. Emotions, across various situations, are crucial items "in the micro-to-micro linkage that concatenates into macro patterns" (Collins, 2004, p. 105). They produce and reproduce social order and stratification by embodying and realizing norms and values in social interaction, while simultaneously providing more material for discourses and ideologies to digest. The inappropriate act in court becomes additional evidence for society's pre-existing biases.

Most likely, there are less problematic interpreted hearings in Swedish courts than found in this project, as there are worse. According to Torstensson (2010, p. 69) nine per cent of 130 000 civil and criminal court cases in Swedish District Courts require help from interpreters. Thus, the outcome of more than 10 000

court cases each year is to a certain extent based on the work of an interpreter. Berk-Seligson (2002) argues that faulty interpretations have consequences far beyond issues of trust in the "here and now" courtroom interaction, potentially leading to faulty verdicts. In addition, Rycroft (2011, p. 214) provides examples of malfunctioning interpretation services leading to further convictions and adding unnecessary figures to immigrant crime statistics. It has not been within the scope, or competence, of this project to speculate in what consequences misinterpretations and emotional breakdowns may have had to the courts' final judgements in these cases, or in any others. However, the empirical material does nothing to contradict claims about the courtroom interpretation as a potential threat to the principle of legal security and to case justice.

The actual interpretation process in court – that is the exchange of information between the witness/defendant/plaintiff and their interpreters in a foreign language – does not have a bearing on the official, judicial procedure. It is a means to reach an end, in this case the interpreter's translation into Swedish, which is subsequently used, by the court, to form an understanding of the case in question. What is said in the non-Swedish language is not double checked or transcribed by the court, potentially adding to the regular body of evidence used to reach a verdict. As time consuming as this may be, it would strengthen the voice of the non-Swedish speaking immigrants and protect the principle of legal security. Theoretically, the principle of Free Assessment of Evidence (Chapter 35, §1 Code of Judicial Procedure [rättegångsbalken in Swedish]) permits an appeal based on claims to faulty interpretations. In practice, however, bilingual knowledge and a lot of efforts are needed to identify, prove and problematize interpretations, in addition to preparing an appeal on these grounds.

**Acknowledgements**
For assistance and continuous support, I wish to thank assistant Karwan Tahir, professors Philip Lalander, Stig-Arne Nohrstedt and Lory Dance in particular. I also would like to the Media research group at Linnaeus University, the Centre for Middle Eastern Studies at Lund University and the research platform Social Vulnerability and Social Work (SUSA) at Malmö University for providing assistance, continuous support and comments on earlier drafts.
This work was financially supported by the Barometern Foundation, Kalmar, Sweden, the faculty of Social Sciences and the Concurrences Centre for Colonial and Postcolonial studies, both at Linnaeus University, Sweden, and The Swedish Foundation for Humanities and Social Sciences (Riksbankens Jubileumsfond).

**References**

Ahmed, A. & Hammarstedt, M. (2008). Discrimination in the rental housing market: A field experiment on the Internet. *Journal of Urban Economics*, *64*, 362-372.

Angermeyer, P. S. (2005). Who is 'you'? Polite forms of address and ambiguous participant roles in court interpreting. *Target*, *17*(2), 203-226.

Barker, C. & Galasiński D. (2001). *Cultural studies and discourse analysis*. London: Sage.

Bar-Tal, D. (1997). Formation and change of ethnic and national stereotypes: An integrative model. *International Journal of Intercultural Relations*, *21*, 491-523.

Becker, H. (1963/1973). *Outsiders*. New York: The Free Press.

Berk-Seligson, S. (2002). *The bilingual courtroom: Court interpreters in the judicial process.* Chicago: University of Chicago Press.

Billig, M. (1995/2011). *Banal Nationalism*. London: Sage.

Bourdieu, P. (1986). Forms of capital. In J.G Richardson (Ed.) *Handbook of Theory and Research for the Sociology of Education* (pp. 241-258). London: Greenwood Press.

Brune, Y. (2004). *Nyheter från gränsen: Tre studier i journalistik om "invandrare", flyktingar och rasistiskt våld.* [*News from the boundaries: Three studies of journalism related to immigrants, refugees and racial violence*]. Gothenburg: Gothenburg University, Department of Journalism & Mass Communication.

Brå [The Swedish National Council for Crime Prevention] (2008). *Diskriminering i rättsprocessen: om missgynnande av personer med utländsk bakgrund.* [*Discrimination in the legal process: on discrimination against people with foreign background*]. Report 2008:4.

Collins, R. (2004). *Interaction Ritual Chains*. Princeton, NJ: Princeton University Press.

Conley, J. M. & O'Barr, W. M. (1998/2005). *Just words: Law, language and power.* Chicago, IL: University of Chicago Press.

Corsellis, A. (1995). *Non-English Speakers and the English legal system.* Cambridge: The institute of Criminology, University of Cambridge.

Coulthard, M. & Johnson, A. (2007). *An introduction to forensic linguistics.* London: Routledge.

Diesen, C., Lernestedt, C., Lindholm, T., & Pettersson, T. (2005). *Likhet inför lagen.* [*Equality before the law*]. Stockholm: Natur & Kultur.

Douglas, M (1991). *Purity and danger: An analysis of concepts of pollution and taboo.* London: Routledge.

du Rées, H. (2006). Åklagares och advokaters syn på likabehandling i domstolen [Prosecutors' and lawyers'

views on equal treatment in court]. In J. Sarnecki (Ed.), *Är rättvisan rättvis? Tio perspektiv på diskriminering av etniska och religiösa minoriteter inom rättssystemet* (pp.257-282). [Is justice fair? Ten perspectives on discrimination of ethnic and religious minorities within the judicial system]. SOU 2006:30. Stockholm: The Swedish Government.

Elsrud, T. (2008). Othering through genderization in the regional press. Constructing brutal others out of immigrants in rural Sweden. *European Journal of Cultural Studies, 11*, 423 - 446.

Ennab, A. Hjelmskog, S. Lindblom, C. & Omar, N. (1999). *Tillgång till tolk – en samhällsservice* [Access to interpreters – A social service]. Norrköping: Integrationsverket [Swedish Integration Board]

Fairclough, N. (1992). *Discourse and social change*. Cambridge: Polity Press.

Fairclough, N. (1989/2001). *Language and power*. London: Longman.

Flygare, E. (2008). Läkande relationer som interaktionsritualer: Om emotionella band vid återhämtningen från svåra psykiska störningar. [Healing relationships as interaction rituals: On emotional ties during recovery from severe mental disorders.] In Å. Wettergren, B. Starrin & G. Lindgren (Eds.), *Det sociala livets emotionella grunder* (pp. 187-211). [English translation: The Emotional Foundations of Social Life] Malmö: Liber.

Goffman, E. (1959). *The presentation of self in everyday life*. New York: Anchor Books.

Goffman, E. (1967). *Interaction ritual. Essays on face to face behavior*. New York: Anchor Books.

Goffman, E. (1981). *Forms of talk.* Philadelphia: University of Pennsylvania Press.

Hakim, M. (2005). DO-anmälningar och etnisk bakgrund. [Interpretation: Complaints to the Equality Ombudsman and ethnic background]. In *Rasism och främlingsfientlighet i Sverige. Rapporter och delstudier om rasism och främlingsfientlighet i Sverige 2004* (pp. 156-190). [Racism and xenophobia in Sweden. Reports and sub-studies on racism and xenophobia in Sweden 2004]. Integrationsverkets rapportserie [Swedish Integration Board's report series] 2005:02. Norrköping: Integrationsverket.

Hale, S. (2004). *The discourse of court Interpreting*. Amsterdam: John Benjamins.

Hale, S. (2006). Themes and methodological issues in court interpreting research. *Linguistica Antverpiensia, 5*, 205-228.

Hall, S. (1997). The spectacle of the 'other'. In S. Hall (Ed.), *Representation: cultural representation and signifying practices* (pp. 223-279). London: Sage.

Hochschild, A. R. (1983). *The managed heart. Commercialization of human feeling.* Berkeley: University of California Press.

Hultén, G. (2009). *Journalistik och mångfald*. [Journalism and diversity]. Lund: Studentlitteratur.

Inghilleri, M. (2003). Habitus, field and discourse. Interpreting as a socially situated activity. *Target 15*(2), 243-268.

Kammarkollegiet [Legal, Financial and Administrative Services Agency] (2010). *God tolksed. Vägledning för auktoriserade tolkar* [Proper interpretation praxis. Guidance for authorized interpreters]. Retrieved April 26, 2013 from

http://www.kammarkollegiet.se/sites/default/files/god_tolksed.pdf

Komter, M. (2005). Understanding problems in an interpreter-mediated police interrogation. In S. L. Burns (Ed.), *Ethnographies of Law and Social Control (Sociology of Crime and Deviance) 6*, 203-224.

Lalander, P. & Johansson, T. (2013). Vardagslivets sociologi. [The social psychology of everyday life]. Malmö: Liber.

Matoesian, G. (2010). Multimodality and forensic linguistics. In M. Coulthard & A. Johnson (Eds.), *The Routledge handbook of forensic linguistics* (pp. 541-558). London: Routledge.

Morris, R. (1995). The moral dilemmas of court interpreting. *The Translator*, *1*(1), 25-46.

Nakane, I. (2009). The myth of an 'invisible mediator': An Australian case study of English-Japanese police interpreting. *PORTAL 2*(1). Retrieved August 29, 2012 from http://epress.lib.uts.edu.au/journals/index.php/portal/article/view/825

Nida, E. A. (1964). *Toward a science of translating.* Leiden: Brill.

Norström, E., Gustafsson, K., & Fioretos, I. (2011). *Tolken – en kulturell mellanhand bakom stängda dörrar. Tolkens betydelse för rättssäkerhet och integration, med särskild inriktning på mottagandet av ensamkommande barn och unga.* [The interpreter – a cultural intermediator behind closed doors. Interpreter significance in relation to the principle of legal security and integration, with particular focus on the reception of unaccompanied asylum-seeking children and youngsters]. Lund: Department of cultural sciences, Lund University.

Oberhuber, F. & Krzyzanowski, M. (2008). Discourse analysis and ethnography. In R. Wodak & M. Krzyzanowski (Eds.), *Qualitative discourse analysis in the social sciences* (pp. 282-203). Basingstoke: Palgrave Macmillan.

Rycroft, R. (2011). Hidden penalties faced by non-English speakers in the UK criminal justice system. An interpreting perspective. In A. Wagner & L. Cheng (Eds.), *Exploring courtroom discourse. The language of power and control* (pp. 209-225). Farnham, Surrey: Ashgate.

Said, E. (1978). *Orientalism.* New York: Vintage Books.

Sarnecki, J (Ed.) (2006). *Är rättvisan rättvis? Tio perspektiv på diskriminering av etniska och religiösa minoriteter inom rättssystemet* [English translation: Is justice fair? Ten perspectives on discrimination of ethnic and religious minorities within the judicial system], SOU 2006:30. Stockholm: The Swedish Government.

Torstensson, N. (2010). *Judging the immigrant: Accents and attitudes.* Dissertation. Umeå: Department of Language Studies, Umeå University.

Van Dijk, T., (ed.) (1997). *Discourse and social interaction.* London: Sage.

Van Dijk, T. (1995). Discource analysis as ideology analysis. In C. Schäffner & A. Wenden (Eds.), *Language and Peace* (pp. 17-33). Aldershot: Dartmouth Publishing.

Wadensjö, C. (1992). *Interpreting as interaction – On dialogue interpreting in immigration hearings and medical encounters.* Dissertation, Linköping Studies in Arts and Science 83, Linköping: Linköping University, Department of Communication Studies.

Wagner, A. & Cheng, L. (Eds.) (2011). *Exploring courtroom discourse. The language of power and control.* Farnham, Surrey: Ashgate.

White, J. (1990). *Justice as translation: An essay in cultural and legal criticism.* Chicago: University of Chicago Press.
Wodak, R. & Krzyżanowski, M., (Eds.) (2008). *Qualitative discourse analysis in the social sciences.* Basingstoke: Palgrave Macmillan.
Wodak, R. & Meyer, M. (2009) *Methods of critical discourse analysis.* London: Sage.

Torun Elsrud received her Ph.D. in Sociology from Lund University, Sweden, in 2004 and is a senior lecturer in media and communication studies and journalism at Linnaeus University, while holding a temporary research position at SUSA (research platform for Social Exposedness and Social Work), Malmö University. Her research interests include courtroom interaction, identity construction and representation, media representations, intersectionality issues and ethnographic methods. Email: torun.elsrud@lnu.se.

[1] There is an implicit Eurocentrism underpinning the Middle East concept, but as it is the concept normally used to encompass the targeted area, it is used here in the absence of other suitable concepts.
[2] At the time, the assistant was a student at master level. He had several years of experience as a professional interpreter, called in during legal procedures as well as during health related bilingual assignments.
[3] This sequence also contains an omission or subtraction from the original statement, leading to a weakening of some of the arguments while making others sound more immature and perhaps even devious. However, other examples of subtractions will be presented below.
[4] This drama was soon picked up by news agencies, which, following this particular hearing, used boiling oil and hot oil in headings and article introductions. However, it cannot be guaranteed that it was the interpreter's addition being reproduced, or if journalists had found the concept in pre-trial documents. Either way, it is an interesting observation. The media treatment

of this and other cases is being analysed in this project and will be addressed in future articles.

[5] Collins uses the term to describe the way individual experiences of social encounters evolve emotionally as new reminiscent experiences are encountered over time. I use the term in a condensed manner, pointing at the emotional build-up taking place based on ongoing interaction, where in this case the build-up appears to be reciprocal, between at least two actors.

[6] I am using the concept of the other or otherness in a rather basic fashion here, to describe the positioning of an out-group in relation to a more powerful in-group with the preferential right to define what is right and wrong (Bar-Tal, 1997). However, this does not exclude the more common use of the concept as a term to describe groups of people who have been differentiated – often from a taken-for-granted national ”us” – through processes of stigmatizing social and cultural construction (Hall, 1997; Said, 1978). While the act of othering is based on myths and ideas about differences and not on real differences, the discriminatory consequences for those being othered are often real. Thus, I am using the term to describe an outsider position related to various established groups, and not as a state of true inferiority or powerlessness. It has not been feasible within the project to interview the people being dependent upon interpreters to mediate their story. Subsequently, their voice and their agency remain unstudied in this report. Referring to them as “othered” says nothing about their ability to participate or make use of situations, nor does it describe their state of mind. Othering processes are usually initiated by external forces, as cognitive “labels of understanding” placed on societal “strangers” in a derogatory manner, which then serve the function of societal scapegoats (c. f. Becker, 1963/1973; Douglas, 1991).

# Balanced Approach Developed in Macao for Legal Translation and Principle of Respect Adopted in Construction of Social Harmony

Chi Seng Lu

To achieve equivalence in legal translation, Sarcevic (2000) proposes the equal treatment in effect, intent and meaning. In the case of Macao, the first two requirements are fulfilled by publishing legislations in the Official Gazette. To meet equal meaning, Macao has developed a balanced approach, which composes of two principles (literalness and conceptuality). This paper, by studying the translation of social welfare legislations, illustrates that this approach serves as an efficient tool to deal with legal translation. And due to the nature of social welfare legislations, the principle of respect is added as well in the process.

*Keywords:* Balanced approach, principle of literalness, principle of conceptuality, social welfare legislations, principle of respect.

## 1 Introduction

Under the national principle of "One country, two systems", Macao enjoys the capitalist system and continues its socio-economic development. And economic development is the definite road and the priority task of the Macao Government.

Without economic development, the society will not have progress and the living of citizens will not be improved as well. In the scope of economic law, there is social security law which regulates the reasonable redistribution of social economic resources, in order to achieve social equilibrium (Chen, 2003). Within social security law, the most essential part is social welfare law, which assures social assistance and social services to the underprivileged groups of the society and guarantees their human rights. Social assistance law is the last defense in the social security system (Tong & Cao, 2007). Therefore, social assistance law plays an irrefutable role in the maintenance of social stability, which is the indispensable condition for the local economic development. Moreover, it allows Macao to keep its social economic competitive ability in the international platform. Owing to the undeniable importance of social welfare legislations, it is absolutely worthy to take these fundamental legislations for the whole society as a starting point to observe, examine and analyze the legal translation theory, strategy and a unique approach – balanced approach, gradually and unwittingly adopted in the Macao Special Administrative Region (Macao SAR) of the People's Republic of China.

Macao adopts a bilingual (Chinese and Portuguese) legal system based on the Continental European Law. This is recognized by the articles 8, 9 and 40 of the Basic Law of the Macao SAR. For all these subsidies and services to become effective, relevant legislations have been drafted by professionals of the field and declared effective through their publication in the Official Gazette of the Government of the Macao SAR of the People's Republic of China. According to the article 9 of the Basic Law of the Macao SAR, the two official languages of Macao SAR are Chinese and Portuguese. And therefore, all legislations being published in the Official

Gazette must be exposed in both official languages (Decree-Law no. 101/99/M, articles 1 & 4). Under such circumstances, it is of no doubt that the process of translation is involved. And for the translation of the legislations of Macao, there is no "shift of *skopos*" - communicative purpose (Reiss and Vermeer 1984: 101), because both the source text and the target text, published simultaneously in the Official Gazette and having the status of authentic texts (parallel texts), have only one purpose - normative purpose.

For long, legal translators in Macao have been following the golden rule of fidelity to the letter of the law. In other words, for the sake of preserving the letter of the law, the main guideline for legal translation in Macao is "fidelity to the source text" (Sarcevic 1997: 16). In earlier days, due to the lack of qualified translators in Macao, legal translation practitioners insisted on a "strict, literal" legal translation (Sarcevic 1997: 24), as a prudent attitude. In the course of time, with more legal translators in the field, the practice shifted slightly to stay "close to the source text by conveying the exact or near exact meaning" in the translation (Hjort-Pedersen & Faber 2001: 379), instead of engaging in the "literalist transcription" of the source legal text (Kasirer 2001: 340). Taking references from the United Nations Handbook for Translators, which stipulates fidelity to the original source as the primary consideration in official translation (Harvey 2002: 181; Sarcevic 1997: 16), and from Didier who advocates that translations of legislation and other normative texts require absolute literalness (1990: 280, 285), as well as from Poon's point of view (2005: 305-6): translations of Chinese legal texts should fully reflect the style and form of the source legal text and those more functional approaches that permit adaptation of the source legal text to achieve equivalent legal effect in the target culture should be rejected, the strategy

of literal translation is, therefore, still the main orientation for the legal translators of Macao. However, with the gradual appearance of more and more legal translators in the field after their university degree courses in translation studies, emerged a group of "more liberal" professionals, who propose an adoption of a more functional approach to legal translation, by applying a freer theory of translation (advocated by Sarcevic 1985, 1989, 1997, 1998), which accepts communicative and covert translation (Nida 1964, Nida and Taber 1969, Newmark 1981, Snell-Hornby 1988/1995). According to this approach, the success of a legal translation is measured by equivalence of legal effects, instead of only formal textual correspondence, in the source and target cultures (Harvey 2002: 180-81); and in this context, both Stolze (2001: 302) and Chroma (2004: 202) propose an application of several flexible techniques, such as phrasing adjustment, modification of sentence length and structure, as well as addition of complements to the target text, in order to aid intelligibility. Despite of the existence of two main groups of professional legal translators in Macao, including university professors – conservative and pro-liberal, both recognize the principle of fidelity as the first rule to be observed while dealing with legal translation and accept the position of Sarcevic (2000), who at first refers that "the translator's task is to reconstruct the form and substance of the source text as closely as possible" (p. 331) and then proposes, most importantly, the observance of the principle of equal treatment to guarantee the equivalence of the parallel texts (the source text and the authenticated translation) of a legal instrument in meaning, effect and intent (p. 332) for the purpose of uniform interpretation and application.

In the case of Macao, through publishing legislations in the Official Gazette, the elements of effect (Decree-Law no.

101/99/M, article 4) and intent (by exposure of the intention in words) have been guaranteed. To achieve equivalence in meaning, upon considering the historical and linguistic background of Macao, and taking references from the experiences and practices in EU, Canada and Hong Kong, Macao SAR has adopted and developed unconsciously and informally a balanced approach to deal with legal texts based on its own situation. Under this approach, translation equivalence is achieved not only by translating legal texts with focus on legal terminology and legal language - principle of literalness, but also by transmitting the legal and cultural concepts and philosophy from the source text to the target text - principle of conceptuality. Apart from the above, having considered also the nature of social welfare legislations, Macao SAR has taken one more principle into consideration, i.e. the principle of respect. This principle proposes that translators should use more respectful terminology in translating social welfare legislations. With the coexistence of all the aforesaid elements, it is expected that translators are able to deal with social welfare texts with satisfactory results.

Before the handover of sovereignty of Macao from the Portuguese government to the Chinese government, the legislations in Macao were drafted in Portuguese and then translated into Chinese. After Macao's reunification with China, in principle, the practice was reverted, taking Chinese as the drafting language and Portuguese as the translation language. However, there are always exceptions due to the serious shortage of experienced Chinese legal drafters in Macao. Most of the important legislations are still drafted first in Portuguese and then translated into Chinese, maintaining in many cases the previous practice as a more convenient, secure and efficient way for dealing with legal translation.

Although the legal translation enterprise of Macao started formally in 1986, with some loose orientations always linked to the golden rule of fidelity, no one has ever attempted to make an objective and scientific study of the issue, in order to establish a steady theoretical framework, based on the logic of international trend, for the legal translators of Macao. It is time to break this passive silence and make an active but prudent voice on the creation of the necessary condition for a healthy and sustainable development of the legal translation in Macao, in the spirit of the Basic Law of Macao SAR and in front of the challenges of its integration in the world of Portuguese-speaking countries / regions and the unavoidable process of globalization.

Most legal translators in Macao respect the principle of fidelity and the requirement of equivalence in legal translation. Nevertheless, about how to achieve them, it is still quite polemic to reach a unified approach, well accepted by all, to handle with legal translation, in spite of the existence of several predominant theories at international level and the balanced approach already in practice in the Macao SAR, at regional level. This intensive study attempts to demonstrate how fidelity can be met by adopting the balanced approach in the translation of a specific area of legislations of Macao. The author hopes it could serve as a kind of useful reference for other scholars, researchers and practitioners who are interested in doing further studies or researches on the topic and as an inspiration for the further development of legal translation theory.

## 2 Incorporation of Balanced Approach and Principle of Respect

Social welfare mainly consists of social assistance and social services (Decree-Law no. 52/86/M, article 1). The former refers

to the providing of financial and material support including various kinds of subsidies, allowances etc., while the latter consists of the offering of services to different social groups such as persons with disability, persons living in poverty, persons suffering from sickness, persons in disaster, the homeless, the elderly, children and juveniles. These two parts gather together to build up a comprehensive protection package for the underprivileged and the needy, so that their basic needs as well as other special needs in daily life can be guaranteed. And as the society continues to develop and the social security system continues to expand, more types of subsidies, allowances and services have been established accordingly.

In Macao, social assistance scheme mainly includes:

a) Subsidy for senior citizens;

b) Subsidy for families with income lower than Minimum Subsistence Index;

c) Special subsidy for vulnerable families

d) Special subsidy for persons with disabilities

e) Short term food assistance through the Food Bank

For social services, Social Welfare Bureau mainly offers:

a) Service for elderly people (e.g. home referral, granting of Senior Citizen Card);

b) Service for juveniles and children (e.g. protection against home violence, home referral) ;

c) Service for persons with disability (e.g. granting of Disability Evaluation and Registration Card, day-care center referral;

d) Disaster assistance (e.g. 24-hour supporting service, arrangement of accommodation);

e) Service for prevention and treatment of drug dependence (e.g. provision of drug treatment, education and advisory service);

Apart from offering direct social services, Social Welfare Bureau also provides social services to citizens in cooperation with other non-governmental organizations (NGOs) in Macao. The Bureau oversees the operation of these NGOs and provides professional consultancy services to them, so as to ensure that their services are up to the standard and copes with the needs of their target service receivers.

According to the Basic Law of Macao SAR, the Macao government has the right to establish its own policy on social welfare development and strategy for its improvement (article 130). Thus it is absolutely lawful for Macao to implement its own legislations related to this field. Through this process of legislation, it not only helps to guarantee the rights of citizens, but also clearly identifies the responsibility of the government on social welfare issues.

2.1 Exploration on Social Welfare Legislations

Legal translation in Macao began in year 1986 and has undergone several stages of development. To cope with the golden rule of fidelity, for quite a long period, literal translation was commonly regarded as the best solution to legal translation. The following are some typical examples in social welfare legislations of earlier period before the adoption of the balanced approach. By that time, as literal translation was the only method to deal with legal texts and sometimes even literal translation was not well applied in the translation process, it is not difficult to find problems and imperfections in the official translations.

a) *Em situa çõ es de car ência* (Decree-Law no. 52/86/M)

This legislation focuses on the reform of the Macao social work system as well as its functions. The item 1 of the article 1 specifies the target of assistance, i.e. "*indivíduos e grupos sociais em situações de carência* (缺乏所需状况的个人及社会团体, *que fa suo xu zhuang kuang de ge ren ji xe hui tuan ti*)". Literally, it means individuals and social groups in situation of lacking. In Portuguese, it is well understood that "*indivíduos e grupos sociais em situações de carência*" refer to those who are in need of daily necessities. However, due to cultural difference, the same logic cannot be applied to the Chinese translation, in which lacking of what kind of material or the things needed in daily life must be mentioned clearly. So, instead of translating only the literal meaning of the phrase, it is suggested that conceptual translation should be applied as well, in order to have the phrase being translated as "缺乏生活所需状况的个人及社会团体, *que fa sheng huo suo xu zhuang kuang de ge ren ji she hui tuan ti*", so that the Chinese receivers can have a clearer idea on the needs of the target groups.

b) *Princípio da eficácia* (Decree-Law no. 52/86/M)
One of the orientation principle of social welfare system is the principle of effectiveness (有效原则, *you xiao yuan ze*). However, in the article 2 of this legislation, the term *Princípio da eficácia* (principle of effectiveness) was translated as 效率原则, *xiao lu yuan ze* (principle of efficiency), which is a totally different concept from the original. The Portuguese term "*eficácia*" carries the meaning of effectiveness, while the Chinese term "效率, *xiao lu*" means "efficiency". The two cannot correspond to each other and thus the translation should be amended, without any room, as 有效原则, *you xiao yuan ze* (principle of effectiveness).

c) *Pensão de invalidez* (Decree-Law no. 58/93/M)
This legislation regulates the operation of the social security system in Macao. In the item b) of the article 5, there is the Portuguese term "*Pensão de invalidez*" which refers to the kind of subsidy to the disabled. Upon applying literal translation to the work, the term was translated as "残废金, *can fei jin*" (残废, "*can fei*" means useless, 金, " *jin*" means subsidy/allowance in this linguistic combination). Though it cannot said that the translation is wrong, but it does carry a sense of discrimination to those subsidy receivers. To promote social harmony and non-discrimination, it is suggested that the additional principle of respect be applied to the translation, and the term should be translated as "残疾金, *can ji jin*" (subsidy for disabled people, not subsidy for useless people). In fact, "disabled" does not mean "useless". This neutral treatment brings a sense of respect to the disabled, thus avoiding their hard feeling.

d) *Acessibilidade* (Decree-Law no. 33/99/M)
The Portuguese term "*Acessibilidade*" is a specialized term related to the field of rehabilitation. It is a highly conventional term which carries the meaning of eliminating barriers and obstacles for persons with deficiencies. In the stated legislation, the term was translated literally as "活动方便, *huo dong fang bian*" (convenient for movements). This is not appropriate for such a specialized term, with its conceptual meaning being hidden. The proper translation of this term should be "无障碍, *wu zhang ai*" (without barriers or obstacles that might affect the outdoor movements of the disabled), which has become more than a translation, but a conventional and international technical term of that field in the Chinese speaking community worldwide nowadays.

e) *Pessoas deficientes* (Law no. 6/94/M)
In the item 1 of the article 11 of the legislation (regulating family strategy of the Macao Government), the Portuguese term "*Pessoas deficientes*" (disabled people) was literally translated as "有缺陷人士, *you que xian ren shi*" (people with defects). This is not a proper translation as it carries a sense of serious discrimination. In addition, as the term is a highly conventional one, the translator should just apply the commonly agreed Chinese term "残疾人, *can ji ren*" (disabled persons) to stand for the Portuguese term. By using such a neutral term, the principle of respect is thus being expressed.

f) *Equipas multidisciplinare*s (Law no. 6/94/M)
In the article 16 of the legislation, the Portuguese term "*Equipas multidisciplinare*s" (multidisciplinary working team) was translated as "多方面队伍, *duo fang ming dui wu*" (working team of several aspects). The translation has several problems. Firstly, the term "*multidisciplinare*s" here carries the meaning of cross-disciplines, which means combining the specialties of a number of fields. Thus its meaning is not only limited to "多方面, *duo fang ming*" (several aspects) but "跨学科, *kua xue ke* (cross-disciplines)" instead. As for the Portuguese term "*equipas"*, generally there is no problem for it to be translated as "队伍, *dui wu*" (team), just like in the case of football team and working team. However, there is a difference in Chinese between sport team (队伍, *"dui wu*") and working team (团队, "*tuan dui* "). So, for the situation here, it is sure that the team is not a sport team, but a working team, as the term "*equipas multidisciplinare*s" carries a sense of professionalism and the spirit of cooperation, it would be more appropriate if the term is

translated as “跨学科工作团队, *kua xue ke gong zuo tuan dui* ” (multidisciplinary working team). Once again, the principle of conceptuality serves as a practical means to complement the insufficiency of the literal translation.

g) *Um bom gestor* (Decree-Law no. 22/95/M)
This legislation mainly regulates the qualities of the social facilities in Macao. According to the item 3 of the article 14 of the legislation, each social facility should have a good manager to ensure that the facility (such as the premise) is being managed properly. Here the Portuguese term “*um bom gestor*” refers to a good manager of the facility, which is different from the literal Chinese translation “一个善良管理人, *yi ge shan liang guan li ren*” (a good-hearted manager). In this case, the principle of conceptuality should be applied and the term should be translated as “一个妥善管理人, *yi ge tuo shan guan li ren*” (a proper manager).

h) *Equipamentos sociais* (Directive Order no. 160/99/M)
This legislation restricts the set up and operation of the child and youth care centers in Macao. In the article 1 of its content, the Portuguese term “*equipamentos sociais*” (which means social facilities, according to the context) was translated as “社会设备, *she hui she bei*” (social apparatus/instrument/device). This is an example of downright blind literal translation. In fact, the misleading official translation “社会设备, *she hui she bei*” usually refers to those equipments to be used in the social facilities. The term “*equipamentos sociais*” here actually refers to those non-governmental organizations (NGO), serving the society with a variety of services. Thus, the appropriate

translation for the term should be "社会设施, *she hui she shi*" (social facilities).

i) *Do aspecto agradável* (Directive Order no. 160/99/M)
In this legislation, the item 2 of the article 11 specifies the quality of the furniture in the social facilities. The Portuguese term "*Do aspecto agradável*" (which means beautiful outlook or simply good looking) was translated as "外观令人悦意, *wai guan ling ren yue yi*" (the outlook pleases people). Such an awkward translation although reflected the literal meaning of the term (i.e. the outlook requirement of the furniture), included, at the same time, excess meaning (the pleasant impression which the furniture should give to the people). Such a treatment damaged the clarity of the original phrase, making the translation clumsy. To enhance readability of the translation, it is recommended that the term should be translated, in just a simple but elegant way, as "美观, *mei guan*" (good looking) instead.

j) *Da satisfação do requisito de idoneidade do requerente* (Decree-Law no. 90/88/M)
Before starting operation, every social facility in Macao has to obtain license from the Social Welfare Bureau. For these social facilities to gain a license, they must fulfill a number of quality requirements as fixed by the Social Welfare Bureau. Here the Portuguese phrase "*Da satisfação do requisito de idoneidade do requerente*" carries the meaning that "the applicant should be able to satisfy the appropriate requirements as specified". However, when being translated into Chinese, it becomes "申请人应具备良好品行, *shen qing ren ying ju bei liang hao pin hang*" (the applicant should have good character and conduct), which is totally different from the original Portuguese text.

Though good character and conduct of the applicant may also be considered as one of the requirements for granting license, it is not the only requirement. The Chinese translation has limited the scope of the requirements. To recover the full meaning of the Portuguese phrase, the translation should be changed to "申请人须符合适当要件, *shen qing ren xu fu he shi dang yao jian*" (the applicant must satisfy the appropriate requirements as specified).

2.2 Exploration on Social Assistance Legislations

As time goes by, translators began to recognize that the sole application of literal translation is not sufficient for handling certain tasks of legal translation. Then, they began to look for other ways to solve the problem. After years of experiment, the translators of Macao have adopted a balanced approach as a better answer to the issue. The following section shows how the balanced approach and the principle of respect have been incorporated in the process of legal translation.

a) *Risco social* (Administrative Regulation no. 6/2007)
This legislation regulates the granting of subsidy to those who are in severe impoverishment economically, i.e. with family income below the Minimum Subsistence Index. In the Portuguese version of the legislation (ST), the term Minimum Subsistence Index is being named as "*Risco social*" which, when translated literally, should be named as "社会风险, *she hui feng xian*" which means "Social risk". However, in the Chinese translated version of the legislation, the term is being translated as "最低维生指数, *zui di wei sheng zhi shu*" (Minimum Subsistence Index). From this example, we can see that cultural factors do play an important role in the usage of

language. In order to ensure that the target readers can easily understand the content of the legislation, the translator has applied the balanced approach in the work. Instead of transmitting just the surface meaning of the term "*Risco Social*", the translator has also brought the conceptual meaning of the term to the surface. In addition, the translator has avoided using those negative terms such as "贫穷, *pin qiong*" (which means "poverty") in the translation of the term. From this, we can see that the principle of respect has also been applied in the translation (Internal Meeting Record of the Technical Commission for Legal Translation in March 2007).

The core reasons why Macao did not follow the practice of some other countries or nearby regions (like Hong Kong), using negative terms like "poverty line" – "贫穷线, *pin qiong xian"* and "poor people" - "贫民, *pin min*" in the legislation are: 1. To avoid labeling those people living below the poverty line; 2. To avoid those people living below the poverty line having the feeling of being discriminated or getting ashamed of themselves, in order to maintain social harmony.

b) *Subs ídio para Idosos* (Administrative Regulation no. 12/2005)
This legislation regulates the terms and conditions for applying Subsidy for Senior Citizens. With reference to the content in the website of the Social Welfare Bureau, the purpose of this subsidy is to show the care for senior citizens of Macao SAR and advocate the merit of respect for the elderly. In the Portuguese version of the legislation (ST), the item is being named as "*Subs ídio para Idosos*" which means "Subsidy to Elderly People". When being translated into Chinese (TT), it now becomes "敬老金, *jing lao jin*". From this example, we can see that a balanced approach and the principle of respect have been applied to the TT. Literally, the term "敬老, *jing lao* "

means “to respect the elderly”. It echoes with the purpose for granting the subsidy. Here the translator not only transmits the literal meaning of the Portuguese term but also its conceptual meaning as well. In addition, it has applied a sense of respect onto the term so that subsidy receivers not only can feel the care of the government for them, but also that their personal dignity is maintained and enhanced. In return, it helps to build up a sense of belongingness in the society among the elderly people as well as promoting harmony of the society (Internal Meeting Record of the Technical Commission for Legal Translation in July 2005).

c) *Famílias em Situação Vulnerável* (Legal Authorization no.18/2003 of Secretary for Social Affairs and Culture)
In this legislation, the Portuguese term “*Famílias em Situação Vulnerável*” (which means vulnerable families), becomes “弱势家庭, *ruo shi jia ting*” when being translated into Chinese. This serves as a good example on the application of principle of respect. Here the translator has used a relative neutral term “弱势, *ruo shi*” (which means “the disadvantaged”) to stand for the Portuguese term “*Situação Vulnerável*”, in order to avoid a discriminative meaning and maintain harmony of the society (Internal Meeting Record of the Technical Commission for Legal Translation in February 2003).

d) *Programa de Apoio Alimentar de Curto Prazo* (Decree-Law no. 22/95/M)
This is a short term food aid program provided to those low-income individuals and families, the unemployed and those who are pending for financial assistance. The Portuguese term of the program is being translated literally into “短期食物补助计划, *duan qi shi wu bu zhu ji hua*”. Again this is an example on the

application of principle of respect. The translator just used a relative neutral term "补助, *bu zhu*" (which means "assistance") instead of other negative terms such as "救济, *jiu ji*" (which means "relief") in the translation (Internal Meeting Record of the Technical Commission for Legal Translation in April 1995 and Agreement of Cooperation with NGOs).

2.3 Exploration on Social Services Legislations

And from the legislations on social services, the following also serves as representing examples of the balanced approach in combination with principle of respect:

a) *Cartão do idoso* (Legal Authorization no. 78/GM/96)
This is a card issued to the senior citizens of Macao SAR, so that they are able to obtain the welfare and preferential rights offered by Social Welfare Bureau, public institutions and enterprises. Here the Chinese translation of "*Cartão do idoso*" serves as a good example of the application of the balanced approach together with principle of respect. Instead of translating the term literally as "老人咭, *lao ren ka*" (which means "Card for Elderly People"), the translator has transmitted it to "颐老咭, *yi lao ka*" which in one way, carries a sense of politeness and respect to the elderly and in another way, carries a deeper conceptual meaning of "颐养天年, *yi yang tian nian* ", i.e. wishing the elderly people to lead a happy and comfortable life thereafter (Internal Meeting Record of the Technical Commission for Legal Translation in September 1996).

b) *Departamento de Solidariedade Social* (Decree-Law no. 24/99/M)
Under the organization structure of Social Welfare Bureau, there

is a Department of Social Solidarity (DSS) which is responsible for all social assistance issues related to juveniles and children, elderly people as well as persons with disabilities. The Portuguese term of the unit "*Departamento de Solidariedade Social*" is now being translated to Chinese as "社会互助厅 *she hui hu zhu ting*". Again this is an example of the balanced approach. In Portuguese, the meaning of "互助 *hu zhu*" (mutual help) has been hidden and we can only sense the meaning of "团结 *tuan jie*" (unity) and "融合 *rong he*" (consolidation) from its name. Apart from translating the literal meaning, the translator has disclosed the conceptual meaning of the term, i.e. the major role of the department to the target addresses. By translating the term in this way, the translator maintains the sense of social harmony in the term. Thus we can see that the principle of respect has also been applied (Internal Meeting Record of the Technical Commission for Legal Translation in May 1999).

c) *Lares de Crianças e Jovens, Lares para Deficientes, Lares para Idosos* (Decree-Law no. 90/88/M)
There are a number of social facilities in Macao which provides accommodation and daily care for orphans, persons with deficiencies as well as the elderly people. In Portuguese, these centers are being termed as "*Lares de Crianças e Jovens*" (Homes for Juveniles and Children), "*Lares para Deficientes*" (Homes for Persons with Deficiencies) and "*Lares para Idosos*" (Homes for the Elderly) respectively. However, when those terms were being translated into Chinese, they became "儿童及青年院舍 *er tong ji qing nian yuan she*"、"残疾人士院舍 *can ji ren shi yuan she*" and "老人院舍 *lao ren yuan she*" (which means "Children and Youth Center, Center for Persons with Disabilities as well as Center for Elderly People). Such variance

arises mainly due to difference in culture and language habits. The Portuguese terminology "*lares*" focus more on showing love and care, with the purpose of making the occupants feel like at home. On the other hand, as it is not a happy experience to stay in those social centers, the Chinese version of the terminology "院舍 *yuan she*" (center) tends to be more neutral, focusing mainly on the services being offered to the needy. In this example, it is essential for the translator to deliver both literal and conceptual meaning of the terminology in order to ease readability of the legislation, as well as to maintain dignity of the underprivileged group. Therefore the balanced approach has been applied again together with principle of respect (Internal Meeting Record of the Technical Commission for Legal Translation in December 1995).

The above analysis of the translation examples of social welfare legislations, with indication of the existing problems and the recommended solutions in each case, shows clearly that the literal translation just could not work independently, without also taking account of the cultural differences, the language habits of the two official languages and the most important, the conceptual meaning (the real message to be transmitted in the target text), as well as observing the principle of respect (to avoid a sense of discrimination to the addressees of the respective legislations) in construction of social harmony. In contrast, the study (presented immediately after the analysis of translations with problems) of some typical and generally well accepted translation examples of social assistance legislations and social services legislations, with in-depth explanation in each case, illustrates unequivocally the positive results after the adoption of balanced approach to the translations – apply always literal translation first as a primary treatment and then conceptual translation as an indispensable, prudent and also

effective means (like a "necessary filtering step" in the translation process) to complement the insufficiency of literal translation. In the meantime, the principle of respect, apparently, was also introduced in the process of translation when necessary, in order to achieve and maintain social harmony. The construction of social harmony has been always regarded as core values of the Macao society and concretely written as an important guideline in the Annual Policy Address of the Macao SAR Government, especially in the policies related to the livelihood issues of the citizens. No doubt, the Macao Government uses legislations as a powerful tool to implement its policies. Thus, the wording options of the respective legal instruments, whether in the original text or in the authenticated translation, should be in accordance with the directives of the Policy Address.

## 3 Brief analysis of the development of legal translation practice in Macao

For Macau, legal translation is still considered a newly developing issue, starting only from 1986. And it can be divided mainly into two stages. In the first stage, the principle of fidelity for translation appeared for the very first time in legislation with this provision: "incumbent upon the interpreter-translator: perform the translation of written texts from Portuguese to Chinese and *vice-versa*, trying to respect the content and literary form of both texts; making consecutive or simultaneous interpretation of speeches from Portuguese to Chinese and *vice-versa* and trying transmit faithfully what is said by the speakers …" (Decree-Law no. 57/86/M, article 11, no. 2)

In the second stage, the Office for Legal Translation was created on 21st June 1993, according to the Decree-Law no.

30/93/M, and the respect to the principle of fidelity as the golden rule for legal translation remained unchanged. That can be proved by an article written by Nuno Calado (1995), and published in the no. 27 of Public Administration Government Magazine, entitled "Legal Translation – Experience and Prospects", in which the author mentioned the first rule for legal translation was fidelity; another article in the same magazine, entitled "The Meaning, Mode and Technical Criteria of the Chinese Translation of the Laws of Macao" published by Liu Gaolong (1995) defended also the principle of fidelity as the first rule for legal translation, followed by the principle of fluency.

Nevertheless, both of these two specialists in legal translation area did not mention how to achieve this golden rule of fidelity, generally accepted by lawyers and linguists (Sarcevic, 2000: 331). As time goes by, the legal translators in Macao SAR have reached unconsciously and naturally consensus and built up a balanced approach to fill up the vague room of fidelity with concrete and objective elements: the principle of literalness and the principle of conceptuality. The first indicates the preservation of using precise legal language and legal terminology while the second requires the transmission of legal and cultural concepts and values conveyed by the original text to the target text. Therefore, to achieve equivalence in meaning, it is adequate and prudent to say that the ideal strategy would be balanced approach, as at least Macao has put it in practice with satisfactory results. This new structure, in other words, involves the combination of literal translation with the conceptual translation. Only in this situation, the fidelity, both in form and in substance can be satisfactorily guaranteed. And according to the specific nature of each type of legislation, additional principle may be added as well, in order to achieve social

harmony. For example, in the translation of the social welfare legislations, an additional principle – the principle of respect is introduced in the translation process.

## 4 Conclusion and Implications

As stated in Ethics Law and Society (Gunning, Holm and Kenway, 2009), "Laws are framed to prevent bad practices by a minority in the interest of sustainability for the whole community" and "civilized societies have used laws to prevent wrong-doing defined as actions not in the best interest of the society as a whole." The same logic applies to the case of social welfare legislations in Macao. By drafting social welfare legislations and getting them published in official gazettes (in both Chinese and Portuguese versions), the Macao government has explicitly disclosed, with full legal effect, its social welfare policies to the public. All these not only guarantee the rights of Macao citizens, but also regulate practices of the involved governmental parties. And as the Basic Law of Macao SAR declares that both Chinese and Portuguese enjoy equal legal status in Macao SAR, it is thus very important that the quality of translation be guaranteed. To achieve this goal, Macao has been adopting and developing a practical theory, based on the concept of equal treatment of all authentic texts of a legal instrument defined by Sarcevic (2000), with its own way to solve the fundamental issue of equal meaning – the balanced approach. From this study, it is discovered that when dealing with translation of legislations, translators not only have to pay attention to the literal and conceptual meanings of the content, but also the characteristics of languages involved as well as the nature of texts. For certain cases, additional principles may have to be applied, such as principle of respect, principle of politics

etc., all in service for the sake of maintenance of social harmony, which in turn can provide social stability and a suitable environment for social development. It is believed that the balanced approach has still plenty of room to be explored and further developed, as more different types of legislations are made due to the arising of different kinds of new social situations and problems, which are getting more and more complicated. As technical basis to be developed, it is very important that the legal translator needs an awareness of the strong complementarity of the principle of literalness and the principle of conceptuality. One cannot exclude the other and they two work together, just as the two sides of a coin. Only in this sense, the balanced approach can gain its logic and function well in legal translation. Literalism, in this context, is not to be denied but well conserved instead as the first measure to be adopted in each case of legal translation (for the sake of preserving the letter of the law), and only when it fails to achieve the desired effect, conceptualism comes into play as a supporting measure. So the intervention of the latter is not absolute but relative. However, the principle of conceptuality should always be present, walking side by side with the principle of literalness. With the balanced approach getting consolidated in practice and gradually recognized as one of the possible methods to deal with legal translation, it is believed that future legal translation theory may need to accommodate an additional post-linguistic thinking, changing adequately its way of development ahead, from literalism which has been already subject of plenty studies, to conceptualism, a potential supporting solution for legal translation.

## References


Calado, Nuno (1995) *Tradução Jurídica – Experiência e Perspectivas* [Legal Translation – Experience and Prospects]. *Revista Administração*, no. 27, vol. 8.

Chen, X. Y. (陈信勇) (2003). <社会保障法原理>, 浙江：浙江大学出版社

Chroma, M. (2004). Cross-cultural traps in legal translation. In C. N. Candlin and M. Gotti (eds.), *Intercultural Aspects of Specialized Communication*. Bern: Lang, 197-221.

Didier, E. (1990). *Langues et langages du droit*, Montréal, Wilson & Lafleur.

Gunning, J., Holm S. and Kenway I. (2009). *Ethics Law and Society*, vol. 4, Aldershot: Ashgate.

Harvey, M. (2002). What's so special about legal translation?. *Meta*, 2,177-85.

Hjort-Pedersen, M. and Faber, D. (2001). Lexical ambiguity and legal translation: a discussion. *Multi-lingua*, 20, 379-92.

Kasirer, N. (2001). Francois Geny's libre recherché scientifque as a guide for legal translation. *Louisiana Law Review*, 61, 331-52.

Liu, G. L. (刘高龙) (1995) *O Significado, o Modo e os Critérios Técnicos da Tradução para Chinês das Leis de Macau* [The Meaning, Mode and Technical Criteria of the Chinese Translation of the Laws of Macau]. *Revista Administração*, no. 27, vol. 8.

Newmark, P. (1981). *Approaches to Translation*. Oxford: Pergamon Press.

Nida, E. (1964). *Toward a Science of Translating: With Special Reference to Principles and Procedures Involved in Bible Translating*. Leiden: Brill.

Nida and Taber, C. R. (1969) *The Theory and Practice of Translation*. Leiden: Brill.

Poon, W.Y.E. (2005). The cultural transfer in legal translation. *International Journal for the Semiotics of Law*, 18, 307-23.

Reiss, K. and Hans Vermeer (1984) *Grundlegung einer allgemeinen Translationstheorie*. Tübingen: Max Niemeyer.

Sarcevic, S. (1985). Translation of culture-bound terms in law. *Multilingua*, 4, 127-33.

—— (1989). Conceptual dictionaries for translation in the field of law. *International Journal of Lexicography*, 2, 277-93.

—— (1997). *New Approach to Legal Translation*, The Hague: Kluwer.

—— (1998). Creativity in legal translation: how much is too much?. In A. Chesterman, N. G. San Salvador, and Y. Gambier (eds.). *Translation in Context: Selected Contributions from the Est Congress, Granada 1998.* Amsterdam: Benjamins, 281-92.

—— (2000). Legal Translation and Translation Theory: A Receiver-oriented Approach. *La traduction juridique: Historie, theorie(s) et pratique, Geneve, Universite de Geneve, Ecole de Traduction d' Interpretation / ASTTI*, 329 – 347.

Snell-Hornby, M. (1988/1995). *Translation Studies: An Integrated Approach*. Amsterdam: Benjamins.

Stolze, R. (2001). Translating legal texts in the EU. *Perspectives*, 9, 301-13.

Tong, X & Cao, X. B. (eds.) (童星、曹信邦) 主编 (2007). < 社会保障学>, 北京 : 科学出版社

Legislations:

Basic Law of the Macao Special Administrative Region of the People's Republic of China, Government Printing Bureau of Macao SAR.
Law no. 6/94/M in Official Gazette no. 31 (1st Series), published on 1 August 1994.
Decree-Law no. 52/86/M in Official Gazette no. 46 (Appendix), published on 17 November 1986.
Decree-Law no. 57/86/M in Official Gazette no. 52 (1st Series), published on 29 December 1986.
Decree-Law no. 30/93/M in Official Gazette no. 25 (1st Series), published on 21 June 1993.
Decree-Law no. 58/93/M in Official Gazette no. 42 (1st Series), published on 18 October 1993.
Decree-Law no. 22/95/M in Official Gazette no. 22 (1st Series), published on 29 May 1995.
Decree-Law no. 90/88/M in Official Gazette no.4 (1st Series), published on 22 January 1996.
Decree-Law no. 24/99/M in Official Gazette no.25 (1st Series), published on 21 June 1999.
Decree-Law no. 33/99/M in Official Gazette no. 29 (1st Series), published on 19 July 1999.
Decree-Law no. 101/99/M in Official Gazette no. 50 (1st Series), published on 13 December 1999.
Administrative Regulation no. 12/2005 in Official Gazette no. 31 (1st Series), published on 1 August 2005.
Administrative Regulation no. 6/2007 in Official Gazette no. 14 (1st Series), published on 2 April 2007.
Legal Authorization no. 78/GM/96 in Official Gazette no. 41 (1st Series), published on 7 October 1996.
Legal Authorization no.18/2003 of Secretary for Social Affairs and Culture in Official Gazette no. 10 (1st Series), published on 10 March 2003.

Directive Order no. 160/99/M in Official Gazette no. 21 (1st Series), published on 24 May 1999.

Chi Seng Lu holds two Law Degrees (Bachelor of Law from University of Macau, China and Master of Economic Law from Huaqiao University, China) and two Arts Degrees (Bachelor of Arts in Translation and Interpretation Studies and Master of Arts in Legal Translation Studies, both from University of Macau). He is a member of the Federation of Translators and Interpreters of Macau and works as an official translation consultant of the Macao SAR Government of the People's Republic of China, supervisor of official translator trainees and lecturer of legal translation studies in University of Macau. He has knowledge of several languages, including English, Portuguese and Chinese. He is interested in legal language and legal translation. In 2013, he started participating in workshops, seminars and international conferences of his research interest areas and has published *Balanced Approach adopted in Macao for Legal Translation, in Proceedings of the Third International Conference on Law, Translation and Culture 2013 – The American Scholars Press.*
Email: chisenglu@gmail.com