

A complexity approach to translation policy:

The case of courtroom interactions in a multi-ethnic
and multilingual county in China

Dissertation presented in partial
fulfilment of the requirements for the
degree of Doctor in Translation Studies
by SHUANG LI

Supervisor: Prof. Dr. Reine Meylaerts

Co-supervisor: Prof. Dr. Duoxiu Qian

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三人行，必有我师焉。

——《论语》

When I walk with two others, I'm bound to find my teacher there. [translated by Burton Watson in *The Analects of Confucius*, 2007]

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Abstract

The world we are living in is facing challenges to enable communication between linguistically diverse populations. The topic of translation policy is of unprecedented relevance, as it is intrinsically concerned with decisions on how people communicate. The translation-related decisions take forms of not only policy texts (i.e. translation management), but also everyday social practices (i.e. translation practices) and ideological factors (i.e. translation beliefs). While the interest in studies on translation policies is on the rise the world over, much of the current research has been descriptive in nature. This research project seeks to fill an important gap in current translation policy studies that have yet to uncover complex causal processes of translation policies.

To this end, this research takes complexity theory as a frame of reference, drawing upon its ontological and epistemological insights and adopting research methods that are compatible with these insights. Specifically, by adopting the concepts of ‘constraints’, ‘attractors’ and ‘trajectories’ as analytical instruments, this research will develop qualitative explanations for the emergence of translation policies in the context of courtroom interactions at a local court in China. Empirical data are collected through observations of trials, semi-structured interviews, and documents.

The application of complexity theory to the empirical studies on a local court in China adds to our understanding of the complex and paradoxical relationships between the whole and the parts, between systems and environment, between structure, agency, and reflexivity, and between cause and effect. This understanding lays the groundwork for conceptualising translation policy as a complex adaptive system.

The thesis will conclude by shedding light on the research questions concerning the occasionally contradictory translation management, translation practices and translation beliefs, the mechanisms underlying a translation policy process, as well as the inherent uncertainty of translation policies. The findings from this study offer some insights that might benefit both studies about translation policies and the field of Translation Studies. Apart from theoretical and methodological implications, this research also has important practical implications for policymakers.

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Chapter 1 Introduction

Complex social issues like those which involve translation policy cannot be solved by linear interventions.

(Meylaerts & González Núñez, 2017, p. 7)

Public decision-making is often like punching clouds: considerable energy is put into the punching but the cloud goes its own way regardless of the punches.

(Gerrits, 2012, p. 13)

The world we are living in is facing challenges to enable communication between linguistically diverse populations. To rise to the challenges, we need to decide whether to provide translation¹ services or not, who to entrust with the task of translating, what to translate, and how to translate, etc. These translation-related decisions are central to meeting the challenges of linguistic diversity, which can impact the daily lives of all individuals. In other words, translation policy is intrinsically about “deciding how people communicate” (González Núñez, 2017, p. 152), and thus is of unprecedented relevance.

1.1 Current approaches to translation policy

Translation policy was proposed by Holmes ([1972]2000, p. 182) as a branch of applied translation studies in his ‘map’ of the field of Translation Studies (TS). This proposal explicitly points out the social responsibilities of TS scholars in providing advice on translation-related decisions.

A third area of applied translation studies is that of *translation policy*.

The task of the translation scholar in this area is to render informed advice to others in defining the place and role of translators, translating,

¹ Wherever not specified, the term ‘translation’ in this thesis is used to include written and sight translation, and interpreting.

and translations in society at large: such questions, for instance, as determining what works need to be translated in a given socio-cultural situation, what the social and economic position of the translator is and should be, or (and here I return to the point raised above) what part translating should play in the teaching and learning of foreign languages (Holmes, [1972]2000, p. 182) [italics in original].

The concept of translation policy has been mentioned in seminal works of TS founding fathers (e.g. Even-Zohar, 1990, p. 46; Holmes, [1972]2000, p. 182; Levý, 1967, p. 1180; Toury, 1995, p. 58). However, the concept is used in different ways with so many meanings² that it has become a vague concept offering little conceptual and methodological insights, as noted by Meylaerts (2011a, p. 163). As a result, translation policy has been a relatively under-researched topic in the field of TS. Some TS scholars have endeavoured to develop a conceptual framework that can guide further research on translation policies (e.g. González Núñez, 2016a; González Núñez & Meylaerts, 2017; Meylaerts, 2011a).

Meylaerts (2011a, pp. 165–167) distinguishes between translation policies in official settings and those in non-official settings. She defines translation policies in official settings as “a set of legal rules that regulate translation in the public domain: in education, in legal affairs, in political institutions, in administration, in the media” (Meylaerts, 2011a, p. 165). She then suggests that translation policies in non-official settings may involve “translation strategies, tactics, guiding principles or procedures” and even all possible decisions made by all possible actors (Meylaerts, 2011a, p. 167). This definition paves the way for further exploration of translation policies in different domains. However, as acknowledged by Meylaerts (2011a, p. 167), the definition of translation policies in non-official settings falls into the same pitfall of being all-encompassing so that it might be replaced by other concepts, such as strategies or norms.

² For example, in Levý's (1967, p. 1180) research into translation process and Even-Zohar's (1990, p. 46) Polysystem Theory, the term ‘translation policy’ has been understood as translators’ strategies in the translation process (as cited in Meylaerts, 2011a, pp. 163–164). Toury considers translation policy as “those factors that govern the choice of text types, or even of individual texts, to be imported through translation into a particular culture/language at a particular point in time” (1995, p. 58).

Drawing upon Meylaerts' conceptual work and Spolsky's (2012, p. 5) definition of language policy, González Núñez (2016a) further develops the concept of translation policy as "a complex phenomenon that encompasses translation management, practice, and beliefs in any number of domains" (p. 103). Specifically, translation management refers to decisions concerning translation activities made by people with authority (González Núñez, 2016a, p. 92), such as legislators, government officials, decision-makers in institutions, project leaders, etc. Translation management takes the form of policy documents "ranging from national legislation to a local branch's in-house guidelines" (González Núñez, 2016a, p. 92). Translation practices then refer to the actual translation activities in a language community (González Núñez, 2016a, p. 92). Translation beliefs are the "beliefs that members of a community hold about issues such as what the value is, or is not, of offering translation in certain contexts for certain groups or to achieve certain ends" (González Núñez, 2016a, p. 92). This model developed by González Núñez (2016a) draws our attention not only to the roles of legal rules³ or policy documents, but also to the roles that everyday social practices and ideological factors play in shaping both *de jure* and *de facto* translation policy. This model encompasses what translation policy has been used to refer to, from legal rules to translation strategies to the factors that influence decisions about translation. In this way, it is wide enough to enable the exploration of translation policies in different domains and contexts. At the same time, by specifying three interrelated constituent parts of translation policy, this model draws a distinction between the concept of translation policy and other concepts. Additionally, this model recognizes the complex interactions between translation management, translation practices and translation beliefs (González Núñez, 2016a). This insight paves the way for a further understanding of the dynamics of translation policy. For the aforementioned reasons, I will build this research project on González Núñez's model of translation policy.

The three-level definition of translation policy proposed by González Núñez (2016a) has proven a useful framework for empirically exploring translation policy in relation with language policy, integration policy, cultural policy, social and public policy in

³ Meylaerts' definition of translation policies in official settings can thus be considered as "a *form* of translation management" (González Núñez, 2016a, p. 91) [italics in original].

different contexts (e.g. González Núñez, 2016b, 2019; Li et al., 2017; Mellinger, 2019; Meylaerts, 2018; Meylaerts & González Núñez, 2018; Tesseur, 2017; van Doorslaer & Loogus, 2020). This corroborates the idea that translation policy involves “cross-portfolio policy making” (Ozolins, 2010, p. 196). That is, translation policy pertains to a wide range of issues, such as linguistic justice, multilingual governance, minority rights, integration, etc. (Meylaerts, 2011a, p. 166; Meylaerts & González Núñez, 2017, p. 3).

TS scholars have increasingly found it insufficient to study translation policy under traditional disciplinary subdivisions and thus have initiated interdisciplinary dialogues in search of a conceptual framework for translation policy (e.g. D’hulst et al., 2016; González Núñez & Meylaerts, 2017; Schreiber & D’hulst, 2017). Existing research on translation policies has incorporated historical, political, legal, educational and other perspectives. It has been increasingly recognized that translation policies are emergent and context-dependent (D’hulst et al., 2016; González Núñez & Meylaerts, 2017; Schreiber & D’hulst, 2017). Translation policies are never immune to the social, political, and historical circumstances. Studies about translation policies in different contexts have indicated the historical development of translation policies in different time periods (e.g. D’hulst et al., 2016; Li et al., 2017). This highlights the need for “a different understanding of time paths and continuity of traditions” (D’hulst et al., 2016, p. 10). Furthermore, it has also been observed that translation policies emerge at various levels (local, regional, national and international) in different domains for different purposes (D’hulst et al., 2016; Diaz Fouces, 2017; González Núñez, 2016b; Meylaerts, 2011a).

The context-dependent nature of translation policies has raised complex questions in relation to the occasionally contradictory translation management, translation practices and translation beliefs, the unequal application of translation management, as well as the uncertainty⁴ of translation policies (Meylaerts, 2017, p. 47; Meylaerts & González Núñez, 2017, p. 7). These questions attest the need for a framework that enables us to conceptualise the contradictions, exceptions, complexity and change of translation

⁴ Uncertainty occurs at the level of each constituent part of translation policy (i.e. translation management, translation practices and translation beliefs). Uncertainty also occurs at the level of translation policy: the way translation management, translation practices and translation beliefs interact is uncertain. I will return to this theme throughout the thesis.

policies, as observed by Meylaerts (2017, p. 47). To this end, Meylaerts (2017, pp. 47–48) revisits her analysis of translation policies in Belgium during the 19th century through a lens of complexity theory⁵. Some key insights of complexity theory, such as emergence, nonlinearity, complex causality and self-organisation, enable her to reveal some blind spots in her previous analysis⁶. Specifically, in previous studies, she decomposed Belgian translation policies in the 19th century into some elementary units, i.e. “the evolution of linguistic legislation and its implications for translation” (Meylaerts, 2017, p. 47). Then she identified general patterns based on the analyses of these elementary units and demonstrated an understanding of the Belgian translation policies as “a linear evolution towards a more equal representation of the Flemish language and people in the public domain” (Meylaerts, 2017, p. 56). However, a closer look through a lens of complexity theory reveals that the Belgian translation policies did not follow linear causality patterns (Meylaerts, 2017, p. 56). Rather, they involved nonlinear interactions between the local and the central, between agency and structure, between translation and other transfer processes (Meylaerts, 2017, p. 56). These nonlinear interactions could be easily overlooked through an approach that looks for “generalization, reproducibility, predictability and systematization” (Meylaerts, 2017, p. 46). Therefore, Meylaerts (2017, p. 56) proposes to supplement this type of approach with a complexity theory approach, which identifies “fluctuations, instability, multiple choices and limited predictability” (Prigogine & Stengers, 1997, p. 4). One important epistemological implication is, as suggested by Meylaerts (2017, p. 57), that we need to study processes of interaction in which different actors interact at different levels with different purposes. In other words, translation policies should be studied dynamically as processes that take form and develop over time. Methodologically, however, it is not clear yet which methodological options provided by complexity theory could be usefully applied to the field of TS in general and to studies about translation policies in particular (Marais & Meylaerts, 2019, p. 11; Meylaerts, 2017, p. 57).

⁵ Complexity theory challenges “the reductionist, linear paradigm of Western scholarship since the late 1800s” (Marais & Meylaerts, 2019, p. 11) and serves as “a way of seeing the world in terms of instability and fluctuations” (Marais & Meylaerts, 2019, p. 1). I will return to complexity theory in detail in Section 1.3.

⁶ These insights of complexity theory will be discussed in more detail in Chapter 2 and Chapter 4.

1.2 Research gaps on translation policy and research questions

The interest in studies on translation policies is on the rise the world over. Nevertheless, much of the research on translation policies has been descriptive in nature, and has yet to uncover complex causal processes of translation policies. It is commonly acknowledged that translation policies are complex and emergent (González Núñez, 2016a, 2016b; González Núñez & Meylaerts, 2017; Meylaerts, 2017; Qian & Li, 2018; Tesseur, 2017). Yet, little is known about why and how translation policies have become as they are in specific processes. Previous research has indicated that translation management, translation practices and translation beliefs are sometimes contradictory and they relate to each other in complex and dynamic ways, bringing about unexpected effects (González Núñez, 2016a; González Núñez & Meylaerts, 2017; Meylaerts, 2017; Qian & Li, 2018; Tesseur, 2017). However, the mechanisms that underpin the interactions between translation management, translation practices and translation beliefs remain to be studied. The general consensus of opinion is that “complex social issues like those which involve translation policy cannot be solved by linear interventions” (Meylaerts & González Núñez, 2017, p. 7). The question then is how to cope with the complexity and the resulting uncertainty of translation policies.

To fill the above-mentioned gaps, this research project seeks to understand the reality of translation policy through developing qualitative explanations for translation policies in the context of courtroom interactions at a local court in China⁷. More specifically, this research aims to answer the following questions:

RQ1. How can it be explained that translation management, translation practices and translation beliefs are sometimes contradictory?

RQ2. What are the mechanisms underlying a translation policy process⁸?

⁷ In Chapter 2 (Section 2.3.1), I will elaborate on this decision to situate this research in courtroom interactions at a local court in China.

⁸ The term ‘a translation policy process’ is used to refer to a process from which a specific translation policy or several translation policies emerge.

RQ3. What can we do to deal with the inherent uncertainty of translation policies?

1.3 Rationale for integrating complexity theory

Given its multidisciplinary background, complexity theory represents a vast array of concepts and implications (Cairney & Geyer, 2017, p. 9). It is more “a set of theoretical and conceptual tools” than “a single theory to be adopted holistically” (Walby, 2007, p. 456). In this research project, I use complexity theory as a frame of reference, drawing upon its ontological and epistemological insights and adopting research methods that are compatible with these insights⁹. In the words of Byrne and Callaghan (2014), this research is informed by “the complexity frame of reference”, which “informs the interpretive strategy for dealing with the research products and enables the researcher to understand what they are dealing with and how systems came to be as they are” (p. 233).

1.3.1 Definition of a ‘system’

Broadly speaking, complexity theory is “the interdisciplinary understanding of reality as composed of complex open systems with emergent properties and transformational potential” (Byrne, 2005, p. 97). According to Morin (1999), one of the founders of complexity theory, a system “refers to the complex unit of an interrelated whole, to its characters and properties” (p. 115). Morin (2008) believes that “all known reality, from the molecule to the cell to an organism to a society, can be conceived of as systems” (p. 9), as they consist of interactions of different elements. However, it is worth noting that a complexity theory view of systems is distinct from a reductionist and mechanistic view of systems, although both views believe that a system consists of interrelated elements (Morçöl, 2012, pp. 45–49). Specifically, a reductionist and mechanistic view of systems argues that a system equals the sum of its parts and the relationships among the parts can be understood in mechanical terms (Morçöl, 2012, p. 46). This view of systems holds Newtonian assumptions, including that:

- (1) relationships between individual components of any system can be understood by isolating the interacting parts,
- (2) there is a predictability

⁹ In Chapter 2, I will elaborate on the ontological, epistemological and methodological implications of complexity theory for this research.

to the relationship among the parts, and (3) the result of interactions and the working whole might eventually be understood by simply summing the parts (Eppel & Rhodes, 2018, p. 949).

By contrast, a complexity theory view considers a system as “an irreducible whole” (Morçöl, 2012, p. 46). The constituent parts of a system are related to each other “not merely in the sense that they have similar characteristics or that they fit together mechanistically but in the sense that they are *interdependent*” (Morçöl, 2012, p. 46) [italics in original]. Given the interdependence between the parts of a system, the properties of the system cannot be understood simply by examining the properties of the parts (Marais, 2019a, p. 55, 2019b, p. 46). That means that even though we have a good knowledge about all the parts of a system, we are still uncertain about what exactly would happen (Coghlan & Brydon-Miller, 2014, p. 166). This reflects the idea of ‘emergence’¹⁰, one of the key insights of complexity theory. Complexity theory recognises that the relationships between elements of systems are nonlinear (Morçöl, 2012; Sanderson, 2009). And the nonlinear interactions between elements of a system make it difficult to predict the behaviour of the system¹¹ (Eppel & Rhodes, 2018, pp. 949–950). The concepts of ‘emergence’ and ‘nonlinearity’ accord exactly with the reality that translation policy is featured by contradictory translation management, translation practices and translation beliefs and by high levels of uncertainty.

A complexity ontology fits the complex reality of translation policy, and this leads me to take a complexity theory view to understand translation policy as a system. The three-level definition of translation policy as a term that encompasses translation practices, translation beliefs, and translation management (González Núñez, 2016a, p. 92; Meylaerts & González Núñez, 2017, p. 2) suggests that translation policy consists of a set of elements, such as rules, agency, practices, beliefs, values, etc. Moreover, these elements are intricately interconnected. As observed by González Núñez (2016a, p. 92),

¹⁰ The concept of ‘emergence’ has shown its potential for both policy studies and TS, as will be discussed in the following section. I will elaborate on the implication of the concept of ‘emergence’ for this study in Chapter 2.

¹¹ I will go into detail about the concept of ‘nonlinearity’ in Chapter 2.

translation management, translation practices and translation beliefs relate to each other in complex ways that are difficult to measure.

1.3.2 Complexity theory in policy studies and TS

Complexity theory emerged in the natural sciences, but has been adapted to the social sciences (e.g. Byrne, 2005; Byrne & Callaghan, 2014; Marion, 1999; Sawyer, 2005; Stacey, 2003) and the humanities (e.g. Cilliers, 1998; Deacon, 2013; Marais, 2014; Morin, 2008) in ways that correspond to its ontological principles. More specifically, complexity theory has gained ground in the field of public policy and management (e.g. Cairney, 2012; Colander & Kupers, 2014; Gerrits, 2012; Haynes, 2008; Morçöl, 2012; Teisman et al., 2009; Teisman & Klijn, 2008) and has been slowly making its entrance in the field of TS (e.g. Marais, 2014, 2019, 2020; Marais & Meylaerts, 2019).

A growing body of literature, either from policy studies or from TS, has demonstrated that complexity theory provides conceptual tools that not only fit but also explain the complex reality of translation policies. Complexity theory is relevant to addressing the research questions outlined above, as it helps us explain “*why* the output of governance processes often differs from initial expectations” (Teisman et al., 2009, p. 5) [italics added] and “*how* specifically policy processes work” (Morçöl, 2012, p. 268) [italics in original]. In this section, I will provide an overview of the conceptual tools that have been fruitfully applied to policy studies and TS and are relevant to the objectives of this research. In Chapter 2 and Chapter 4, I will elaborate on the implications of these conceptual tools for this study.

In the field of public policy and management, public policy has been linked to complex systems (Cairney, 2012; Morçöl, 2012; Sanderson, 2009; Teisman et al., 2009). From a complexity theory point of view, Morçöl (2012, p. 9) defines public policy as follows:

Public policy is an emergent, self-organizational, and dynamic complex system. The relations among the actors of this complex system are nonlinear and its relations with its elements and with other systems are coevolutionary.

This definition proposed by Morçöl (2012, p. 9) highlights a set of key tenets that we could draw on to study translation policies, namely the concepts of ‘emergence’, ‘nonlinearity’, ‘self-organisation’ and ‘coevolution’¹². Morçöl (2012, pp. xii; 269) argues that the core problem of applying complexity theory to public policy is the agency-structure problem or micro-macro problem – how do properties and actions of actors relate with structural properties and change? And he considers the concept of ‘emergence’ as an answer to the agency-structure problem (Morçöl, 2012, p. 269). Structural properties or patterns of policy systems emerge from the interactions among actors and are irreducible to the intentions or actions of individual actors (Morçöl, 2012, p. 269). This has an important implication for understanding the nonlinear relationship between “policy goals of governmental actors or those of others” (i.e. micro properties) and the outcomes of policy texts (i.e. macro properties) (Morçöl, 2012, p. 269). As Morçöl (2012) puts it, “a governmental decision (law, ordinance, rule, etc.) and action can make a difference in the complex social systemic relations but not in a linear-causal manner” (p. 242). This challenges the linear and deterministic thinking about the causal relations between public decisions and their outcomes (Morçöl, 2012, p. 242). Therefore, the concepts of ‘emergence’ and ‘nonlinearity’ have significant implications for studying the relations between translation management, translation practices and translation beliefs, and the relations between translation policy and its constituent parts. Morçöl (2012, p. 270) is also aware of the downward causation from structural properties to individual behaviour and illustrates the downward causation by integrating Anthony Giddens’ structuration theory. Likewise, the concepts of ‘emergence’ and ‘nonlinearity’ have also prompted TS scholars (e.g. Marais, 2014; Marais & Meylaerts, 2019a) to reconsider the structure-agency relation in TS. As the leading author that links TS and complexity theory, Marais (2019a, pp. 53–72) develops an understanding of emergence by adopting Deacon’s (2013, pp. 192–193) notion of ‘constraints’ and the concepts of ‘attractors’ and ‘trajectories’. These conceptual tools also illustrate both upward and downward causation. In Chapter 2, I will elaborate on the implications of these conceptual tools for studying the emerging process of a translation policy system.

¹² As shown earlier, these concepts have enabled Meylaerts (2017) to illustrate the complexity of translation policies.

Another intriguing insight that is of great relevance to research on translation policies is that “policy systems are both self-organizing and coevolving systems” (Morçöl, 2012, p. 133). The concept of self-organisation reflects the spontaneous emergence of structures from local interactions (Teisman et al., 2009, p. 9). That is, “phenomena do not develop only by external forces imposed upon them” (Teisman & Klijn, 2008, p. 288). Self-organisation captures the reflexive capacity of actors, indicating that actors “do not (only) behave according to laws or principles” (Teisman & Klijn, 2008, p. 288). For studies about translation policies, the concept of ‘self-organisation’ challenges the approach that focuses only on the control by a central authority. Rather, it highlights the need to take account of processes of interaction between actors both with and without authority. In Chapter 2, I will elaborate on how this could be achieved through Deacon’s (2013, pp. 192–193) notion of ‘constraints’ and the concepts of ‘attractors’ and ‘trajectories’, the conceptual tools that have been usefully applied by Marais (2019a). The concept of coevolution reflects the relations: (1) between actors or elements of a system and the system; (2) between a system and its environment (Morçöl, 2012, p. 11). In Chapter 4, I will discuss coevolution in the case of translation policies. The concept of ‘coevolution’ draws attention to the importance of contexts. And it is also noteworthy that coevolution does not necessarily always lead to mutually beneficial relations (Morçöl, 2012, p. 129). Scholars from policy studies (e.g. Gerrits, 2010, 2012; Gerrits et al., 2009) recognise the coevolution of policy systems with not only other social systems (i.e. human systems) but also physical systems (i.e. natural systems). The concepts of ‘self-organisation’ and ‘coevolution’ indicate adaptive capacities at the level of actors within a system and at the level of the system, as I will discuss in detail in Chapter 4.

The above-mentioned concepts of complexity theory provide a suitable toolkit for studies about translation policies and will be applied throughout this research. They represent a relational and processual way of thinking, which may enable us to identify previously hidden structures in a translation policy system and thus deepen our understanding of its composition, causality and change. While complexity theory has shown potential for policy studies and TS, it “struggles to move from theory to empirical research” (Gerrits, 2013, p. 317). In policy studies, Cairney and Geyer (2017) criticise some empirical studies that “make only vague reference to a common theory and struggle to ‘operationalise’ key concepts in a way that can be compared meaningfully to other

studies” (p. 5). In TS, the integration of a complexity approach into empirical investigation is still in its infancy. Given the quantitative background of complexity theory, TS scholars are confronted with challenges of applying inherently quantitative concepts to a qualitative study (Marais, 2019a, p. 53). It is hoped that this research could flesh out some key concepts of complexity theory with empirical applications and advance the application of complexity theory in TS.

1.4 A bird’s eye view of the thesis

After the above presentation of research traditions within studies about translation policies, the objectives of this research project, and the rationale for integrating complexity theory, this chapter concludes by briefly outlining each of the coming chapters.

Chapter 2 Studying translation policy from the perspective of complexity theory. This chapter will elaborate on the ontological, epistemological and methodological implications of complexity theory for this study. This chapter will take the ontological assumption that translation policy is a complex system, with emergent, nonlinear and open properties as the point of departure. It will then explain how this ontological assumption leads to an epistemological shift from parts and phenomena to relationships and processes. This chapter will identify some concepts that can be usefully applied to explain relationships and processes, including a discussion on the concepts of ‘constraints’, ‘attractors’ and ‘trajectories’. Finally, this chapter will present a detailed explanation of a research design which is aligned with complexity theory.

Chapter 3 Empirical studies on a local court in China. This chapter will seek to develop qualitative explanations for translation policies at a local court in China. To this end, it will apply the conceptual tools of complexity theory and research methods introduced in Chapter 2. This chapter will first present three case studies of translation policies at three trials at the court. It will then synthesise the translation policies at the court by combining the findings of the three cases studies and the empirical data from other trials at the court.

Chapter 4 The reconceptualisation of translation policy: implications of complexity theory for translation (policy) studies. Based on the empirical findings presented in

Chapter 3, this chapter will seek to reconceptualise translation policy as a complex adaptive system. To this end, it will discuss the inherently dynamic relationships between the whole and the parts, between systems and environment, between structure and agency, and between cause and effect. In doing so, this chapter will work out the implications of complexity theory for studies about translation policies and the field of TS.

Chapter 5 Conclusion. This chapter will firstly revisit the research questions outlined in Chapter 1. Then, based on the research findings, this chapter will reflect on the implications and relevance of this research for both academics and policymakers. Finally, it will discuss the limitations of this research and suggest possible future research directions.

Chapter 2 Studying translation policy from the perspective of complexity theory

The application of Complexity to human systems, gives us new ways of exploring possible futures, and a range of evolutionary paths that could occur. However, it is also correct in warning us that unpredictable occurrences, can and will occur.

(Allen, 2016, p. 3)

In Chapter 1, I explained the rationale for a complexity approach to translation policy. In this chapter, I will go into detail about the ontological, epistemological and methodological implications of complexity theory for this study. Firstly, I will explain how my assumption that translation policy is a complex system emerged from the concepts of ‘emergence’, ‘nonlinearity’ and ‘openness’, and a preliminary analysis of the empirical data collected at a local court in China. This ontological assumption led me to a process-oriented approach for researching translation policy. Specifically, I will discuss why and how I adopted the concepts of ‘constraints’, ‘attractors’ and ‘trajectories’ as analytical instruments to develop qualitative explanations for translation policies. Finally, I will provide a detailed description of methodological and ethical considerations.

2.1 Ontological assumptions: translation policy as a complex system

As discussed in Chapter 1, from the complexity theory point of view, translation policy is a system whose constituent parts are highly interrelated. Given the interrelatedness of its elements, translation policy cannot be understood by decomposing it into its elements and examining the elements in isolation. As mentioned in the previous chapter, one of the key tenets of complexity theory is that what constitute reality are not only things but also the relationships between things (Marais, 2014, p. 25).

2.1.1 Emergence

The interactions between elements of a system bring ‘emergence’ to the fore (Human, 2016, p. 428). Emergence, which is a defining feature of complex systems, is a concept

with a long and diverse history. The concept of ‘emergence’ today is most typically used to refer to the process in which higher-order properties arise from the interactions of constituent parts lacking these properties (Deacon, 2013, p. 169). As mentioned in Chapter 1, the properties of a system cannot be understood simply by examining the properties of the parts (Marais, 2019a, p. 55, 2019b, p. 46). As shown in my empirical studies conducted at a local court in China, even though we have knowledge about translation management, translation practices and translation beliefs in this specific context, we still cannot explain the random fluctuations in the tendencies that participants of trials show during courtroom interactions. For example, a judge¹³ forbade a defendant – who understands the language of the court to a limited degree – from answering on behalf of the other defendant – who has no knowledge of the language of the court. Instead, the judge asked a court interpreter to interpret for the defendant who has no knowledge of the language of the court. However, the same judge later at the same trial asked the defendant with limited knowledge of the language of the court to check with the other defendant whether she understood the general message. The judge could have turned to the court interpreter for help, but she did not allow the court interpreter to have the floor this time. The same judge was also observed to switch between contradictory translation beliefs. The judge in the interview recognised the importance of translation and interpreting, but admitted that she could not see to what extent they are important¹⁴. The judge in the interview added that translation management provides a legal basis for offering court interpreting services, but current laws are too abstract to guide them in translation practices. Moreover, the judge mentioned that the judicial personnel of the court had discussed possible improvement to the current translation management of the court, but ended up without any result. These fluctuations in tendencies reflect that translation policy is not cast in tablets of stone, but a dynamic process arising from the interactions between multiple or even contradictory tendencies. A knowledge of each individual tendency cannot help explain how different tendencies relate to each other and contribute to the emergence of a particular translation policy. A good analogy to illustrate

¹³ For the details about this example, see the study about trial201804 in Chapter 3.

¹⁴ Interview by author, April 18, 2018.

the importance of studying process is Deacon's (2013) discussion on the way to explain thought:

No one would seriously suggest that the process of thought could be explained solely in terms of neural structures or neurotransmitter molecules. Of course, these are critical to the account, but without understanding the processes that they are enmeshed within, we are merely doing anatomy (p. 176).

Therefore, it is the interactions between the parts, not the sum of the parts, that contribute to emergent phenomena or patterns at the level of the whole. This shows that emergence takes place from the bottom-up. However, in addition, emergence also takes place from the top-down (Byrne & Callaghan, 2014, p. 22; Deacon, 2013, pp. 143–181; Marais, 2019a, pp. 55–58). The higher-level patterns can feed back to exert an effect on the lower-level parts and their interactions, from which the higher-level patterns emerged (Byrne & Callaghan, 2014, p. 22; Deacon, 2013, pp. 143–181; Marais, 2019a, pp. 55–58). This notion of downward causation has been criticized for entailing circular reasoning and failing to solve the problem of supervenience (Deacon, 2013, pp. 141–181; Marais, 2019a, pp. 55–58). Marais (2019b, p. 48) further points out that Deacon (2013, pp. 197–203) addresses these problems through applying the concept of 'constraints'¹⁵:

Deacon assumes that a system, at a given point in time, has the potential to develop in a number of possible trajectories and that it thus entails a number of possibilities. Once one of these possibilities has been realized by the system taking a particular trajectory, the number of possibilities for further development is constrained by the unrealized possibilities. In this sense, the whole, through the constraining effects of unrealized possibilities, can exercise downward causation on the parts without having to argue in a circular way that the parts, having acquired new properties in the whole, are then able to effect change on themselves (Marais, 2019b, p. 48).

¹⁵ I will return to the concept of 'constraints' in Section 2.2.1.

2.1.2 Nonlinearity

Therefore, we are dealing with both upward emergence from the parts to the whole and downward emergence from the whole to the parts. In Chapter 4, I will discuss how such an understanding of emergence might offer insights into the whole-part relationship and the structure-agency relationship. What has been discussed shows that the properties of a complex system like translation policy result from the interactions between its parts and the interactions between its parts and translation policy as a whole. It is noteworthy that these interactions are nonlinear (Cilliers, 1998, p. 4), meaning that we cannot measure their effects by adding up all of these interactions (Human, 2016, p. 427). This leads to another key attribute of complex systems, that is, nonlinearity. Regarding the notion of nonlinearity, Marion (1999) observes:

Nonlinearity—a central concept in Chaos and Complexity theories—means that response is disjointed with cause. That is, a change in a causal agent does not necessarily elicit a proportional change in some variable it affects, rather it may elicit no response, dramatic response, or response only at certain levels of cause (pp. 5–6).

The notion of nonlinearity has important implications for how we understand the discrepancies between translation management, translation practices and translation beliefs. With nonlinear thinking, we can recognise “disproportionate relationships between cause and effect” (Marais, 2014, p. 34). In other words, small changes might have drastic effects, while strong interventions might not necessarily bring about significant changes. Like linguistic behaviour, which is found to be “neither a straightforward phenomenon nor one of linear causality” (Bastardas-Boada, 2013, p. 376), translation policy issues can hardly be solved by top-down and linear intervention. And simple notions of causality driven by linear and deterministic thinking are likely to lead to misleading policy recommendations. In Chapter 4, I will discuss the implications of the notion of nonlinearity for translation (policy) studies in more detail based on the empirical evidence from Chapter 3.

2.1.3 Openness

Translation policy is also characterised by openness, which is another feature of complex systems. On the one hand, translation policy plays a role in affecting other systems, such as language policy and planning (e.g. González Núñez, 2013; Meylaerts & González Núñez, 2017), education systems (e.g. Du Plessis, 2017), legal systems (e.g. González Núñez, 2013; Qian & Li, 2018), governmental administration systems (e.g. González Núñez, 2016a, 2016b, 2017), media systems (e.g. Haddadian-Moghaddam & Meylaerts, 2014), healthcare systems (e.g. González Núñez, 2013; Hlavac et al., 2018), etc. On the other hand, translation policy is never immune to social and political changes. As shown in both the case of Northern Ireland (González Núñez, 2013) and the case of China (Li et al., 2017), changes in language policy or other policies may lead to changes in translation policy. As a matter of fact, translation policy and other systems are so closely intertwined that sometimes it is difficult to determine the border between them. A close interrelationship between translation policy and language policy is reflected in Meylaerts' (2011b, p. 744) observation that “there is no *language* policy without a *translation* policy”. The fact that translation policy is often studied as a consequence of language policy or public policy also illustrates that it is impossible to separate translation policy from its environment. I will return to the discussion about the relationships that translation policy has with language policy in particular and with other systems in general in Chapter 4. Methodologically speaking, we need an approach that incorporates various contextual factors. The concept of ‘constraint’ could effectively serve to this end, connecting translation policy and its environment, as I will further demonstrate in Chapter 4.

To sum up, the properties of a complex system like translation policy result not only from the way the constituent parts of translation policy relate to each other and to translation policy as a whole, but also from the way translation policy interacts with its environment (Byrne & Callaghan, 2014, p. 173). To understand the complex reality of translation policy, we need to study both translation policy and its constituent parts as processes of complex interactions rather than stable categories.

2.2 Epistemological shifts: from parts and phenomena to relationships and processes

The ontological assumption that translation policy is a complex system represents an epistemological shift from parts and phenomena to relationships and processes (Marais, 2014, p. 18). Specifically, complexity theory seeks to explain a complex system ‘not by the parts themselves but by the way in which they relate to one another or by the way in which they are becoming, the way in which constituent parts form wholes’ (Marais, 2014, p. 18). In other words, a complexity approach studies phenomena related with translation policies through explaining how translation policy as a complex system emerges and evolves from the interactions between its constituent parts in various and unpredictable ways. I will adopt the concepts of ‘constraints’, ‘attractors’ and ‘trajectories’ as analytical instruments, as these concepts enable me to delve into the complex causal processes of translation policy.

2.2.1 Constraints

Constraints can be used both in an extrinsic sense and in an intrinsic sense (Deacon, 2013, pp. 192–193). When used in an extrinsic sense, a constraint refers to “an external limitation, reflecting some extrinsically imposed factor that reduces possibilities or options” (Deacon, 2013, p. 192). One example is that “citizens are constrained in their behaviour by laws” (Deacon, 2013, p. 193). When used in an intrinsic sense, constraints refer to the states or tendencies that are not exhibited but that could have been (Deacon, 2013, p. 192), or in Marais’ words, “unrealized possibilities” (Marais, 2019a, p. 56). The unrealised possibilities become causally relevant because, by not having been realised, they limit some possibilities or tendencies and give rise to other possibilities or tendencies. The following example from my empirical studies conducted at a local court in China will attempt to illustrate this¹⁶. When a judge asked a court interpreter to check a defendant’s name, birthday and other factual information, the judge summarized what she wanted the court interpreter to check in an imperative sentence. The judge’s use of an imperative sentence rather than an interrogative sentence means that the possibility of asking a question was not realised. Constrained by the absence of any question raised by

¹⁶ For the details about this example, see Example 15 in Chapter 3.

the judge, the court interpreter was unlikely to provide the judge with answers as to the factual information about the defendant. Actually, the court interpreter did not interpret his conversation with the defendant for the judge. This non-interpreting constrained the judge from knowing that the court interpreter had forgotten to check the defendant's ethnic origin and educational background. As a result, the judge was unlikely to ask the court interpreter to check the specific aspects that he had forgotten to check. Instead, the judge was likely to deliver other utterances. This example demonstrates how unrealised possibilities might constrain further actions or phenomena, reducing the possibilities of certain tendencies but increasing the possibilities of other tendencies. The concept of 'constraints' reflects the causal influence of absence on the emergence of reality and sheds light on the relationships between phenomena or parts. In essence, constraints are "relational properties that parts acquire in virtue of being unified – not just aggregated – into a systematic whole" (Juarrero, 1999, p. 133). Therefore, constraints cannot be studied reductively by componential analysis (Deacon, 2013, p. 204; Marais, 2019a, p. 56). A consideration of the role that unrealised possibilities play might also expand our understanding of what constitutes the reality of translation. I will return to this in Chapter 4.

As constraints limit certain tendencies, the concept of 'constraints' also sheds light on the underlying order of processes appearing to lack any pattern. Such correlation between order and constraint is demonstrated by Deacon (2013), who observes that "irrespective of specific observer preferences, something will tend to be assessed as being more orderly if it reflects more constraint" (p. 195). Therefore, the concept of 'constraints' helps us assess order without adopting "observer-dependent criteria" or "value-laden notions of what is orderly and not" (Deacon, 2013, p. 195). It is worth noting that a constraint limits but does not exclude a certain possibility or tendency – it affects the probability that a tendency might emerge. Several examples provided in Chapter 3 will illustrate how constraints can simultaneously reduce and open up possibilities (see also Cilliers, 2001, p. 139; Juarrero, 1999, p. 133). This is where the unpredictability lies and where agency might play a role (see Chapter 4). The concept of 'constraints' reflects the reality that both order and disorder exist in complex systems. As pointed out by Morin (2008), complexity "concerns semi-random systems in which order is inseparable from the randomness that separates them" (p. 20). By applying the concept of 'constraints', we

do not have to choose between order and disorder. As I will illustrate in Chapter 3, an interplay between order and disorder enables a translation policy to explore different states in its phase space (see the following section). This brings us to the concepts of ‘attractors’ and ‘trajectories’.

2.2.2 Attractors and trajectories

In social sciences terms, “an attractor is a “region” within the range of possible states that a dynamical system is most likely to be found within” (Deacon, 2013, p. 547). The range of possible states constitute what is called a phase space (also state space) (Byrne & Callaghan, 2014, p. 26). When we observe the behaviour of a dynamical system, we typically see that the system tends to gravitate towards a limited subset of the phase space rather than go around every single state in the whole phase space. This subset of the phase space is what is called an attractor. In this study, I identified the states towards which a translation policy was most likely to gravitate as attractors. For example, all the trials investigated in this study gravitated between two states, i.e. a correct information¹⁷ exchange between participants and information gaps (see Chapter 3). These two states are examples of attractors. I also identified the tendencies that participants of trials showed during courtroom interactions as attractors, as these tendencies to behave in certain ways or to have certain beliefs also constituted the states towards which a translation policy tended to gravitate. It is worth noting that a participant did not stay in the same state all the time, as shown earlier in Section 2.1.1. In other words, a translation policy might gravitate towards one attractor and then switch to another attractor. The term ‘trajectory’ was used to describe the way a translation policy gravitated towards and cycled through different attractors. Trajectory is, as observed by Byrne (2005), “the account of the actual pattern of change of a system” (p. 97). In this way, the trajectories of a translation policy reflect its histories (Byrne, 2005, p. 105).

As suggested in the definition of attractors, attractors limit possibilities through ‘boxing’ the behaviour of a system into a subset of the phase space (Kauffman, 1993, p. 174). This also links the notion of attractors to constraints. An attractor could emerge from certain constraints. In other words, certain constraints cause system elements to

¹⁷ For a detailed discussion about the working definition of ‘information’ in this study, see Section 2.2.3 in this Chapter.

interact in a certain way, which contributes to the emergence of a particular trajectory of the system. Once this trajectory starts emerging, other potential trajectories become impossible. The unrealised possibilities in the system as a whole in turn constrain the way the system elements interact with each other and increase the possibilities of certain attractors rather than others. Therefore, attractors could be a kind of constraint in that attractors entail the absence of certain trajectories and thus constrain further attractors.

Complex systems often feature strange attractors, which “describe ordered global patterns with such a high degree of local fluctuation, that is, that individual trajectories appear random, never quite exactly repeating the way the pendulum or chemical wave of the B-Z reaction does” (Juarrero, 1999, p. 155). In other words, a translation policy in a certain context could be predicted to emerge in the vicinity of certain attractors, but the exact way in which it gravitates towards and cycles through the attractors can never be foreseen (see also Marais, 2019a, p. 59). The notions of ‘attractors’, ‘trajectories’ and ‘constraints’ might help us incorporate the interactions between structure, i.e. “(somewhat) stable forms” in the words of Marais (2019a, p. 59), and agency, i.e. the possibility of people showing different tendencies according to their own beliefs. I will discuss the implications of the notions of ‘constraints’, ‘attractors’ and ‘trajectories’ for the structure-agency relationship in more detail in Chapter 4. Furthermore, the concepts of ‘constraints’, ‘attractors’ and ‘trajectories’ have very important implications for developing causal accounts. These concepts make us open to a variety of possibilities (i.e. both realised and unrealised possibilities), which may help us avoid the pitfalls of linear and deterministic thinking when we explain the processes of translation policy, as I will show in Chapter 3 and Chapter 4. As DeLanda (2002) observes, “a space with multiple attractors *breaks the link between necessity and determinism*, giving a system a ‘choice’ between different destinies and making the particular end state a system occupies a combination of determinism and choice” (p. 38). In the same vein, Byrne (2005) points out that “the trajectories of complex systems will always be directed by complex and contingent cause” (p. 105).

2.2.3 Information

As mentioned earlier, the trials investigated in this study cycled through two attractors related to the concept of ‘information’. In this section, I will clarify what I mean by

‘information’ and ‘information gaps’. In this study, ‘information’ has both quantitative and qualitative meanings. Quantitatively, I draw upon Shannon’s way of measuring information to investigate whether there are information gaps between the messages to be interpreted and the interlingual, intralingual and intersemiotic interpreting of these messages.

From the sender’s point of view, ‘information’ is “associated with the amount of freedom of choice we have in constructing messages” (Shannon & Weaver, 1964, p. 13). The amount of information that a situation allows a sender to convey is related to the alternatives the sender has. The more alternatives a sender has in constructing messages, the greater uncertainty the sender could reduce, the more information the sender is likely to convey (Shannon & Weaver, 1964, p. 13). For example, when a court interpreter interprets a wh- question into a yes/no question for a defendant, he limits the defendant’s choice to two alternatives and reduces the amount of information that the defendant could convey.

From the receiver’s point of view, information can be provided only if there is uncertainty, and information is provided when this uncertainty is then removed or reduced (Deacon, 2013, p. 382). For example, when a judge knows already what answer a defendant is going to give, the defendant’s answer provides no information. “Shannon measured the information received in terms of the uncertainty that it removed with respect to what could have been sent” (Deacon, 2013, p. 380). This way of measuring information demonstrates the vital role of absence, i.e. what could have been sent but actually is not sent (Deacon, 2013, p. 379). Therefore, when I examine whether there are information gaps between the messages to be interpreted and the interpreting of the messages, I compare the uncertainty reduced by the court interpreting with the uncertainty reduced by other possible versions of interpreting that could have been sent. Information gaps occur either when the interpreting increases uncertainty and thus conveys less information or when the interpreting reduces more uncertainty and thus conveys more information. For example, interpreting the legal term ‘confessing to a crime’ into ‘making mistakes’ entails the absence of another possible message, i.e. violating the law. Constrained by the absence of this possible message, uncertainty remains about the severity of what a defendant has done. As a result, the interpreting leads to more possible interpretations,

which means that the interpreting increases uncertainty and thus conveys less information. In another example, a judge instructed the court interpreter who does not have any legal background to interpret the legal term ‘a prosecution statement’ into ‘a speech’ and ‘an opinion given by the procuratorate¹⁸ about the defendant’s behaviour’ (see Example 32 in Chapter 3). Based on the judge’s intralingual interpreting, the court interpreter added examples to explain to the defendant what opinions the procuratorate would give. In this way, the court interpreter added information, as her interpreting reduced more uncertainty about the specific content of the prosecutor’s ‘speech’ and ‘opinion’.

Shannon’s way of measuring information does not consider the ‘meaning’ of a message (Mitchell, 2009, p. 54). However, in this study, measuring the uncertainty reduced by the interpreting entails meaning-making processes¹⁹. For instance, when we compare the uncertainty reduced by ‘making mistakes’ with the uncertainty reduced by ‘confessing to a crime’, we first relate a representamen (i.e. the term ‘making mistakes’) and an object (i.e. the fact that a defendant confesses to a crime) by means of an interpretant (i.e. the thought that the defendant has done something wrong but probably he has not violated the law). Then, we relate another representamen (i.e. the legal term ‘confessing to a crime’) and the same object (i.e. the fact that a defendant confesses to a crime) by means of another interpretant (i.e. the thought that the defendant has violated the law). Two different meanings emerge from these two different triadic relationships between a representamen, an object and an interpretant. And the meaning-making processes show in a qualitative way what specific aspects of uncertainty are reduced and what specific aspects of uncertainty remain. This indicates that the concept of information

¹⁸ In China, the people’s procuratorates are state organs for legal supervision (NPC, 1983, article 1). The people’s procuratorates at all levels have the authority to initiate and support public prosecutions of criminal cases and to supervise the judicial activities of people’s courts (NPC, 1983, article 5).

¹⁹ This study adopts the definition of ‘meaning’ in semiotics. Peirce defines ‘meaning’ as “the translation of a sign into another system of signs” (CP. 4.127) (as cited in Marais, 2019c, p. 15). As noted by Marais (2019c), “meaning is created by signs, and signs are triads of representamens, objects, and interpretants that are being related, that are in the process of being related” and “it is only when the three of them are related, mediated, translated into a whole, that meaning is created” (p. 103). “A REPRESENTAMEN is a subject of a triadic relation TO a second, called its OBJECT, FOR a third, called its INTERPRETANT, this triadic relation being such that the REPRESENTAMEN determines its interpretant to stand in the same triadic relation to the same object for some interpretant” (CP 1.541) (as cited in Marais, 2019c, pp. 90–91).

and meaning are closely intertwined. Qualitatively, information is “what something tells us about something else that is not present in the signal medium itself” (Deacon, 2013, p. 381). To both quantitatively and qualitatively assess information gaps, I combine Shannon’s way of measuring information with a consideration of meaning. In short, a change in meaning implies information gaps. A change in meaning might result in not only an increase in uncertainty and thus a decrease in information, but also a decrease in uncertainty and thus an increase in information.

As Marais (2019c) observes, “meaning is a continuous, never-ending process of creating relationships between representamens, objects, and interpretants, *ad infinitum*” (p. 126). A sentence that is repeated in the same language one minute later might not convey the same information (Marais, 2019c, p. 126), as the context in which the sentence is repeated is no longer the same as the context in which the sentence is uttered for the first time. It is noteworthy that information is conveyed not only via what is uttered but also via context, as context also creates meanings and reduces uncertainty. For example, the word ‘a speech’ provides judicial personnel who are familiar with trial procedures with the same information conveyed by the legal term ‘a prosecution statement’, as the context reduces the uncertainty about what the ‘speech’ is intended to do. Therefore, a change to the content of a message does not exclude the possibility of information exchange and a repetition of the content does not exclude the possibility of information gaps. In contrast to judicial personnel, a defendant who is unfamiliar with trial procedures is unlikely to get the information about ‘a prosecution statement’ through the word ‘speech’. In this case, the information that a judge wants to convey through the word ‘a speech’ cannot be received by the defendant.

2.3 Methodological and ethical considerations

In previous sections, I discussed how insights of complexity theory, such as emergence, nonlinearity and openness, inform this study. The ontological assumption that translation policy is a complex system led me to a process-oriented approach, which is, in essence, to explain why and how certain translation policies have come to be as they are. Or in complexity theory terms, what constrains the possibilities of a translation policy in a certain context? What drives a translation policy in a certain context to gravitate towards particular trajectories and attractors rather than others? Empirical investigation is needed

to gain insights into the emergence of translation policy trajectories. Gerrits (2012, p. 28) in his study about the complexity of public policy-making emphasizes the importance of in-depth empirical research on “day-to-day dynamic practices of public decision-makers”. Given the context-dependent nature of translation policy (Meylaerts & González Núñez, 2017, p. 6), I situated this study in courtroom interactions in China and stepped inside the local processes of interaction. The following questions guided me in examining translation policy trajectories in this context. I examined how translation management, translation practices and translation beliefs interacted within an individual actor (i.e. questions D, E and F), and between different actors (i.e. questions A, B and C).

- A. What were the roles of and interactions between local actors (i.e. judges, court interpreters, defendants, plaintiffs, prosecutors and other participants of trials) in translation policy processes?
- B. How did translation policy trajectories emerge from the interactions between local actors?
- C. What caused the interactions between local actors to gravitate towards particular trajectories or attractors rather than others?
- D. How did an individual actor’s views on translation management, his/her translation beliefs and his/her translation practices interact during courtroom interactions?
- E. How did translation policy trajectories emerge from the interactions between a local actor’s views on translation management, his/her translation beliefs and his/her translation practices?
- F. What caused the interactions between a local actor’s views on translation management, his/her translation beliefs and his/her translation practices to gravitate towards particular trajectories or attractors rather than others?

2.3.1 Situating the study in courtroom interactions in China

China is home to 56 ethnic groups, including the Han majority and 55 ethnic minority groups, which only account for 8.49 percent of the total population (Ministry of Education

of the People's Republic of China (PRC), 2019). As for the languages, a predominant status has been given to the Han majority language, i.e. *Hanyu* (Chinese)²⁰ (Bruhn, 2008, pp. 8–9). *Hanyu* (Chinese) is extensively used by the majority of the population in major public sectors (Ministry of Education of the PRC, 2019). In 2000, the Standing Committee of the National People's Congress (NPCSC) enacted the Law of the National Commonly Used Language and Script of the PRC, which identifies Mandarin Chinese and the standardized Chinese characters as “the national standard spoken and written language” (NPCSC, 2000, articles 2 and 3). It is worth noting that some people of ethnic minority origin speak other indigenous languages as their mother tongues and have limited proficiency in *Hanyu* (Chinese). The indigenous languages used by people of ethnic minority origin are minority languages in China. For this study, the Council of Europe's definition of ‘minority language’²¹ is employed since it fits the understanding of minority languages in China. Specifically, minority languages refer to languages that are “traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and different from the official language(s) of that State” (Council of Europe, 1992). A minority language “does not include either dialects of the official language(s) of the State or the languages of migrants” (Council of Europe, 1992).

One of the prominent policy issues that cannot be ignored is to remove linguistic barriers in courtroom interactions. In China, a number of trials involve communication between participants who are from different ethnic groups and speak different languages as their mother tongues. The PRC's Constitution stipulates that all ethnic groups enjoy constitutionally equal status and have the right to use and develop their languages in the political, judicial, and social realms of their lives (The National People's Congress (NPC), 1982, article 4, 121 and 139). China has legislation in place to mandate the use of minority

²⁰ In this study, *Hanyu* (Chinese) refers to both written Chinese and spoken Chinese. Spoken Chinese includes Mandarin Chinese, which is the standard spoken Chinese language, and other Chinese dialects with local accents.

²¹ ‘Minority language’ is a concept with many definitions, and it is challenging to find one definition that applies to every minority language (Li et al., 2017).

languages and the provision of translation services in courtroom interactions²², as exemplified by the Article 139 of the PRC's Constitution (NPC, 1982).

第一百三十九条 各民族公民都有用本民族语言文字进行诉讼的权利。人民法院和人民检察院对于不通晓当地通用的语言文字的诉讼参与人，应当为他们翻译。

在少数民族聚居或者多民族共同居住的地区，应当用当地通用的语言进行审理；起诉书、判决书、布告和其他文书应当根据实际需要当地通用的一种或者几种文字。

Article 139 Citizens of all China's nationalities have the right to use their native spoken and written languages in court proceedings. The people's courts and people's procuratorates should provide translation for any party to the court proceedings who is not familiar with the spoken or written languages commonly used in the locality.

In an area where people of a minority nationality live in a concentrated community or where a number of nationalities live together, court hearings should be conducted in the language or languages commonly used in the locality; indictments, judgments, notices and other documents should be written, according to actual needs, in the language or languages commonly used in the locality²³.

The majority of current critical analyses of China's translation policy in courtroom interactions have only focused on the unidirectional causality from translation management to translation practices, but have failed to see the interactions between translation management, translation practices and translation beliefs (Cairang, 2014; Cha,

²² These obligations are also explicitly pointed out in other national laws, such as the Criminal Procedure Law of the PRC (NPC, 1979a, article 9), the Administrative Litigation Law of the PRC (NPC, 1989, article 9), the Civil Procedure Law of the PRC (NPC, 1991, article 11), the Organic Law of the People's Courts of the PRC (NPC, 1979b, article 6) and the Law of the PRC on Regional National Autonomy (NPC, 1984, article 47).

²³ The English translation found on the official website of NPC:

http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/2007-11/15/content_1372991.htm

2016; Wang, 2014; among others). These studies attribute the unsatisfactory translation practices to the lack of specific legislation on translation services and thus endeavour to provide recommendations to specify China's current translation management. Nevertheless, little is empirically known about the local processes of how translation management, translation practices and translation beliefs interact and contribute to higher-level properties of translation policy. As discussed in Section 2.1, the properties of translation policy result from a series of nonlinear interactions, which makes it impossible to deal with matters pertaining to translation policy by linear intervention. There is no single panacea for the issues of translation policy. Policy recommendations should be made based on an understanding of why and how certain translation policies emerge from local processes of interaction. This corresponds well with complexity theory, which considers knowledge as "inherently local rather than universal" (Byrne, 2005, p. 97). From a complexity perspective, explanation is possible only if explanation is local in time and place (Byrne, 2005, p. 97). In what follows, I will explain how I selected the field site of this study.

2.3.2 Selecting a field site

One of the criteria I used to choose a court is that the court has to deal with language barriers in courtroom interactions from time to time. This narrowed down my scope of searching to Yunnan Province, which is well-known for its high level of ethnic diversity and linguistic diversity. Among all the provinces and autonomous regions in China, Yunnan Province has the greatest number of ethnic groups, including Han and other 24 ethnic minority groups (People's Government of Yunnan Province, 2019). Most of the ethnic minority groups in Yunnan Province have their own mother tongues, except that Hui, Manchu and Sui use *Hanyu* (Chinese) (People's Government of Yunnan Province, 2019).

Another essential factor I took into account is accessibility to the field site. Thanks to two gatekeepers introduced by a professor from the Law Department of a local

university in Yunnan Province, I was able to visit two primary people's courts²⁴ (hereafter referred to as Court A and Court B, respectively). Court A and Court B are respectively situated in two multilingual and multi-ethnic counties in Yunnan Province. In the county where Court A is located, *Hanyu* (Chinese) is extensively used in major public sectors. When language barriers arise at criminal trials, Court A usually appoints court interpreters to enable courtroom interactions. When language barriers arise at civil trials, Court A normally appoints bilingual judges who can directly use the languages spoken by the parties involved. Unlike Court A, Court B rarely appoints court interpreters to enable courtroom interactions. Bilingual judges are more frequently appointed in Court B to enable courtroom interactions when trials involve speakers of *Hanyu* (Chinese) and/or the Bai language. 90 percent of the judicial personnel in Court B are bilingual speakers of *Hanyu* (Chinese) and the Bai language. In addition, the majority of local Bai people are able to understand *Hanyu* (Chinese), though they may have difficulties in expressing themselves clearly in *Hanyu* (Chinese). Only when a trial involves participants who are from other ethnic groups and are unable to communicate neither in *Hanyu* (Chinese) nor in the Bai language will a court interpreter be called for. Even though in Court B language barriers are more often removed by bilingual judges rather than court interpreters, bilingual judges sometimes take on a role of interpreting²⁵. For example, a bilingual judge interpreted what a defendant said in the Bai language into *Hanyu* (Chinese) for a plaintiff's lawyer, who is monolingual in *Hanyu* (Chinese). These courtroom interactions enabled by bilingual judges also offer useful insights into how translation policies emerge from a specific context.

However, I decided to choose Court A (hereafter referred to as the Court) as the research site of this project, considering the access to the video records of the trials I observed in person respectively in the Court and Court B. As I do not have any knowledge about any ethnic minority languages, video records of trials serve as an important means

²⁴ According to Organic Law of the People's Courts of the PRC (NPC, 1979b), "the judicial authority of the People's Republic of China is exercised by the following people's courts: (1) local people's courts at various levels; (2) military courts and other special people's courts and; (3) the Supreme People's Court. The local people's courts at various levels are divided into: primary people's courts, intermediate people's courts and higher people's courts" (article 2).

²⁵ My observations of two trials during my fieldtrip at Court B.

for a third party to help me transcribe and translate what was said in courtroom interactions. I could not get permission from the two courts to record trials by myself. Fortunately, the full video record of a trial I observed in the Court is available on a government website named *China Court Trial Online*²⁶. On this website, we have access to a variety of video records of trials shared by courts across China. The video records of the trials I observed in person in Court B have not been posted online. The Court has posted more videos of the courtroom interactions that involve language barriers than Court B. In this project, I investigated seven trials in total, and I will return to this in more detail in Section 2.3.4.

2.3.3 Data collection methods

I adopted qualitative methods to obtain data for this project, as they are effective in identifying “contradictory behaviours, beliefs, opinions, emotions, and relationships of individuals’ and ‘intangible factors”, such as social norms, language use and status, roles in translation policy processes and so on (Mack et al., 2005, p. 1). Specifically, I collected the empirical data through observing trials both in person and via online videos, conducting semi-structured interviews, and collecting documents. The use of multiple data collection methods allows for triangulation of the results. Moreover, these data collection methods meet the needs of establishing a contextualized understanding of how translation policy trajectories emerge from a certain context.

2.3.3.1 Observations of trials

In January 2018, I established contact with the gatekeeper who later introduced me to the Court. The gatekeeper works for a people’s procuratorate in the same county where the Court is situated. The gatekeeper has served as a prosecutor for a number of criminal trials held in the Court. According to the gatekeeper, trials that involve language barriers are not regularly held in the Court, meaning that even if I stay in the field site every day, I may observe nothing. The gatekeeper agreed to keep me posted about the schedule of the trials that would involve language barriers. In early April of 2018, after being informed by the gatekeeper that a trial was scheduled on April 17, 2018, I started my first fieldtrip

²⁶ <http://tingshen.court.gov.cn/>

to the Court and observed the trial (hereafter referred to as trial201804) in person. The judge and the prosecutor of trial201804 are monolingual in *Hanyu* (Chinese), while the defendants of trial201804 speak the Lahu language, one of the minority languages in China, as their mother tongues, and have great difficulty in communicating in *Hanyu* (Chinese)²⁷. A court interpreter was appointed to enable the courtroom interactions. During the observation process, I was a nonparticipant observer, “who visits a site and records notes without becoming involved in the participants’ activities” (Plano Clark & Creswell, 2015, p. 343).

As I mentioned earlier, I do not have any knowledge about minority languages. It is also important to note that during trial201804 the judicial personnel spoke *Hanyu* (Chinese) with a local accent, which I could not understand very well. It is quite likely that I may miss certain verbal behaviour and interactions that are vital for explaining the translation policy trajectory of trial201804. Therefore, I decided to have the video record of trial201804, which was posted on the website *China Court Trial Online* by the Court, translated and transcribed. China currently does not have accreditation tests for qualifying the competence in translation and interpreting between *Hanyu* (Chinese) and minority languages²⁸. Neither are there training programs for translation and interpreting between *Hanyu* (Chinese) and minority languages. Constrained by the absence of sworn translators of ethnic minority languages²⁹, I recruited a university student, who has working experience of translating and interpreting between the Lahu language and *Hanyu* (Chinese), to transcribe and translate the video record of trial201804. The university student, as a major in the Lahu language at a university in Yunnan Province, has no links with the Court. To ensure translation quality, I had her translation and transcripts proofread by another bilingual university student. Constrained by my lack of knowledge about minority languages, I decided to observe other trials via online videos, using

²⁷ For the details about this trial, see the study about trial201804 in Chapter 3.

²⁸ Accreditation tests have been successively held in China to assess the competence in translation and interpreting between *Hanyu* (Chinese) and seven languages, including English, Japanese, French, Russian, German, Spanish, and Arabic (China International Publishing Group (CIPG), 2019).

²⁹ Constrained by the absence of sworn translators and interpreters for ethnic minority languages, the Court tends to employ local bilinguals or bilingual judicial personnel from the same court to do court interpreting (see Chapter 3).

transcripts and translation for reference. I had the video records of some other trials transcribed and translated. Some of these trials involve other minority languages, such as the Hani language and the Wa language. The transcription, translation and proofreading work was outsourced as paid work for university students who major in these minority languages. None of these university students has links with the Court. The translators, transcribers and proofreaders were briefed about the objectives of this research project and transcription conventions³⁰ (see Annex 1 for an overview of the conventions adopted). For the purpose of this study, I instructed the transcribers to record not only verbal behaviour and interactions but also physical behaviour and gestures when possible.

Some participants of these trials are the interviewees of this study. The concern for their anonymity guided my decisions to sign a non-disclosure agreement (see Annex 2) with all the translators, transcribers and proofreaders. As it is not allowed to download videos from the website *China Court Trial Online*, I shared web page links directly to the recruited translators, transcribers and proofreaders. The information about the Court and the participants of each trial is accessible to the public on the same web page on which the video record of each trial is posted. To protect the interviewees' anonymity, I instructed the recruited translators, transcribers and proofreaders to maintain the confidentiality of the following information: (1) the relationship between the trial(s) that they translated, transcribed, and/or proofread and this research project; (2) the relationship between the Court and this research project; (3) the relationship between the participants of the trials that they translated, transcribed, and/or proofread and this research project. When I received draft transcriptions, I checked and edited them based on video records.

2.3.3.2 Semi-structured interviews

Apart from observations of trials, I adopted semi-structured interviews as complementary sources to gain insights into local actors' views on translation management, their translation practices and translation beliefs. Before my fieldtrip to the Court, I had checked a number of video records of trials posted by the Court during the time period from July 2017 to April 2018. Based on the video records of trials, I selected eight

³⁰ The conventions used in the transcripts are based on those used by Dufrou (2016, p. 63), with minor adaptations.

candidates for interviewing. The eight candidates, including two judges, three court interpreters, two prosecutors and a people’s assessor³¹, were selected because they had engaged in courtroom interactions between participants speaking different mother tongues. As it was not possible to interview defendants or plaintiffs due to access reasons, I decided to describe their tendencies in courtroom interactions based on my observations of trials. The gatekeeper who introduced me to the Court is one of the eight candidates. As I mentioned earlier, she has acted as a prosecutor for a number of criminal trials held in the Court. Through her introduction, I made contact with six candidates in person during my fieldtrip in April 2018³². During one-on-one talks with the candidates, I presented informed consent forms (see Annex 3) and reviewed each section with the candidates. The candidates were given sufficient time to decide whether or not to participate in the interviews. In total, seven candidates (see Table 1) agreed to participate in the interviews and signed informed consent forms. In the interests of interviewee privacy, pseudonyms have been used and all extracts quoted in this thesis have been rendered anonymous.

Table 1 Demographic details of the interviewees

Pseudonym	Role in a trial	Occupation	Educational background	Ethnic origin	Language skill(s)
Judy	judge	judge (criminal cases)	law	Han	Chinese
Lily	judge	judge (criminal cases)	law	Lahu	Chinese
Lawrence	court interpreter	judge (civil cases)	law	Lahu	Chinese and Lahu
Christina	court interpreter	judge (civil cases)	law	Wa	Chinese and Wa
Jenny	prosecutor	prosecutor	law	Hani	Chinese

³¹ In China, people’s assessors are drawn from members of the public. They assist judges and evaluate evidence. They do not rule on matters of law but can decide on a verdict with judges.

³² One candidate was away on annual leave, so I could not interview her during the fieldtrip.

Joseph	prosecutor	prosecutor	law	Lahu	Chinese and Lahu
Michael	people's assessor	retired	language	Lahu	Chinese and Lahu

An interview guide (Annex 4) was given to the interviewees prior to the one-on-one semi-structured interviews. During the interviews, I discussed with the interviewees about some translation practices that were not readily apparent in video records of trials, such as the employment and administration of court interpreters, the standing operating procedures regarding language and translation services, the preparatory work carried out before court interpreting, etc. In addition, I gained insights into their views on current translation management and translation practices as well as the roles of translation. But it is also important to be aware that these interviews allow me to “gain insights into what participants say, they think or do, but not into what they *really* think or do” (Manfredi, 2018, p. 191) [italics in original]. Therefore, the video records of trials, which reflect naturally occurring behaviour, were used as a primary data source, and semi-structured interviews were used as a supplementary data source.

I had two interviews audio recorded with two interviewees' permission. And I transcribed the recordings by following the same conventions adopted for transcribing video records of trials. All names and references to people or places were rendered anonymous in the transcripts. Five interviewees were concerned with voice recording, but they agreed to leave me enough time to take notes of their answers. And at the end of the interviews, I repeated my notes for a final check. As some of the interview questions are related to factual information about how things were done, notes would be sufficient for this purpose (Bazeley, 2013, p. 72). And when it came to questions related to beliefs, attitudes or values, I paid attention to both verbal and non-verbal reactions of the interviewees during the interviews and noted down their reactions.

It was considered vital to conduct follow-up interviews with these interviewees to further discuss with them about some tendencies that I observed via video records of trials. Thanks to the first wave of interviews, I could establish contact with these interviewees and they were willing to participate in the second wave of interviews. I also planned to

interview other judges and court interpreters who were involved in some other trials that I was about to investigate. However, right before the week I was supposed to set off for China, I was informed that the new president of the court forbade the judicial personnel to do any interview with outsiders³³. Without follow-up interviews, I was unable to see whether there were any changes in local actors' translation beliefs. However, their translation beliefs might be indicated in their translation practices during courtroom interactions. So, instead of using follow-up interviews, I used video records of trials and existing interviews as the main references and traced the patterns of the interviewees' behaviour and actions at different trials to see whether any new translation beliefs and/or translation practices had emerged.

With the help of the gatekeeper, I got in touch with another candidate, who is not affiliated with the Court. She had served as a court interpreter at a trial (hereafter referred to as trial201809) at the Court. I conducted a phone interview with her. At the beginning of the interview, I explained her about ethical issues and the informed consent form, and she agreed to sign the informed consent form after the interview. But, on the other day, she changed her mind because she was deeply concerned about the potential influence of participating in this project on her career. Without her consent, I was unable to quote the interview with her in this study. However, a study of trial201809 is worthwhile, as it might allow some comparison of different translation policy trajectories at the Court. As can be seen in Table 1, the two court interpreters who participated in the first wave of interviews are judicial personnel of the Court, whereas the court interpreter of trial201809 is not a legal professional. In addition, both the judge and the prosecutor of trial201809 attended the first wave of interviews. Therefore, I analysed the translation policy trajectory of trial201809 based on its video record and the interviews that I had conducted with the judge and the prosecutor.

2.3.3.3 Collecting documents

Laws, regulations, and relevant policy documents were a third source of data. They allowed me to explore some initial conditions of the translation policy trajectories at the

³³ My understanding of an outsider is a person who is not affiliated with any institution within the judicial system of China.

Court. To be specific, the legal frameworks, rules and procedures that are in place at the beginning of courtroom interactions serve as initial conditions, constraining the possibilities of translation policy trajectories during courtroom interactions. As mentioned in Section 2.2.2, a complex system often features strange attractors, meaning that the “behaviour of the system it represents never repeats itself” (Marion, 1999, p. 16). And the unpredictable behaviour of a system is related to interactions and a system’s sensitive dependence on initial conditions (Marion, 1999, pp. 16–17). That is, a small change in the initial conditions of a system might result in a vastly different trajectory of the system. Therefore, describing initial conditions was a first step in explaining each translation policy trajectory.

2.3.4 Data analysis and synthesis

As indicated in Section 2.2, the complexity concepts of ‘constraints’, ‘attractors’ and ‘trajectories’ enable us to study not only phenomena but also the relationships between phenomena, and hence should allow us to both analyse and synthesise (see also Marais, 2014, p. 25). A complexity approach “has a synthesizing aim based on analysis” (Marais, 2014, p. 20). The approach that I adopted in analysing and synthesizing data in this study is case-based. In case-based methods, “the “real” entities of interest are cases themselves” (Byrne, 2020, p. 3). Therefore, the translation policy of each trial that I examined in this research is considered as a case. Ragin (1987, p. 49) suggests to examine each case as a whole, “as a total situation resulting from a combination of conditions”, and to compare cases to each other as wholes. This is compatible with complexity theory. Methodologically, “analysis is appropriate so long as one does not lose sight of the case or cases as entities in their own right” (Byrne, 2020, p. 2). This reinforces the importance of synthesis. A case-based method was chosen because of its capability of “handling complex and multiple causation” (Byrne, 2020, p. 18). Specifically, cases indicate “the *various* ways in which things have come to be as they are, the *various* ways in which they might be different, and (...) how social action might produce one possible future rather than another” (Byrne, 2005, p. 101) [italics in original].

In this project, firstly, I conducted three case studies of three trials (hereafter referred to as trial201801, trial201804 and trial201809, respectively). I explained how the

translation policy of each trial emerged from the beginning to the end of each trial³⁴. The notion of ‘emergence’ incorporates the role of time (Byrne & Callaghan, 2014, p. 187). Byrne and Callaghan (2014, p. 90) highlight the need to consider both sequence and duration when exploring causality in complex systems, echoing Tilly (1984), who observes that

When things happen within a sequence affects how they happen, that every structure or process constitutes a series of choice points. Outcomes at a given point in time constrain possible outcomes at later points in time (p. 14) [italics in original].

The trajectories of a complex system, as “the histories of cases” (Byrne, 2005, p. 105), reflect how the system gravitates between different states within phase space through time (Byrne & Callaghan, 2014, p. 187). By adopting the concept of ‘trajectories’, I traced how the translation policy process of each trial unfolded over time. Specifically, I started by describing initial conditions, the conditions that were set at the beginning of each trial. I then explained how the unrealised possibilities in initial conditions acted as constraints and caused the emergence of certain attractors rather than others. I gave an account of how certain attractors emerged from certain constraints and at the same time constrained further translation policy trajectories.

I selected trial201801, trial201804 and trial201809 to focus on, constrained by the availability of video records and interviews. The fact that I was unable to interview some judges and/or court interpreters constrained me from analysing certain trials, as I could not assume their translation beliefs and their views on translation management. This constraint gave rise to my decision to choose among the trials that involved the interviewees of this study. The same interviewee (i.e. Lawrence) acted as the court

³⁴ It is worth noting that a trial constitutes a part of a larger emerging process of a translation policy. For example, other judicial procedures of a civil or criminal case, such as mediation between plaintiffs and defendants, arrest and interrogation by policemen, and interrogation by prosecutors, also involve translation policy processes. However, it was not feasible for me to observe all these processes. I had to freeze a translation policy process within a time span I hoped to focus on, but at the same time keep in mind its relations with a larger emerging process. I focused on trial processes because online videos of trials enabled me to observe the emerging processes of translation policies during the trials, even though sometimes I was not able to attend a trial in person.

interpreter at trial201801 and trial201804. But he interacted with different judges, defendants and prosecutors at these two trials. The case studies of trial201801 and trial201804 allowed me to compare his tendencies in different courtroom interactions. As mentioned earlier, trial201809 was particularly valuable, because it enabled me to compare the translation practices of a bilingual legal professional and those of a bilingual local without any legal background. In addition, the judge of trial201809 (i.e. Lily) acted as the judge of trial201801 and the prosecutor of trial201809 (i.e. Jenny) acted as the prosecutor of trial201804. I could also delve into Lily's and Jenny's behavioural patterns through comparing their tendencies at different times and in different courtroom interactions. It is noteworthy that all of these three trials are criminal trials. I searched online videos to see whether any civil trials in which Lawrence and Christina acted as judges involved language barriers, as they work as judges on civil cases at the Court. Of the video records of trials posted by the Court during the time period from July 2017 to December 2020, 21 video records of trials involved Lawrence as a judge and 94 video records of trials involved Christina as a judge. However, none of these trials involved interlingual translation or interpreting. As a result, I decided to focus on criminal trials at the Court in this project.

In each case study, I identified the constraints and attractors that interacted and contributed to the emergence of each particular translation policy. I then synthesised the constraints and attractors through combining the findings of the three case studies and data from some other trials at the same court. Data were triangulated and verified from multiple sources, as discussed in the preceding section. Table 2 summarizes the information about the trials investigated in this study.

Table 2 An overview of the trials investigated in this research project

Trials	Participants of the trials: the interviewees of this study			Languages involved in the trials
	Pseudonym	Role in a trial	Language skill(s)	
trial201710	Christina	court interpreter	Chinese and Wa	Chinese and Wa
	Joseph	prosecutor	Chinese and Lahu	

trial201712	Lily	judge	Chinese	Chinese and Hani
	Jenny	prosecutor	Chinese	
	Michael	people's assessor	Chinese and Lahu	
trial201801	Lily	judge	Chinese	Chinese and Lahu
	Lawrence	court interpreter	Chinese and Lahu	
	Michael	people's assessor	Chinese and Lahu	
trial201804	Judy	judge	Chinese	Chinese and Lahu
	Lawrence	court interpreter	Chinese and Lahu	
	Jenny	prosecutor	Chinese	
trial201807	Judy	judge	Chinese	Chinese and Lahu
	Lawrence	court interpreter	Chinese and Lahu	
	Jenny	prosecutor	Chinese	
	Michael	people's assessor	Chinese and Lahu	
trial201809	Lily	judge	Chinese	Chinese and Hani
	Jenny	prosecutor	Chinese	
trial201907	Judy	chief judge	Chinese	Chinese and Lahu
	Lily	judge	Chinese	
	Lawrence	court interpreter	Chinese and Lahu	

All of these trials were constrained by the same translation management, the same standing operating procedures regarding languages and the same layout of the courtroom³⁵. In addition, all of these trials were conducted by a judge who is a monolingual speaker of *Hanyu* (Chinese) with the aid of an interpreter. As can be seen in

³⁵ For the details about the initial conditions of each trial, see Chapter 3.

Table 2, the trials involved different minority languages, namely, the Lahu language, the Hani language and the Wa language. As mentioned in Section 2.3.1, all of these minority languages enjoy constitutionally equal status with *Hanyu* (Chinese) (NPC, 1982, article 4), but none of these minority languages is as extensively used as *Hanyu* (Chinese) in public sectors. In addition, the Court is staffed by bilingual judicial personnel for the Lahu language, the Hani language and the Wa language. All but one trial (i.e. trial201809) appointed the bilingual judicial personnel who work on civil cases to conduct the court interpreting.

As can be seen in Table 2, the trials selected to provide supplementary information (i.e. trial201710, trial201712, trial201807, trial201907) involved the participants that both had attended and had not attended trial201801, trial201804 and trial201809. This enabled me not only to compare chronologically the tendencies of the same participant but also to compare the tendencies of different participants. The comparisons could enrich the understanding of the attractors and constraints that had affected the past trajectories or might affect the future trajectories at the Court. As noted by Deacon (2013),

when some process is more constrained in some finite variety of values of its parameters or in the number of dimensions in which it can vary, its configurations, states, and paths of change will more often be ‘near’ previous ones in the space of possibilities, even if there is never exact repetition (p. 195).

By synthesizing the constraints and attractors that contributed to the emergence of translation policies at the Court, I could model ‘the space of possibilities’ within which a translation policy trajectory might develop in this context (see Chapter 3). To sum up, this research process was a nonlinear path of inquiry characterized by uncertainty, which required me to adapt to different unforeseen situations. And my decisions about the research design emerged from a number of constraints.

2.3.5 Reflexivity

In the preceding sections, I showed how complexity theory informed the way I understood the nature of translation policy, the way I selected cases and the way I analysed and

synthesised data. As Byrne (2020) reminds us, cases “exist at the level of the actual but are constructed from that actual by researchers as the empirical objects of their research” (p. 4). Social research is not isolated “from the wider society and from the biography of the researcher” (Hammersley & Atkinson, 2019, p. 16). This calls for the need to reflect on my bias or assumptions, which might result from my professional and personal life experiences and my position in this research.

Firstly, being an accredited translator gave me an appreciation for the vital role of professional translators in communicating information between people who speak different languages. When I learned the fact that the court interpreters at the Court did not receive any professional training in translating or interpreting, I tended to attribute the information gaps in their interpreting to this fact. However, complexity theory helped me avoid the linear thinking that information gaps could be removed by promoting professionalization of court interpreters, as I will show in Chapter 3. This is also why a complexity approach is particularly valuable, as it prevented me from jumping into a conclusion with my own preconceptions. Instead, it enabled me to remain faithful to the data and draw conclusions that are well-grounded in the data.

As indicated earlier, I faced huge challenges of gaining access to research sites and gaining insiders’ insights, constrained by my position as an outsider both to the local community and to the legal system and by my affiliation with a European university. I should also mention that the ways I was introduced to the Court and Court B were different and I experienced different levels of difficulty in establishing rapport with local judicial personnel. I was introduced as a doctoral student to the Court. By contrast, I visited Court B through joining a research group consisting of my gatekeeper and her colleagues. They work for an intermediate people’s court. Together with these judicial personnel, I could get access to some internal reports related to the language and translation services at Court B. However, constrained by my lack of knowledge about minority languages and the lack of online videos of the trials that were held at Court B and that involved language barriers, I was unable to trace translation policy trajectories at Court B with the data I collected.

Despite the fact that I am from the Han majority group and speak *Hanyu* (Chinese) as my mother tongue, I am sensitive to the issues faced by the speakers of minority

languages in China. Thanks to my experiences of living in different countries, I have gained experiences of being a majority language speaker, a minority language speaker who also speaks the majority language, as well as a minority language speaker who does not speak the majority language. These experiences enable me to identify with people who fall into any of the aforementioned categories. Meanwhile, I consider it important to approach this research dispassionately without being in favour of one group or another.

2.3.6 Ethical considerations

To ensure that this research adheres to the expected ethical standards regarding the voluntary involvement of human participants in scientific research, I submitted an application for ethical approval to the Social and Societal Ethics Committee (SMEC) of KU Leuven on January 17, 2018. To protect the research participants and the courts involved in this project, I took account of a number of ethical issues, including informed consent, voluntary participation, privacy and anonymity, etc., as discussed in previous sections. My application was approved by SMEC on February 14, 2018 with a dossier number G-2018011098.

Chapter 3 Empirical studies on a local court in China

It is essential that approaches to the exploration of causality in complex systems are able to take account of the development of the systems towards their present state: that is to say there must be an account of the development of the trajectory of the systems.

(Byrne & Callaghan, 2014, p. 186)

In Chapter 2, I outlined the ontological, epistemological and methodological implications of complexity theory for this study. In this chapter, firstly, I will present three cases studies of translation policies at three trials (i.e. trial201801, trial201804 and trial201809) at the court. In each case study, I will trace each translation policy trajectory from the beginning to the end of each trial. Specifically, I will begin by describing initial conditions of the trial being studied and give an account of how certain attractors emerged from certain constraints and at the same time constrained further translation policy trajectory of the trial. Finally, I will synthesise the translation policies at the Court by combining the findings of the three case studies and data from four other trials (i.e. trial201710, trial201712, trial201807, and trial201907).

3.1 The translation policy of trial201801

3.1.1 Initial conditions of the translation policy of trial201801

The participants of trial201801 served as one initial condition. With different participants, the courtroom interactions of trial201801 could have involved different views on translation management, different translation beliefs and translation practices, as they are subject to the participants' social engagement and previous experiences. Table 3 provides an overview of the participants of trial201801, with information about their roles at trial201801, their professional and educational backgrounds, their ethnic origins and their language skills. This may enable us to compare how participants with different demographic details think of current translation management and court interpreting activities and how they act accordingly.

Table 3 The participants of trial201801

Pseudonym	Role in a trial	Occupation	Educational background	Ethnic origin	Language skill(s)
Lily	judge	judge (criminal cases)	law	Lahu	Chinese
Lawrence	court interpreter	judge (civil cases)	law	Lahu	Chinese and Lahu
Jack	prosecutor	prosecutor	law	Han	Chinese
Michael	people's assessor	retired	language	Lahu	Chinese and Lahu
Bill	defendant	farmer	uneducated	Lahu	Lahu

The status and use of the languages involved in trial201801, as a cultural given, served as another initial condition of the translation policy of trial201801. At trial201801, the judge and the prosecutor are monolingual in *Hanyu* (Chinese), while the defendant speaks the Lahu language as his mother tongue and has great difficulty in communicating in *Hanyu* (Chinese). As mentioned in Chapter 2, China's current Constitution emphasizes all ethnic groups' rights to use and develop their own spoken and written languages (NPC, 1982, article 4). In other words, *Hanyu* (Chinese) and the Lahu language, in the legal sense, are on an equal footing. However, when it comes to language practices, the Lahu language is not as extensively used as *Hanyu* (Chinese) in public sectors in the county (hereafter referred to as the County) where the Court is located. Instead, the Lahu language is mainly spoken in private lives, with the use of its written script limited in scope (Ministry of Education of the PRC, 2004). This indicates that *Hanyu* (Chinese) and the Lahu language possess different functions and values in reality. A language hierarchy manifests itself in the context of courtroom interactions, during which the language of the court is often *Hanyu* (Chinese) because people in positions of authority are monolingual in *Hanyu* (Chinese). As Blommaert, Collins, and Slembrouck (2005) note, "*communication problems in such situations are the result of how individuals and their communicative 'baggage' are inserted into regimes of language valid in that particular space*" (p. 198) [italics in original]. Such particular language environment dominated by *Hanyu* (Chinese) incapacitates the ethnic minorities who speak other languages as their mother tongues unless they are bilingual, and thus results in communication problems. Translation serves

as a way to enable courtroom communications, but at the same time helps maintain the existing language hierarchy.

The laws that were in place at the moment when the judge decided how to enable the courtroom interactions, as a legal given, accounted for another initial condition. As mentioned in Chapter 2, China has established legislation to mandate the use of minority languages and the provision of translation and interpreting services in judicial settings, as exemplified by its Constitution and other national laws (NPC, 1979a, article 9, 1979b, article 6, 1982, article 139, 1984, article 47, 1989, article 9, 1991, article 11). Any individual with limited proficiency in the spoken or written language(s) commonly used in the locality is entitled to translation and interpreting services in court proceedings (NPC, 1982, article 139). The laws also explicitly mandate the use of the language(s) commonly used in the locality for trials and written documents (e.g. indictments, judgments and notices) in the areas where a specific ethnic minority group lives in a concentrated community or where a variety of ethnic groups live together (NPC, 1982, article 139). Locally, the Standing Committee of the People's Congress of Yunnan Province introduced *Regulations on the Work of Ethnic Minority Languages in Yunnan Province* in 2013. These regulations reiterate the linguistic rights of every ethnic group and regulate the local use of ethnic minority languages in public sectors. The regulations apply to the Court, as it is situated at a county of Yunnan Province, as introduced in Chapter 2. The regulations involve translation management in judicial settings, as can be seen in the following articles (The Standing Committee of the People's Congress of Yunnan Province, 2013):

第十七条 各民族公民都有使用本民族语言文字进行诉讼的权利。

各级人民法院、人民检察院、公安、司法行政和其他国家机关应当根据实际需要，为不通晓国家通用语言文字的少数民族公民提供翻译服务。

Article 17 Citizens of all China's nationalities have the right to use their native spoken and written languages in court proceedings.

*The people's courts, people's procuratorates, public security organs, judicial administration organs, and other state organs should, according to actual needs, provide translation services for ethnic minority citizens who are unfamiliar with the spoken or written languages commonly used in the country*³⁶.

第十八条 少数民族语言文字和汉语言文字相互翻译或者转写时，应当符合少数民族语言文字和汉语言文字的特点和规律，不得使用带有歧视和不尊重少数民族的语言文字。

*Article 18 Translation or transfers between ethnic minority languages and Hanyu (Chinese) should conform to the characteristics and laws of ethnic minority languages and Hanyu (Chinese). Languages that discriminate against and disrespect ethnic minorities are prohibited*³⁷.

In addition, according to the regulations, the people's courts and people's procuratorates should train and appoint judges and prosecutors who are proficient in ethnic minority languages and *Hanyu* (Chinese) (The Standing Committee of the People's Congress of Yunnan Province, 2013, article 10). As mentioned above, in the County, *Hanyu* (Chinese) is widely used in public sectors, whereas the Lahu language is frequently spoken at home. As the Court is staffed by bilingual judicial personnel for the Lahu language and other minority languages, there is a certain degree of institutional multilingualism with *Hanyu* (Chinese) as the dominant language. Current laws and regulations provide a valid legal basis for trial201801 to be conducted either in the Lahu language or in *Hanyu* (Chinese). In other words, the courtroom interactions at trial201801 can be enabled either through a bilingual judge's direct use of the Lahu language or with the help of a court interpreter. What the Court usually does is to employ court interpreters among local bilinguals or bilingual judicial personnel from the same Court for its criminal trials, and to appoint a bilingual judge to enable courtroom interactions for its civil trials. This has become one

³⁶ Translated by author.

³⁷ Translated by author.

of its standing operating procedures regarding languages³⁸. As trial201801 is a criminal trial, another initial condition was that the trial was held by a judge who is monolingual in *Hanyu* (Chinese) with the involvement of a court interpreter.

The layout of the courtroom also represented one of the initial conditions of trial201801. As shown in Figure 1, the courtroom has a hierarchical but interactive seating arrangement. In the front of the courtroom, the judge and two people’s assessors were seated on the highest position. One stair lower were the prosecutor, the clerk on behalf of the local people’s procuratorate, the clerk for this trial, and the court interpreter. On the lowest position were the defendant, the two bailiffs and the audience. Despite the three-level seating positions, this seating arrangement allows face-to-face interactions among the defendant, the court interpreter, the judge and the prosecutor. The trial was video-recorded and simultaneously displayed on the two screens hung on each side of the front wall respectively. Screen B was made up of several parts, showing close-ups of different participants.

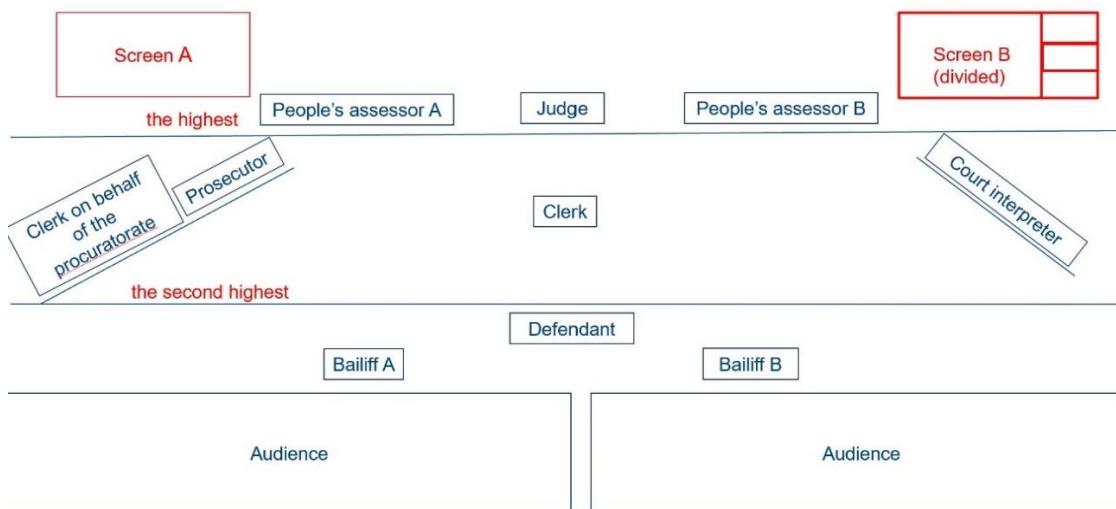


Figure 1 Visual map of the courtroom

³⁸ Judy, interview by author, April 18, 2018; Lawrence, interview by author, April 19, 2018; online videos of the trials posted by the Court on <http://tingshen.court.gov.cn/>, an official website for making China’s trials public.

3.1.2 Tracing the translation policy trajectory of trial201801

One attractor toward which the translation policy of trial201801 tended to gravitate was that certain information was altered through interpreting. In other words, the court interpreter either increased uncertainty and thus conveyed less information or reduced more uncertainty and thus conveyed more information. The court interpreter's tendency to alter information emerged from several constraints, such as the limited linguistic resources of the Lahu language in legal domain, the unlikelihood of the defendant understanding the legal Lahu language and the absence of relevant regulation. This illustrates the idea of absence as a causal influence (Deacon, 2013, p. 13). That is, a certain tendency or attractor derives from unrealised possibilities.

Example 1 and Example 2 show that the limited linguistic resources of the Lahu language in legal domain, as a constraint, increased the possibility of the court interpreter altering information. As the Lahu language is confined to family or colloquial use, local Lahu people tend to pass down their mother tongues orally. Few people are able to read or write scripts of the Lahu language, despite the existence of written scripts. Constrained by lack of 'textual' traditions, translation practices at the Court are confined to interpreting practices. No written text has been translated between *Hanyu* (Chinese) and the Lahu language at the Court. Constrained by the absence of legal translation from *Hanyu* (Chinese) to the Lahu language, some legal terminologies in *Hanyu* (Chinese) are unlikely to have equivalent in the Lahu language. Constrained by the absence of the Lahu equivalent of Chinese legal terminologies, the court interpreter inevitably tended to alter information when he paraphrased certain legal terms, as shown in Example 1.

Example 1.

Excerpt from trial201801

法官[对被告说]: 嗯, 起诉书给收着了? 给满十天了?

庭审翻译[对被告说]: Chi ad yul xa-el lad? ((庭审翻译举起起诉书。))

被告人[对庭审翻译说]: Xa lie die tal-o yol.

庭审翻译[对被告说]: Qha nid ni gal-o le?

被告人[对庭审翻译说]: Ted chi ni gal-ol.

庭审翻译[对法官说]: 收着了, 十多天了。

The judge (Lily) [to the defendant in Chinese]: Have you received the indictment? Have you received it for already 10 days?

The court interpreter (Lawrence) [to the defendant in Lahu]: Have you received this? ((The court interpreter raised the indictment.))

The defendant (Bill) [to the court interpreter in Lahu]: Yes, I have kept it since I received it.

The court interpreter (Lawrence) [to the defendant in Lahu]: For how many days have you received it?

The defendant (Bill) [to the court interpreter in Lahu]: 10 days.

The court interpreter (Lawrence) [to the judge in Chinese]: He has received the indictment for more than 10 days.

Example 2.

Excerpt from the interview with Lawrence (April 18, 2019)

Lawrence: 例如起诉书这个词在拉祜语中就没有对应的词, 我就倒过来说, 先告诉当事人做错了, 需要他们负什么责任。

Lawrence: Take the term 'indictment' for example. We do not have a word for 'indictment' in the Lahu language. I would explain the contents of the indictment first. I would tell the defendant that he or she has done something wrong, and what responsibilities he or she must accept.

The court interpreter pointed out in an interview that he did not interpret ‘indictment’ literally due to the lack of equivalent concept in the Lahu language, as shown in Example 2. What he did at trial201801 instead was raising the indictment and using a demonstrative pronoun to refer to the indictment. Such interpreting entailed the absence of another possible message, i.e. an official statement accusing a defendant of a crime. Constrained by the absence of this possible message, the court interpreter was unlikely to reduce the uncertainty about the function and nature of an indictment. Therefore, he altered information embedded in the legal term ‘indictment’ in the interpreting. The information gaps created by the interpreting might constrain the defendant from understanding the meaning behind ‘indictment’. However, the information that the judge needed was an answer that reduced her uncertainty about whether the defendant had received an indictment for already 10 days at the time of the trial. In the case when an indictment was the only paper document that the defendant had received, the ways the court interpreter interpreted reduced uncertainty for the defendant about what the judge had asked and thus enabled the judge to gain the information she wanted. This indicates that information gaps in court interpreting do not necessarily exclude the possibility of information being exchanged.

It is noteworthy that in the interview the court interpreter also mentioned another way of coping with the translation of ‘indictment’, that is to summarise what the indictment says, as shown in Example 2. However, at trial201801, he opted another way of interpreting. This indicates that although the absence of the Lahu equivalent of certain Chinese legal terminologies constrained one attractor (i.e. literal interpreting of certain legal terms) from emerging, it still allowed the emergence of two or more other possible attractors (i.e. different ways of interpreting).

Another constraint that drove the court interpreter to alter information was the unlikelihood of the defendant understanding the legal Lahu language. As shown in Example 3, the court interpreter interpreted a wh- question into a yes/no question. This was probably premised on the court interpreter’s belief that the defendant does not know the concept of ‘drug trafficking offence’ even in the Lahu language. As the court interpreter had the indictment at hand when he did court interpreting, he knew that the crime which the defendant had committed was drug trafficking offence. When

interpreting the judge's question, the court interpreter presumably added his legal professional judgement that if the defendant admits selling drugs, the crime will be drug trafficking offence. The way the court interpreter reacted to the defendant's answer confirmed this assumption. The moment the defendant replied in the affirmative, the court interpreter interrupted the defendant and told the judge that the crime was drug trafficking offence, instead of waiting for the defendant to finish his answer. Admittedly, the affirmative answer from the defendant reduced the uncertainty for the court interpreter about what crime the defendant had committed and thus provided the court interpreter with the information he wanted. However, the court interpreter, through interpreting a wh- question into a yes/no question, limited the defendant's choice to two alternatives and reduced the amount of information that the defendant could convey. Moreover, the court interpreting of the wh- question into the yes/no question did not provide the information for the defendant about the severity of what he had done. In some ways, it was the court interpreter, not the defendant, that answered the judge's question. The defendant did not necessarily have any idea that his behaviour of selling drugs was counted as a crime.

Example 3.

Excerpt from trial201801

法官[对庭审翻译说]: 起诉书上说他犯什么罪?

庭审翻译[对被告说]: Od ve shi-a shi-a qot-al ve nawl ver haw-aw qot ve hawl-al lad?

|被告人[对庭审翻译说]: Lal lie aqkhawawl lal lie xa hawd pid ve yol, ngadchi bar.

|庭审翻译[对法官说]: 贩卖毒品。

庭审翻译[对法官说]: 贩卖毒品, 对的。

The judge (Lily) [to the court interpreter in Chinese]: What crime has he committed according to the indictment?

The court interpreter (Lawrence) [to the defendant in Lahu]: Have you sold drugs, haven't you?

[The defendant (Bill) [to the court interpreter in Lahu]: Yes, when she came to my home, I sold her drugs for RMB 50.

[The court interpreter (Lawrence) [to the judge in Chinese]: Drug trafficking offence.

The court interpreter (Lawrence) [to the judge in Chinese]: Drug trafficking offence. Yes.

Likewise, as shown in Example 4, the court interpreter interpreted a legal term (i.e. ‘confess to the crime’) into daily language (i.e. ‘make mistakes’). This interpreting entailed the absence of another possible message, i.e. violating the law. The absence of this possible message constrained the court interpreting from reducing the uncertainty about the severity of what the defendant had done. As a result, there was information loss in the interpreting. This example again illustrates how the defendant’s insufficient knowledge of legal terms even in his mother tongue, as a constraint, might give rise to the court interpreter’s tendency to alter information.

Example 4.

Excerpt from trial201801

法官[对庭审翻译说]: 他认不认罪, 你问他看。

庭审翻译[对被告说]: Nawl qhe-o chi tedxeul nawl cheorroeq yol lad? Nawl teyar-al ve-iel.

被告人[对庭审翻译说]: Reoq-eo yol, ngal-awl teyar -ol qo.

庭审翻译[对法官说]: 承认, 认罪。

The judge (Lily) [to the court interpreter in Chinese]: Does he confess to the crime? Ask him.

The court interpreter (Lawrence) [to the defendant in Lahu]: Do you admit these? Do you admit making the mistakes?

The defendant (Bill) [to the court interpreter in Lahu]: Yes, I admit making the mistakes.

The court interpreter (Lawrence) [to the judge in Chinese]: He admits. He confesses.

The terminology issue was not the only constraint that contributed to the court interpreter's tendency to alter information. The court interpreter tended to make his legal professional judgement of the information to be interpreted and filter out the information that he deemed unimportant, as indicated in Example 5. The absence of relevant regulation, as another constraint, allowed the court interpreter's tendency to make adjustments.

Example 5.

Excerpt from trial201801

The court interpreter had explained the contents of the indictment and was asking the defendant whether he agreed on what had been stated in the indictment.

庭审翻译[对被告说]: Yol-ier, 28haoq yul xa qot ve yol-ier, hawl-al lad? Thalma yiqceq cawl-el qhe-o?

|被告人[对庭审翻译说]: Mad cawl chi-awl, ngal nal lad lie dawl ve...

|庭审翻译[对法官说]: 没有意见。((被告人说没有之后, 庭审翻译立刻打断被告人并对法官说。))

法官[对被告说]: 被告人对这个起诉书有什么意见?

庭审翻译[对被告说]：Thalma yiqceq qawr cawl lie? Yarshud ngal qot maf lad ve chi? Nawl-al awlto yul xa ve chi tedxeul-iel?

被告人[对庭审翻译说]：Madcawl od qhe yol, qhe ngal lad lie led.

庭审翻译[对法官说]：没有意见。（(庭审翻译听到被告人作出否定回答马上打断被告人，和法官说被告人没有意见。))

法官[对庭审翻译说]：没有意见？

被告人[对庭审翻译说]：Chawl kal ngal ve kal natzhid lier ve kal hapa khawr ma yol.

法官[对庭审翻译说]：被告人是否认罪？你问一下他。

被告人[对庭审翻译说]：Ngal nal lad lie dawl lie qhe qe law, khaqseudshawd lor la lie kal natzhid tiq lier chield ve hapa khawr mal yol.

庭审翻译[对被告说]：Nawl qhal awl nal le?

被告人[对庭审翻译说]：Awlsif mu ve ced, chawl xudpil khaw naf ve miet xal mad mawl mawl -iel tiq qe lie, od qhe te lie yarxie od qhe te dawl lie, ciel qhawr natzhid tiq lier chield ve.

庭审翻译[对法官说]：他，因为他生病才吸毒呢。

法官[对庭审翻译说]：他认不认罪，你问他看。

庭审翻译[对被告说]：Nawl qhe-o chi tedxeul nawl cheorroq yol lad? Nawl teyar-al ve-iel.

被告人[对庭审翻译说]：Reoq-eo yol, ngal-awl teyar -ol qo.

庭审翻译[对法官说]：承认，认罪。

法官[对庭审翻译说]：认罪是吧？

法官[对公诉人说]：公诉人是否有问题进行对被告人发问？

The court interpreter (Lawrence) [to the defendant in Lahu]: Was that correct? You were arrested on 28th, weren't you? Do you have any opinion?

[The defendant (Bill) [to the court interpreter in Lahu]: No. I took drugs because I was sick...

[The court interpreter (Lawrence) [to the judge in Chinese]: He has no opinion. ((The court interpreter immediately interrupted the defendant and spoke to the judge the moment the defendant answered in the negative.))

The judge (Lily) [to the defendant in Chinese]: Does the defendant have any opinion about what is mentioned in the indictment?

The court interpreter (Lawrence) [to the defendant in Lahu]: Do you have any opinion about what I had told you? About the arrest process?

The defendant (Bill) [to the court interpreter in Lahu]: No. Just I took drugs because I was sick.

The court interpreter (Lawrence) [to the judge in Chinese]: He has no opinion. ((The court interpreter immediately interrupted the defendant and spoke to the judge the moment the defendant answered in the negative.))

The judge (Lily) [to the court interpreter in Chinese]: No opinion?

The defendant (Bill) [to the court interpreter in Lahu]: I have a pain here, and I have been taking medicine for six months.

The judge (Lily) [to the court interpreter in Chinese]: Does the defendant confess to the crime? Ask him.

The defendant (Bill) [to the court interpreter in Lahu]: I had been sick so that I took drugs. As I took drugs, I was sent to the detention centre, where I was given some medicine and I have been taking medicine for six months.

The court interpreter (Lawrence) [to the defendant in Lahu]: Where is your pain?

The defendant (Bill) [to the court interpreter in Lahu]: I have a pain in my belly. It is said that it is because of high blood pressure. When I have a pain, my vision is blurred. That's why I took drugs. I have been taking medicine since this year.

The court interpreter (Lawrence) [to the judge in Chinese]: He. He took drugs because he was sick.

The judge (Lily) [to the court interpreter in Chinese]: Does he confess to the crime? Ask him.

The court interpreter (Lawrence) [to the defendant in Lahu]: Do you admit these? Do you admit making the mistakes?

The defendant (Bill) [to the court interpreter in Lahu]: Yes, I admit making the mistakes.

The court interpreter (Lawrence) [to the judge in Chinese]: He admits. He confesses.

The judge (Lily) [to the court interpreter in Chinese]: He confesses, right?

The judge (Lily) [to the prosecutor in Chinese]: Does the prosecutor want to ask the defendant any question?

The court interpreter's tendency to filter out certain information pushed the translation policy of trial201801 to the attractor featured by information gaps. However, as

demonstrated by Example 5, the reduced information was still likely to get relayed upon the request of other participants. Both the judge's tendency³⁹ to double check information and the defendant's tendency to repeat his answers prompted the court interpreter to relay some of the reduced information. In this way, other participants' tendencies narrowed the information gaps and thus enabled the translation policy of trial201801 to deviate slightly from the attractor featured by information gaps. However, the court interpreter did not relay all the information that he had filtered out. Constrained by the monolingual skills of the judge and the defendant, they were unlikely to communicate with each other directly. Neither could they identify all the information gaps and correct the court interpreting. These unrealised possibilities constrained the translation policy of trial201801 from switching over to another attractor featured by full information exchange.

What made the courtroom interactions of trial201801 more complex was the involvement of a bilingual people's assessor (i.e. Michael), because of his previous experience with legal system, educational system and cultural system. As people's assessors are drawn from members of the public, the people's assessor (i.e. Michael), strictly speaking, is not part of the legal system. However, legal system is not new to the people's assessor (i.e. Michael), as when he worked as a teacher in an ethnic school, he taught a course on politics, which consisted of a series of lectures about legal system⁴⁰. In addition, he has learned about law on his own out of interest and has attended some law training programs organised by the higher court⁴¹. After his retirement, he sometimes engages in dubbing or translating movies that are in the Lahu language and sometimes serves as a people's assessor at the Court, both of which the people's assessor (i.e. Michael) considers as hobbies⁴². Like the court interpreter and the defendant, the people's assessor (i.e. Michael) is also a member of Lahu ethnic group. The Lahu identity of the people's assessor (i.e. Michael) constrained his behaviour and actions during the

³⁹ It is worth noting that double checking important information is a typical practice of the judge. She shows such tendency to double check with defendants even when there is no language barrier between her and defendants, as shown in the videos of other trials.

⁴⁰ Michael, interview by author, April 21, 2018.

⁴¹ Michael, interview by author, April 21, 2018.

⁴² Michael, interview by author, April 21, 2018.

courtroom interactions, as will be discussed below. In addition, the bilingual skills of the people's assessor (i.e. Michael) in both the Lahu language and *Hanyu* (Chinese) enabled him to understand the courtroom interactions. This attractor (the tendency of the people's assessor to understand the courtroom interactions) entailed the absence of another possibility that the people's assessor (i.e. Michael) was unable to understand the interactions and thus was unable to intervene in the court interpreting. This also indicates that an attractor could also be a constraint in that an attractor entails the absence of certain attractors and thus constrains certain possibilities. In contrast to the other people's assessor who is monolingual in *Hanyu* (Chinese), Michael was more likely to respond to the existing trajectory through correcting the court interpreting (See Example 6 and Example 7).

Example 6.

Excerpt from trial201801

公诉人[对所有人说]: 下面吸毒人员的尿检报告, 张某 (Bill) 的尿检结果在证据卷 85, 然后李某 1 (Edward), 然后李某 1 (Edward) 还有这个然后李某 1 (Edward)、李某 2 (Emma) 的尿检报告在证据补充卷 28 到 35, 那么这个呢主要证实的是, 你们吸毒, 公安将你们的尿拿去化验, 尿检化验结果显示阳性, 证明你们确实吸着毒品了, 其他的这个然后李某 1 (Edward)、李某 2 (Emma)、李某 3 (James) 都是成阳性, 这个尿检报告请法庭指正。

法官[对庭审翻译说]: 对这个尿检报告请翻译跟他翻译一下。

庭审翻译[对被告说]: Od ve chi ted kheu qot ve chi nawl heu nawlheu tedcud fer dawl paf yol-ier led? Fer dawl paf James ve, Emma ve nawl ve kal qhapeof ca huaqyeq ni lie awl qhe.

人民陪审员[对庭审翻译说]: EDWARD KAL.

庭审翻译[对被告说]: Edward xal ve nawlheu tedcud ca huaqyeq ni lie qhe nawlheu awl fer dawl paf yol law qot ve awl. Od qhe qot al ve, hawf al lad?

被告人[对庭审翻译说]: En.

庭审翻译[对法官说]: 对了。

The prosecutor (Jack) [to all the participants in Chinese]: Next evidence is the urine test report of those who have taken drugs. On page 85 of the evidence volume is the urine test result of Bill. And Edward, Edward, well the urine test results of Edward and Emma can be found on pages 28-35 of supplementary volume, which mainly proves that all of you have taken drugs. The police sent your urine samples to laboratory for examination and the test results came back positive. This proves that you have indeed taken drugs, so have Edward, Emma and James. This urine test report is presented for courtroom investigation.

The judge (Lily) [to the court interpreter in Chinese]: Please interpret this urine test report to him.

The court interpreter (Lawrence) [to the defendant in Lahu]: He <the prosecutor> was talking about you <the defendant> and other drug addicts, right? The urine samples of James, Emma and you have been tested.

The people's assessor (Michael) [to the court interpreter in Lahu]: AND EDWARD.

The court interpreter (Lawrence) [to the defendant in Lahu]: And Edward's urine sample. All of your urine samples have been examined. It shows that all of you have taken drugs. This is what the prosecutor has said. Is that correct?

The defendant (Bill) [to the court interpreter in Lahu]: Yes.

The court interpreter (Lawrence) [to the judge in Chinese]: That's correct.

Example 7.

Excerpt from trial201801

法官[对被告说]: 嗯嗯。法庭辩论结束, 下边由被告人做最后的陈述。最后陈述也就是说你对今天的庭审以及对本案的处理有什么意见要求, 可以做最后的陈述。翻译给他听一下。

庭审翻译[对被告说]: Chi ted kheu nawl awl yarni awl chawl kal na lad ve awl na peol-o yol-ier, led?

被告人[对庭审翻译说]: En.

|庭审翻译[对被告说]: Nawl qhal-e te yar al ve, qhal qhe te ve?

|人民陪审员[对庭审翻译说]: AWL QHAD SI VE AWL TAD QOT-O NAWL VE.

庭审翻译[对被告说]: Qhe lie awl qhe ted kheu awl nawl cuiqhoq thad-o thal ma qot lul cawl-el le, thal ma yaochor cawl ve, chi tedxeul nawl qot tawt la qot yol-ier. Yarshie nawl qot qha led yad ziqmiet jawl chied, nawr-e mawd shel-o lie, chi tedxeul nawl qot qot yol-ier.

被告人[对庭审翻译说]: Mad cawl-ol, ashie qot ve cie yol ngal-awl.

庭审翻译[对法官说]: 其它的没有了。

The judge (Lily) [to the defendant in Chinese]: Okay. This is the end of courtroom argument. Now it is the defendant's turn to make a final statement. By making final statement, I mean you can express your opinions on today's trial and the handling of this case. You may present your final statement now. Please interpret this to him.

The court interpreter (Lawrence) [to the defendant in Lahu]: Are you aware that all the questions have been asked?

The defendant (Bill) [to the court interpreter in Lahu]: Yes.

[The court interpreter (Lawrence) [to the defendant in Lahu]: What mistakes have you made? How did it happen?

[The people's assessor (Michael) [to the court interpreter in Lahu]: DON'T ASK THE QUESTIONS THAT HAVE BEEN ASKED.

The court interpreter (Lawrence) [to the defendant in Lahu]: Then what do you want to say at last? If you have some requirements, you can tell us, such as the facts you mentioned that your children are still going to school and your mother is elderly. You can tell us something like these.

The defendant (Bill) [to the court interpreter in Lahu]: Nothing else besides what I have just mentioned.

The court interpreter (Lawrence) [to the judge in Chinese]: Nothing else.

Example 6 and Example 7 once again reveal the information gaps between the interpreting and the messages to be interpreted. Specifically, in Example 6, the court interpreter failed to reduce the uncertainty for the defendant about whose urine samples had been tested. In Example 7, the court interpreter failed to reduce the uncertainty for the defendant about what the judge expected the defendant to do. The examples also demonstrate that the information gaps could be constrained by the tendency of the people's assessor to correct the court interpreter. Constrained by the interruption and instruction from the people's assessor, the court interpreter was likely to correct his interpreting that had generated information gaps. And the filling of information gaps increased the likelihood of the defendant receiving the information conveyed by the prosecutor and the judge and acting accordingly. As shown in Example 7, without the interruption and instruction from the people's assessor, the defendant would have answered the question asked by the court interpreter rather than the question asked by the

judge. It would have taken longer time for the judge to receive the defendant's answers to her questions. Therefore, the tendency of the people's assessor to correct the court interpreter constrained the translation policy of trial201801 from gravitating towards the attractors featured by information gaps and more time consumption at trial201801.

It is striking to notice that the people's assessor only corrected interpreting from *Hanyu* (Chinese) to the Lahu language, not the other way around. The unrealised possibility of having Lahu-Chinese interpreting corrected in turn became a constraint, causing the translation policy of trial201801 to keep moving in the direction featured by an imbalance between the information communicated to the defendant and the information transmitted to the judicial personnel.

Furthermore, when the people's assessor corrected the court interpreting, he directly used the Lahu language, instead of *Hanyu* (Chinese). Using the Lahu language directly to correct Lawrence's interpreting manifests the intention of the people's assessor to ensure that important information reaches the defendant. It is uncertain if the tendency of the people's assessor to correct interpreting directly in the Lahu language is related to an intention to prevent other monolingual participants from accessing the information. But the fact that the people's assessor did not use *Hanyu* (Chinese) to correct the interpreting resulted in non-translation (i.e. translation that does not happen) and non-information (i.e. the absence of information). And constrained by the non-translation and the non-information, the other personnel who are monolingual in *Hanyu* (Chinese) missed what had happened. As the clerk of the trial is also monolingual in *Hanyu* (Chinese), the conversations in the Lahu language were not recorded without being interpreted into *Hanyu* (Chinese). Consequently, no written record was taken of the mistakes that Lawrence had made in his interpreting. Again, what the people's assessor did not do became relevant and acted as a constraint, causing the translation policy of trial201801 to gravitate towards the attractor featured by information gaps. Therefore, apart from what the people's assessor did, what he did not do also contributed to the development of the translation policy trajectory at trial201801.

The tendency of the people's assessor to use the Lahu language to only correct *Hanyu*-Lahu interpreting might be related to his ethnic identity. As the people's assessor is not strictly a part of legal system but a member of Lahu group, he tends to give more

weight to ethnic minorities' rights (Example 9). It is somewhat surprising that Lawrence, who is also a member of Lahu group, does not tend to emphasize the importance of protecting the rights of ethnic minority groups as much as the people's assessor does. As a matter of fact, Lawrence did not mention anything about the rights of ethnic minority groups in the interview. When answering the questions about his roles and the influence of court interpreting on ethnic minority groups, Lawrence only mentioned that he enabled communications and gained trust from Lahu people (see Example 8).

Example 8.

Excerpt from the interview with Lawrence (April 18, 2019)

I: 您如何看待您在法律翻译过程中的角色？

Lawrence: 刑庭的话，主要还是解决沟通问题。如果是我自己的庭——民庭，我就双语审判了。

I: 您觉得为少数民族当事人提供司法翻译服务对当地少数民族当事人有没有什么影响？

Lawrence: 有的，一般拉祜族来法院，会来找我来接待，别人也交流不了，会信任我。

I: How do you perceive your roles in court interpreting?

Lawrence: It's mainly about enabling courtroom interactions at criminal trials. When it comes to a case which I am responsible for, i.e. a civil case, I normally conduct a bilingual trial in both Hanyu (Chinese) and the Lahu language.

I: Do the practices of providing court interpreting services have had effects on the ethnic linguistic communities?

Lawrence: Yes, I think so. If a Lahu person comes to the court, I will be called for to help him or her, as other people are not able to communicate with him or her. Also Lahu people tend to trust me more.

In practice, the court interpreter left several rights of the defendant uninterpreted. At the beginning of trial201801, the judge mentioned that the defendant is entitled to demand the disqualification of the judge, the people's assessors, the clerk, the prosecutors and the court interpreter, when the defendant deems that any of them has an interest in the case and may thus affect the impartial handling of the case. Apart from this right, the judge also informed that the defendant enjoys the right to defend himself in court, the right to summon new witnesses, the right to present new evidence, and the right to present his final statement. However, in the court interpreting, the information about these rights was missing. Instead, the court interpreter only asked the defendant whether he objected to the composition of the personnel at trial201801. Although the court interpreter and the people's assessor are from the same ethnic group, the court interpreter, in contrast to the people's assessor, has not exhibited any tendency to attach importance to ethnic minority defendants' rights and to interpret in the hope of guaranteeing their rights. It indicates that a court interpreter who is of an ethnic origin does not necessarily interpret in favour of the defendants who are of the same ethnic origin⁴³. In other words, despite the similar initial conditions, i.e. the fact that the court interpreter and the people's assessor are from the same ethnic group, the court interpreter and the people's assessor gravitate towards markedly different attractors. Therefore, a small change in initial conditions may produce different and unexpected outcomes. This reinforces the idea that similar causes do not necessarily yield similar results.

Having the ethnic minorities' interests at heart, the people's assessor expects a court interpreter to provide ethnic minority defendants with all the necessary information, especially the information on their rights (see Example 9). Constrained by a belief that a court interpreter failed to relay correct and complete messages, the people's assessor

⁴³ The judge of trial201801 in an interview expressed her doubts about the neutrality of court interpreters because of their ethnic identities. In her own words, "actually, we have found a common problem existing among interpreters, regardless of their affiliations, i.e. a tendency to be partial to defendants who are from the same ethnic group with them" (Lily, interview by author, April 18, 2018).

tended to concern himself with the interpreting process. This might account for the tendency of the people's assessor to correct interpreting from *Hanyu* (Chinese) to the Lahu language. This translation direction from a majority language into a minority language concerns particularly whether speakers of a minority language could really understand the courtroom interactions, as indicated in Example 9. And in the view of the people's assessor, constrained by the absence of a full understanding of a message, Lahu defendants are unlikely to provide answers that correspond with the questions asked by judges and prosecutors and thus unlikely to have their voice heard (see Example 9).

Example 9.

Excerpt from the interview with Michael (April 21, 2018)

Michael: 有些翻译只是做做样子，没有真正跟少数民族解释到这项权利的目的，有些法律术语背后的涵义，有的翻译了，有的没有翻译，导致少数民族可能错过一些重要内容，不知道还可以这样。例如，有的庭审翻译（人员）把“举证”“辩论环节”的翻译处理为“你那边好好听”，“举证”“辩论环节”涉及到当事人切身利益的内涵在翻译过程中没有真正解释出来。例如，“陈述权”，要和当事人解释这是你最后一个说出自己想法的机会了，还有什么想说的。翻译的不到位，当事人没有听懂，人家问这个，他答的其他内容。

Michael: Some interpreting is merely a pose, which fails to explain to ethnic minorities their rights and the real meanings of certain legal terms. Some have been interpreted, whereas some have not been interpreted. As a result, ethnic minority defendants may miss some important alternatives. For example, a court interpreter once interpreted 'adducing evidence' and 'court debates' into 'you'd better listen carefully'. As a consequence, the court interpreter failed to inform the defendants with their interests that are safeguarded in the processes of 'adducing evidence' and 'court debates'. Another example is about a defendant's right to state his or her cases. When interpreting

this right, a court interpreter should make the defendant realize that it is the last chance to express his or her opinions to the court. If interpreting is not accurate enough to make defendants really understand a question, the defendants may give an irrelevant answer.

The tendency of the people's assessor to only get involved in *Hanyu-Lahu* interpreting might also result from a constraint that ethnic minority defendants are unlikely to question court interpreters about their interpreting. On the contrary, ethnic minority defendants tend to behave as if they have understood the court interpreting, as indicated in Example 10.

Example 10.

Excerpt from the interview with Michael (April 21, 2018)

I: 在您参与审判的过程中, 有没有少数民族听不懂翻译的时候?

Michael: 很多情况下不懂, 哎。你想想, 有的翻译人员法律术语没有翻译成少数民族语言, 用汉语方言带过, 就在句子后面加了少数民族语言, 所以导致很多时候少数民族当事人并没有理解, 只能恩恩。虽然他们点头恩恩, 但是未必懂啊。有时他们一一审判长, 觉得差不多就够了, 不需翻译。

I: 根据您的经验, 当事人是否清楚自己享有语言翻译的权利? 或者他们有没有指出翻译得不对之处?

Michael: 不知道, 哪敢提, 尤其是刑事案件, 犯了罪当事人已经很害怕了, 只能是让干嘛才干嘛。可能也和民族特性有关, 拉祜民族偏朴实、懦弱。

I: Have you come across a situation when an ethnic minority defendant could not understand a court interpreter at a trial you have participated in?

Michael: This has happened a lot. ((Michael sighed.)) Think about it: Some interpreters do not interpret legal terms into an ethnic minority language. Instead, they just speak the legal terms in a local Chinese dialect and add a few words in an ethnic minority language to finish a sentence. Consequently, it is not uncommon that ethnic minorities are unable to understand interpreters. All ethnic minority defendants can do is to nod their heads, but it does not necessarily mean that they really get the meanings. Sometimes they, i.e. judges, may feel the court interpreting is fair, and thus would not require further interpreting.

I: According to your observations, are defendants aware of their rights to language, translation and interpreting services? Or has any of them pointed out any mistake in interpreting?

Michael: No, they do not know about the rights. Even they know, they would not dare to require anything. Especially when it comes to criminal cases, defendants already feel very afraid because they have committed crimes. Therefore, they would do whatever they are told to do. It is also probably related to the characters of Lahu people, who tend to be childlike, innocent and weak.

As indicated in the interview, the people's assessor observes that ethnic minority defendants are unlikely to require further explanations even when they are unable to understand. At trial201801, the defendant, in contrast to the judge, tended not to ask for clarification on the court interpreting, which corroborates what the people's assessor observes. A possible explanation given by the people's assessor is that many defendants are unaware of their rights to an interpreter, let alone openly questioning the court interpreting quality. Another reason could be a psychological impact of this particular legal circumstance. As added by the people's assessor, the "defendants already feel very afraid because they have committed crimes", and thus "they would do whatever they are told to do". Interestingly, the people's assessor also associates this with the personality traits of Lahu people. The people's assessor believes that Lahu people tend to be "childlike, innocent and weak". Constrained by the absence of a tendency of Lahu defendants to require further explanations, the people's assessor is more likely to correct

the interpreting from *Hanyu* (Chinese) to the Lahu language to ensure that Lahu defendants really understand the messages relayed to them.

As shown in Example 5, Example 6 and Example 7, some tendencies of other participants constrained the court interpreter's tendency to alter information in his interpreting and thus narrowed information gaps. In this way, the translation policy of trial201801 witnessed a slight deviation from the attractor featured by information gaps. However, not every tendency of other participants resulted in a correct information exchange (see Example 11).

Example 11.

Excerpt from trial201801

人民陪审员[对所有人说]: 嗯, 主要是想问一下刚才, 这个 Emma 她买了三四次, 是 Emma 去他家买的嘛? 跟他买了三四次是吧? Emma 的老公说的嘛?

公诉人[对人民陪审员说]: 嗯, Emma 的老公说娜药自己去买的。

人民陪审员[对被告说]: Od ve nayawl phawd awl qhe nawl gie, na yawl nawl gie nid shiet pawt veul cawd-ol qot ve awl.

被告人[对人民陪审员说]: Mad veul cawd, od tedpawt cie tiq yol, mad veul la od ted pawt cie tiq yol, od ve yawd awl-e od qhe qot lie.

人民陪审员[对被告说]: Qhal qhe cie na qhal qhe cie qhawr.

被告人[对人民陪审员说]: Akhaw thad yawd mudma...

人民陪审员[对被告说]: Meit, qhalqhe cie na qhalqhe cie qhawr.

被告人[对人民陪审员说]: En.

人民陪审员[对法官说]: 嗯, 我问他。

法官[对人民陪审员说]：嗯，你问他什么？

人民陪审员[对法官说]：嗯，我问他，娜药有没有跟他买？是不是买了好几次？他说没有，没有买。

庭审翻译[对法官说]：没有买。

The people's assessor (Michael) [to all the participants in Chinese]: Well, I would like to verify whether Emma has been to his <Bill's> place and has bought drugs from him <Bill> for THREE OR FOUR TIMES. And is this statement made by Emma's husband?

The prosecutor (Jack) [to the people's assessor in Chinese]: Yes, Emma's husband claimed that Emma had bought the drugs on her own.

The people's assessor (Michael) [to the defendant in Lahu]: According to Emma's husband, Emma has bought drugs from you for TWICE OR THREE TIMES.

The defendant (Bill) [to the people's assessor in Lahu]: She has not bought drugs for so many times. Just once. He <Emma's husband> was making up the thing.

The people's assessor (Michael) [to the defendant in Lahu]: Just answer what I have asked.

The defendant (Bill) [to the people's assessor in Lahu]: When I was at home, his wife...

The people's assessor (Michael) [to the defendant in Lahu]: No, just answer what I have asked.

The defendant (Bill) [to the people's assessor in Lahu]: All right.

The people's assessor (Michael) [to the judge in Chinese]: Well, I asked him.

The judge (Lily) [to the people's assessor in Chinese]: What did you ask him?

The people's assessor (Michael) [to the judge in Chinese]: Well, I asked him whether Emma had bought drugs from him. And I asked him whether Emma had bought drugs from him for many times. He answered that Emma had not bought.

The court interpreter (Lawrence) [to the judge in Chinese]: No, she had not bought.

Example 11 reflects the possibility that even a monolingual communication could involve changes in information, constrained by a slip of the tongue or other factors. In other words, information gaps are not only attributed to the involvement of the court interpreting. This raises a point that a trial that is held by a bilingual judge might also involve information gaps. Likewise, even though all the participants speak the same language as their mother tongues, information gaps might also occur. This leads to the idea of nonlinearity, which indicates that multiple causes may have a single effect and vice versa. I will return to this in Chapter 4. Besides, as exemplified by the people's assessor, the same participant that narrows information gaps is also likely to bring about information gaps. The information gaps created by the people's assessor, as a constraint, dragged the translation policy of trial201801 back to the attractor featured by information gaps. In addition, even though the people's assessor is proficient in both *Hanyu* (Chinese) and the Lahu language, the realised possibility that he served as the people's assessor excluded another possibility that he could do court interpreting at the same time. As noted by the people's assessor,

Example 12.

Excerpt from the interview with Michael (April 21, 2018)

Michael: 我有时候作为人民陪审员，都恨不得翻译，但是身份要求，又不能充当翻译。

Michael: As a people's assessor, I cannot wait to interpret sometimes. However, I am not allowed to play another role of an interpreter, when I act as a people's assessor.

Consequently, constrained by a limited role, the people's assessor was unlikely to step in to supervise the whole court interpreting process and thus unlikely to bridge all the information gaps in the court interpreting. Constrained by this unrealised possibility, the court interpreter's tendencies that contributed to the existing translation policy trajectory were likely to repeat themselves and continued to drive the translation policy of trial201801 to move towards the attractor characterized by information gaps. As could be seen in Example 13, towards the end of the trial, the court interpreter still tended to interpret a legal term into daily language. By interpreting 'evidence' into 'something like a book', the court interpreter failed to reduce the uncertainty for the defendant about the nature and function of evidence. Constrained by the absence of an interpreting that conveys the information embedded in the legal term, the defendant was unlikely to have a clear idea about his right to present evidence. Surprising as it may seem, the people's assessor did not correct this interpreting conducted by the court interpreter, even though in the interview he emphasized the importance of interpreting the meaning behind a legal terminology to inform the defendants of their rights. It was uncertain when the people's assessor would get involved in the interpreting process.

Example 13.

Excerpt from trial201801

法官[对庭审翻译说]: 请翻译给被告人翻译一下, 他还有没有什么证据要交给我们的?

庭审翻译[对被告说]: Nawl chawl ciao ved dul ve thalma cawl el? Chi qhe shu peod tedxeul mad cawl lad?

被告人[对庭审翻译说]: Cawl-aw yol, nod rirkeulawl tie taf ve.

庭审翻译[对被告说]: Sheawl qhe nawr-ar pier lad ve sheawl qhe mad ciao jo, nawlawl nu qhawr ciao lul-u mad cawl lad?

被告人[对庭审翻译说]: Mad cawl.

庭审翻译[对被告说]: 没有。

The judge (Lily) [to the court interpreter in Chinese]: Please explain to the defendant. Does he have any other evidence to present?

The court interpreter (Lawrence) [to the defendant in Lahu]: Do you have anything else to provide? Something like a book?

The defendant (Bill) [to the court interpreter in Lahu]: Yes, I put it near my bed.

The court interpreter (Lawrence) [to the defendant in Lahu]: You don't have to submit the thing that had been given to you. Do you have any other things to submit?

The defendant (Bill) [to the court interpreter in Lahu]: No, I don't have.

The court interpreter (Lawrence) [to the judge in Chinese]: No, he doesn't have.

3.1.3 Conclusion

To sum up, the translation policy of trial201801, despite a slight deviation on occasions, gravitated towards an attractor where certain information was altered through interpreting. This translation policy emerged from the nonlinear interactions between the initial conditions of the translation policy of trial201801 and the tendencies that the participants showed at trial201801. Specifically, constrained by the limited linguistic resources of the Lahu language in legal domain and the unlikelihood of the defendant understanding the legal Lahu language, the court interpreter tended to alter information in his interpreting. Constrained by the differences between the uncertainty reduced by the court interpreting and the uncertainty reduced by the messages to be interpreted, the translation policy of trial201801 tended to gravitate towards an attractor featured by information gaps. The emergence of this particular trajectory made it impossible that all the information was exchanged between the participants through court interpreting. This unrealised possibility

constrained the future direction of the courtroom interactions through causing other participants to react in certain ways rather than others. For example, if the court interpreter had relayed all the information correctly in his interpreting, the people's assessor would not have intervened in the court interpreting.

And constrained by the tendency of the people's assessor to intervene in the interpreting, the court interpreter was likely to correct and relay the information he had altered. As a result, the translation policy of trial201801 deviated from the attractor featured by information gaps to another attractor where some information was corrected or revealed on an *ad hoc* basis. In addition, the judge's tendency to double check information and the defendant's tendency to repeat his answers also prompted the court interpreter to relay some of the reduced information. In this way, some tendencies of the judge and the defendant also led to a deviation from the attractor featured by information gaps.

However, most of the time the court interpreter continued his tendency to alter information in his interpreting. Constrained by the monolingual skills of the judge and the defendant and the limited role of the people's assessor, not every information gap created by the court interpreter could be bridged. This unrealised possibility pulled the translation policy of trial201801 back to the attractor featured by information gaps. This also reflects that a translation policy is a path-dependent process. The court interpreter's tendency that had emerged from the initial conditions had an enduring influence on the development of the translation policy trajectory. Besides, the tendency that the people's assessor did not show, i.e. correcting Lahu-Chinese interpreting in Chinese, became a constraint, which dragged the translation policy of trial201801 back to the attractor featured by information gaps.

In short, the emergence of the translation policy of trial201801 was a collective result of nonlinear interactions between the constraints and the attractors identified in this study. What the participants tended to do (i.e. attractors) and what the participants tended not to do (i.e. constraints) all pushed and pulled to make the translation policy trajectory of trial201801 possible.

When we take account of both realised possibilities and unrealised possibilities, it is possible to see the nonlinear causality in the emerging process of a translation policy. For example, through considering what the people's assessor did not do (i.e. non-correction of Lahu-Chinese interpreting in Chinese), we could see that his tendency to correct court interpreting actually both narrowed and widened information gaps at the same time. Therefore, a single cause might have multiple or even contradictory effects. In other words, the same causes do not always yield the same results. Bearing this in mind, we would not ascribe a certain effect to a single or a limited amount of causes. And we could be able to avoid the judge's linear reductionist thinking that an ethnic origin causes a court interpreter to interpret in favour of ethnic minority defendants. Contrary to the judge's observation, this case study of trial201801 demonstrates that despite the same ethnic origin of the court interpreter and the people's assessor, they gravitate towards significantly different attractors. In complexity theory terms, a small change in initial conditions may produce widely divergent outcomes.

3.2 The translation policy of trial201804

3.2.1 Initial conditions of the translation policy of trial201804

Trial201804 was held three months later than trial201801. Trial201801 and trial201804 share several initial conditions, namely, the status and use of the languages involved in the trial, the laws that were in place at the moment when the judge decided how to enable the courtroom interactions, the standing operating procedures regarding languages and the layout of the courtroom. As for the participants, Lawrence also acted as the court interpreter at trial201804. It is worth noting that there is a tendency for the Court to assign Lawrence interpreting tasks. Lawrence has been actively involved in bilingual legal interactions in both criminal cases and civil cases, since 1986 when he started working at the Court:

Example 14.

Excerpt from the interview with Lawrence (April 18, 2018)

I: 您做翻译工作多久了?

Lawrence: 自从 1986 年进法院。

I: 您认为目前为少数民族当事人提供司法翻译服务的相关立法对司法翻译实际操作是否有指导性作用？

Lawrence: 拿立案庭来讲，来的很多当事人不会讲汉语，就叫我过去，写诉状书的时候，当事人说拉祜语，然后我把当事人讲的写成汉语。这种工作太多了，去下面调查，我也要跟着去调查，再加上自己的。每年翻译要上百次。

I: 100 次翻译是在民庭还是刑庭？

Lawrence: 民庭和刑庭加在一起。

I: How long have you been a court interpreter?

Lawrence: Since 1986 when I started to work here.

I: What effect, if any, do you feel current legislation on court interpreting for ethnic linguistic minorities have had on court interpreting practices in reality?

Lawrence: Take Case Filing Chamber for example. When it comes to some parties who are not able to communicate in Chinese, I will be called upon to help with writing a civil complaint by interpreting what the parties say from the Lahu language into Chinese. I have done this kind of work for so many times. I have also joined the investigation team to go to local communities together with them and interpret for them. Together with my own cases, I normally interpret for over 100 times per year.

I: 100 times for civil cases or criminal cases?

Lawrence: Both civil cases and criminal cases.

The year of 2019 witnessed a new court interpreter’s involvement in several criminal trials, at which defendants are monolingual in the Lahu language. This court interpreter was re-employed by the Court after his retirement. It is assumed that he was re-employed to share the workload with Lawrence rather than to replace him, as Lawrence remained engaged in court interpreting in 2019.

At trial201804, Lawrence interacted with a different judge, different defendants and another prosecutor. Such a new composition of participants, as an initial condition of trial201804, created new courtroom interactions. Table 2 provides an overview of the roles that the participants played at trial201804, their professional and educational backgrounds, their ethnic origins and their language skills. A study of trial201804 may enable us to delve into Lawrence’s tendencies in a different courtroom interactions. In addition, tracing the translation policy trajectory of trial201804 may illustrate to what extent the attractors and constraints that contributed to the translation policy trajectory of trial201801 are consistent with those that contributed to the translation policy trajectory of trial201804.

Table 4 The participants of trial201804

Pseudonym	Role in a trial	Occupation	Educational background	Ethnic origin	Language skill(s)
Judy	judge	judge (criminal cases)	law	Han	Chinese
Lawrence	court interpreter	judge (civil cases)	law	Lahu	Chinese and Lahu
Jenny	prosecutor	prosecutor	law	Hani	Chinese
Alan	defendant	farmer	primary school (fourth grade)	Lahu	Lahu
Zoey	defendant	farmer	uneducated	Lahu	Lahu

3.2.2 Tracing the translation policy trajectory of trial201804

Similar to the translation policy of trial201801, the translation policy of trial201804 also gravitated between the attractor featured by a correct information exchange and the

attractor featured by information gaps. However, the translation policy of trial201804 and the translation policy of trial201801 emerged from different trajectories because of the translation policy processes' sensitivity to initial conditions. As identified above, one initial condition that trial201801 and trial201804 had in common was the involvement of the same court interpreter. However, the two trials were held by different judges. As demonstrated by Example 15 and Example 16, the two different judges showed different tendencies, which entailed different unrealised possibilities. Constrained by different constraints, the court interpreter showed different tendencies, which accounted for the differences between the translation policy trajectories of the two trials.

Both the judge of trial201801 (i.e. Lily) and the judge of trial201804 (i.e. Judy) asked the court interpreter to check the defendants' names, birthdays, ethnic origins and educational backgrounds at the beginning of the trials. However, Lily summarized what she wanted the court interpreter to check in an imperative sentence, whereas Judy asked four separate questions. Constrained by the absence of any note taken by the court interpreter and lack of memory capacity, the court interpreter forgot to check the defendant's ethnic origin and educational background (Example 15). Instead, he spent around two minutes in checking the address of the defendant and explaining the arrest process. In addition, the use of an imperative sentence rather than an interrogative sentence entailed the absence of a question. Constrained by the absence of any question raised by Lily, the court interpreter was unlikely to provide Lily with answers as to the defendant's name, birthday, ethnic origin and educational background. As a matter of fact, the court interpreter did not interpret his conversation with the defendant into *Hanyu* (Chinese). Constrained by the non-interpreting of the conversation between the court interpreter and the defendant, Lily was unlikely to understand the conversation and thus unlikely to correct the court interpreter. In other words, constrained by what the court interpreter had not interpreted, Lily was likely to react in certain ways and to deliver certain utterances rather than others.

Example 15.

Excerpt from trial201801

法官[对庭审翻译说]：请翻译给这个人核对一下姓名、出生年月日、民族、文化程度。

庭审翻译[对被告说]：Yawl qhal-e mie le?

被告人[对庭审翻译说]：Bill.

庭审翻译[对被告说]：Bill lad? Qhal tedqhaawr paw al ve?

庭审翻译[对法官说]：Bill。

被告人[对庭审翻译说]：Mad shif.

庭审翻译[对被告说]：Qhal tedqhaawr paw al ve mad shif ve?

被告人[对庭审翻译说]：En.

法官：嗯，翻译跟他翻译一下就是这个以前给被判刑劳改过。

The judge (Lily) [to the court interpreter in Chinese]: The court interpreter, check the name, birthday, ethnic origin and educational background with him.

The court interpreter (Lawrence) [to the defendant in Lahu]: What is your name?

The defendant (Bill) [to the court interpreter in Lahu]: Bill.

The court interpreter (Lawrence) [to the defendant in Lahu]: Bill? In which year were you born?

The defendant (Bill) [to the court interpreter in Lahu]: I don't know.

The court interpreter (Lawrence) [to the defendant in Lahu]: You don't know when you were born?

The defendant (Bill) [to the court interpreter in Lahu]: No. ⁴⁴

The judge (Lily) [to the court interpreter in Chinese]: The court interpreter, please interpret for him. Ask him whether he has been sentenced before.

By contrast, Judy showed a tendency to divide what she wanted the court interpreter to check into four separate questions. Such a tendency saved the need for the court interpreter to memorize a fairly large amount of information at a time. The absence of such a need became a constraint, reducing the likelihood of the court interpreter leaving certain information uninterpreted and increasing the possibility of a correct information exchange. As shown in Example 16, the court interpreter not only interpreted each question raised by Judy but also interpreted each answer given by the defendant into *Hanyu* (Chinese). These tendencies of the court interpreter drove the translation policy of trial201804 to gravitate towards an attractor featured by a correct information exchange. Example 16 corroborates the observation made by the prosecutor of trial201804 (i.e. Jenny) about how the way prosecutors or judges relay information might constrain the court interpreting (Example 17).

Example 16.

Excerpt from trial201804

法官[对被告人 Zoey 说]: Zoey, 你除了这个名字还有其它名字吗?

⁴⁴ As the following conversations between the court interpreter and the defendant involve personally identifiable information. A summary of the conversations is made to protect the defendant's anonymity. The court interpreter then asked the defendant whether the date mentioned in the indictment was correct. The defendant answered that the date was correct. It is worth noting that the court interpreter did not check the defendant's ethnic origin and educational background. Instead, he spent around two minutes in checking the defendant's address and explaining the arrest process described in the indictment. As it turned out, Lawrence's explanations overlapped to a large extent with his later interpreting of the indictment read out by the prosecutor.

庭审翻译[对被告人 Zoey 说]: Nawl awl mie chi tedmie kawq shel qo awlnu ve ad cawl lad?

被告人 Zoey[对庭审翻译说]: Mad cawl.

庭审翻译[对法官说]: 没有。

法官[对被告人 Zoey 说]: 出生年月日?

庭审翻译[对被告人 Zoey 说]: Nawl paw qhawr? Shif lad?

被告人 Alan [对庭审翻译说]: Yawd pawl yawd qhad yawd kal mad shif, ngal shif meit qo.

被告人 Zoey[对庭审翻译说]: Ngal mad shil.

庭审翻译[对被告人 Zoey 说]: Mad shil lad?

庭审翻译[对法官说]: 她说不知道。

法官[对被告人 Zoey 说]: 什么民族?

庭审翻译[对被告人 Zoey 说]: Thorma mirchur lie? Ladhufchur lad?

被告人 Zoey[对庭审翻译说]: Ladhufchur.

法官[对被告人 Zoey 说]: 读过书吗?

庭审翻译[对被告人 Zoey 说]: Lir mad hed kawq lad?

被告人 Zoey[对庭审翻译说]: Mad hed kawq.

庭审翻译[对法官说]: 没读过。

The judge (Judy) [to the defendant (Zoey) in Chinese]: Zoey, apart from this name, do you have other names?

*The court interpreter (Lawrence) [to the defendant (Zoey) in Lahu]:
Apart from this name, do you have other names?*

The defendant (Zoey) [to the court interpreter in Lahu]: No.

The court interpreter (Lawrence) [to the judge in Chinese]: No.

The judge (Judy) [to the defendant (Zoey) in Chinese]: Your birth date?

*The court interpreter (Lawrence) [to the defendant (Zoey) in Lahu]:
Your birth date? Do you know?*

*The defendant (Alan) [to the court interpreter in Lahu]: She doesn't
know in which year she was born. Only I know.*

The defendant (Zoey) [to the court interpreter in Lahu]: I don't know.

*The court interpreter (Lawrence) [to the defendant (Zoey) in Lahu]: You
don't know?*

*The court interpreter (Lawrence) [to the judge in Chinese]: She doesn't
know.*

*The judge (Judy) [to the defendant (Zoey) in Chinese]: Your ethnic
origin?*

*The court interpreter (Lawrence) [to the defendant (Zoey) in Lahu]:
Your ethnic origin? Lahu ethnic group?*

*The defendant (Zoey) [to the court interpreter in Lahu]: Lahu ethnic
group.*

*The judge (Judy) [to the defendant (Zoey) in Chinese]: Have you had
schooling?*

*The court interpreter (Lawrence) [to the defendant (Zoey) in Lahu]:
You haven't had schooling, have you?*

The defendant (Zoey) [to the court interpreter in Lahu]: No, I haven't.

The court interpreter (Lawrence) [to the judge in Chinese]: No, she hasn't had schooling.

Example 17.

Excerpt from the interview with Jenny (April 19, 2018)

Jenny: 翻译活动是交互的，其实公诉人、审判长应该注意提问方式，发问时问题要言简意赅，翻译也能精准地翻译。

Jenny: Interpreting is a mutual interaction. Actually, prosecutors and judges should be careful with the ways of questioning. They should put a question in a simple and concise way, so that court interpreters can interpret precisely.

As shown in Example 15 and Example 16, the same court interpreter does not necessarily always show similar tendencies when interpreting similar information, due to what is called sensitivity to initial conditions. This again reflects the idea of nonlinearity: A small initial change such as a different judge could lead to a widely divergent trajectory. This nonlinearity is also demonstrated by the different tendencies that the court interpreter showed at trial201801 and trial201804 respectively when he interpreted the information about the defendants' rights. When the judge of trial201801 (i.e. Lily) introduced the rights of the defendants, she introduced all the rights together at a time. Again, constrained by the absence of any note taken by the court interpreter and lack of memory capacity, the court interpreter was unlikely to interpret all the rights that Lily had introduced. By contrast, the judge of trial201804 (i.e. Judy) introduced each right one by one, which saved the need for the court interpreter to memorize the information about different rights at a time. The absence of this need constrained the court interpreter from leaving certain rights uninterpreted. However, this constraint did not always guarantee full information exchange, as the court interpreter repeated his tendency to alter information in his

interpreting at trial201804⁴⁵. As shown in Example 18, the court interpreter did not interpret the information embedded in the legal term ‘right to defence’, as he did not reduce the uncertainty about the fact that the defendants could defend themselves. Instead, he added information by reducing the uncertainty for the defendants about what they could do, i.e. to tell the court whether they had done anything wrong. Constrained by the information gaps in the court interpreting, the defendants were unlikely to have a heightened awareness of the opportunity to defend themselves in the case. In other words, information that was not interpreted limited the possibility of certain reactions.

Example 18.

Excerpt from trial201804

法官[对两位被告人说]：第二个权利就是辩护权，这个是两个被告人在法庭上除了这个有辩护人的话辩护人辩护，没有辩护人就你们自己进行辩护了，听清楚了吗？

法官[对庭审翻译说]：这个翻译一下。

庭审翻译[对两位被告人说]：Chi awl qhe, chi aqceq awl qhe ashie qot ve yawd heu shie xad seod lad ve, awl hawq ve ted mal qo awlqhe, yarni awl qhe nawl heuq niel qhal qhe te yar cawd ve nawl heuq niel qhad nawl heuq niel ted pawt qawr qot qot ve, sidni ted pawt qot al ve thar mad shuaq ve. Kad ol lad Zoey?

The judge (Judy) [to the defendants in Chinese]: The second right is the right to defence. It means that the defendants could entrust defenders. If the defendants have not entrusted anyone, they can also defend for themselves. Can you understand?

⁴⁵ As discussed in the study of trial201801, the court interpreter tended to alter information in his interpreting, constrained by the limited linguistic resources of the Lahu language and the unlikelihood of a defendant understanding the legal Lahu language.

The judge (Judy) [to the court interpreter in Chinese]: Interpret this.

The court interpreter (Lawrence) [to the defendants in Lahu]: Well, this case will be tried by the three people I had just mentioned. What is next is that today you two could tell the court whether you had done anything wrong. What you had said last time does not count. Have you heard that, Zoey?

Furthermore, the attractor featured by the information gaps gained traction, constrained by the limited role of the court interpreter at trial201804. As indicated by the judge in the interview, the involvement of a court interpreter might limit the possibilities of trial efficiency and direct communication between the judge and the defendants (See example 19). Constrained by these unrealised possibilities, the judge tended to limit the use of court interpreting at trial201804. More specifically, she either interacted with the defendants directly in *Hanyu* (Chinese) when it was possible or asked the court interpreter to summarize rather than interpret sentence-by-sentence.

Example 19.

Excerpt from the interview with Judy (April 18, 2018)

Judy: 审需要翻译的案子累啊，自己听不懂，相当于开了两个庭。一个人通晓多个语言就好了。我们院现在也招录培训了一些双语法官，都比较年轻。从提高庭审效率的角度出发，如果能有机同传就好了。

Judy: How tiring it is to deal with a case that needs a court interpreter! I am not able to understand what defendants tell. My workload is doubled. I wish I was multilingual. Our court employs some bilingual judges, who are relatively younger. Also, for the sake of trial efficiency, I wish we could have machine simultaneous interpreting.

As shown in Example 20, even though Zoey was known to have no knowledge of *Hanyu* (Chinese), the judge directly asked both the defendants in *Hanyu* (Chinese) whether they understood the evidence that the prosecutor had presented. Such a tendency of the judge

to interact with the defendants directly in *Hanyu* (Chinese) limited the involvement of the court interpreter and limited the possibility that the defendants received the information in their mother tongue. Constrained by the lack of knowledge of *Hanyu* (Chinese), Zoey was unlikely to understand the information in *Hanyu* (Chinese), as demonstrated by how she reacted in most occasions at this trial. However, as shown in Example 20, Zoey answered in the Lahu language that what the prosecutor had said was right. It is difficult to gauge whether Zoey really understood the piece of evidence presented by the prosecutor. However, no request on the part of Zoey for the interpreting of what the prosecutor had presented, as a constraint, limited the involvement of the court interpreter and reduced the possibility of further courtroom interactions in the Lahu language. In addition, since Zoey replied to the judge in the Lahu language rather than in *Hanyu* (Chinese), it was impossible for the judge to understand Zoey's answer. Constrained by this unrealised possibility, the judge was unlikely to continue the conversation with Zoey in *Hanyu* (Chinese). The judge could have turned to the court interpreter for help, but again she did not allow the court interpreter to have the floor. Instead, the judge asked the other defendant (Alan) – who understands *Hanyu* (Chinese) to a limited degree – to check with Zoey whether she understood the general message.

Example 20.

Excerpt from trial201804

The prosecutor had presented a piece of evidence in *Hanyu* (Chinese).

法官[对被告人 Alan 说]: 这个被告人 Alan, 听得懂吗? 她说的听得懂得吧?

被告人 Alan [对法官说]: 听得懂。

法官[对被告人 Alan 说]: 对了吗?

被告人 Alan [对法官说]: 对了。

法官[对被告人 Alan 说]: 有没有意见?

被告人 Alan [对法官说]: 没有。

法官[对被告人 Zoey 说]: Zoey, 给听得懂? 有没有意见?

被告人 Zoey [对法官说]: Hawl ve yol.

法官[对被告人 Zoey 说]: 大概的意思听得出来的嘛?

法官[对被告人 Alan 说]: Alan, 你问问她能不能听得出来?

被告人 Alan [对法官说]: 听得出来一点的。

法官[对被告人 Alan 说]: 听得出来一点是吧?

法官[对公诉人说]: 公诉人继续举证。

The judge (Judy) [to the defendant (Alan) in Chinese]: Well, Alan, do you understand? Do you understand what she <the prosecutor> had said?

The defendant (Alan) [to the judge in Chinese]: I can understand.

The judge (Judy) [to the defendant (Alan) in Chinese]: Is it correct?

The defendant (Alan) [to the judge in Chinese]: Correct.

The judge (Judy) [to the defendant (Alan) in Chinese]: Do you have any opinion?

The defendant (Alan) [to the judge in Chinese]: No.

The judge (Judy) [to the defendant (Zoey) in Chinese]: Zoey, do you understand? Do you have any opinion?

The defendant (Zoey) [to the judge in Lahu]: Correct.

The judge (Judy) [to the defendant (Zoey) in Chinese]: Can you understand the general message?

The judge (Judy) [to the defendant (Alan) in Chinese]: Alan, ask her <Zoey> whether she could understand.

The defendant (Alan) [to the judge in Chinese]: She could understand a little bit.

The judge (Judy) [to the defendant (Alan) in Chinese]: She could understand a little bit, right?

The judge (Judy) [to the prosecutor in Chinese]: Present next piece of evidence.

Such a tendency of the judge contradicted the tendency that she had shown at the beginning of the trial (See Example 21). When the judge checked the name with Zoey, Alan interrupted and informed the judge that Zoey has no knowledge of *Hanyu* (Chinese). The judge forbade Alan from answering on behalf of Zoey and asked the court interpreter to interpret for Zoey. Such a contrast in the tendencies of the judge reveals the possibility of random fluctuations in a participant's behaviour. This indicates that a translation policy is likely to gravitate towards different or even contradictory attractors.

Example 21.

Excerpt from trial201804

法官[对被告人 Zoey 说]: 被告人 Zoey。((法官停顿三秒等待 Zoey 回应, 见没有回应继续问。))Zoey, 你除了这个名字以外还有其它的名字吗?

被告人 Alan [对法官说]: 没有, 她不会说汉话。

法官[对被告人 Alan 说]: 你不要帮她说, 她这个不会听吗? 一点都不会听吗?

被告人 Alan [对法官说]: 不会, 一点都不会。

法官[对被告人 Alan 说]: 这个你会。

法官[对两位被告人说]：因为 Zoey 是不会听汉话，我们请这个翻译 Lawrence 出庭为你们进行翻译。如果你们听得清就自己回答，听不清的让他先给你们翻译，你们再回答。

The judge (Judy) [to the defendant (Zoey) in Chinese]: The defendant, Zoey. ((The judge paused for three seconds to wait for Zoey to reply. The judge continued to ask after receiving no reply from Zoey.)) Zoey, do you have other names apart from this name?

The defendant (Alan) [to the judge in Chinese]: No, she doesn't. She can't speak Chinese.

The judge (Judy) [to the defendant (Alan) in Chinese]: Don't speak for her. Can't she understand Chinese? Can't she understand anything?

The defendant (Alan) [to the judge in Chinese]: No, she can't understand anything.

The judge (Judy) [to the defendant (Alan) in Chinese]: Well, you can understand.

The judge (Judy) [to the defendants in Chinese]: As Zoey is unable to understand Chinese, we ask the court interpreter, Lawrence, to interpret for you at the trial. When you understand well, you can answer directly. When you don't understand anything, you can ask him to interpret and then you can answer.

Let us return to Example 20. It is also noteworthy that Alan answered on behalf of Zoey without actually interpreting the judge's question for Zoey. Even though it was obvious that the answer was given by Alan rather than Zoey, the judge did not insist on Alan interpreting the question for Zoey. The non-interpreting of the judge's question constrained Zoey from actually participating in the courtroom interactions. In addition, although the judge was then informed that Zoey had only understood a fraction, she still moved on to the next piece of evidence rather than turning to the court interpreter. As a result, the judge's tendency of not turning to the court interpreter and no objections from

Zoey to the non-interpreting together constrained the possibility of information exchange in the Lahu language.

Apart from interacting with the defendants directly in *Hanyu* (Chinese), the judge also showed a tendency to ask the court interpreter to summarize rather than interpret sentence-by-sentence. For example, during the court debate session, the judge explicitly asked the court interpreter to simply summarize that what the two defendants had done constitutes a crime. Constrained by the judge's instruction, the court interpreter did not interpret the entire statement made by the prosecutor, which resulted in the non-interpreting of certain content, including the reasons why both defendants should serve the same sentence and what they are supposed to do in the future. In the interview, the judge recognised the role of the court interpreting in disseminating legal knowledge, as shown in Example 22. However, the judge's tendency to ask the court interpreter to summarize rather than interpret sentence-by-sentence entailed an unrealised possibility of making full use of court interpreting. Constrained by the limited use of court interpreting, the presence of a court interpreter did not necessarily imply that all information was interpreted. This non-interpreting constrained the level of information exchange and knowledge dissemination. It also reveals the inconsistency between a participant's beliefs and his or her practices. The lack of consistency, as an unrealised possibility, constrains a translation policy from emerging in a predictable manner. And methodologically speaking, data source triangulation becomes necessary to develop a comprehensive understanding of participants' tendencies. It is necessary to not only listen to what participants claim, but also observe what they actually do in reality.

Example 22.

Excerpt from the interview with Judy (April 18, 2018)

I: 您觉得为少数民族当事人提供司法翻译服务对当地少数民族当事人有没有什么影响?

Judy: 首先实现语言平等, 再就是用少数民族语言和当事人沟通可以帮助他们增加对法律的了解, 对当事人进行法制教育, 让他们了解自己不会法庭所使用的语言时有获得翻译的权利。其实,

我们和当事人沟通过程中，发现很多人对自己的这项权利并不了解。另外，用少数民族语言可以增加少数民族当事人的信任，让他们觉得有亲和感。

I: What effect, if any, do you think the practices of providing court interpreting services have had on the ethnic linguistic communities?

Judy: First of all, it helps achieving language equality. Besides, interacting with ethnic minority groups in their own languages enables them to get basic legal education and increase their knowledge about the law. Therefore, they will be aware of their rights to an interpreter when they are not able to communicate in the language of the court. Actually, according to our previous interactions with defendants, many of them have no idea about their rights to an interpreter. Also, thanks to the use of minority languages, ethnic minority groups are more likely to feel comfortable with us and put their trust in us.

It is worth noting that although the judge is the one who asked the court interpreter to summarize due to time constraints, during the interview, she herself complained about the fact that some court interpreters tend to generalize what has been said (See Example 23). The judge then tended to doubt whether court interpreters interpret all the information. Constrained by the lack of confidence in court interpreters, the judge is likely to continue her tendency to limit the involvement of court interpreters. Again, the limited use of court interpreting might give rise to the non-interpreting of certain information and thus information gaps. In this way, information gaps can be both the cause and effect of a judge's tendency to limit the use of court interpreting.

Example 23.

Excerpt from the interview with Judy (April 18, 2018)

Judy: 其实我们有要求翻译逐句翻译，但是有的时候，公诉人说了一大段话，而翻译只是简要概括了，我会觉得所有信息都翻译

了吗？还有有的时候，我在庭审口译员的翻译中听到了汉语，我想是不是他/她也不知道那个词怎么翻译，就用了汉话。

Judy: As a matter of fact, we have demanded literal interpreting, but from time to time, a court interpreter just generalizes about what a prosecutor has said. I would doubt whether every information has been interpreted. Also, I occasionally hear Chinese words when interpreters interpret for defendants, I would wonder whether the interpreters know how to interpret the words from Chinese to minority languages.

Constrained by the court interpreter's tendency to alter information in the interpreting and the judge's tendency to limit the involvement of the court interpreter, the translation policy of trial201804 tended to gravitate towards an attractor featured by information gaps. Such a trend could have taken a different turn if any of the two defendants questioned the way the court interpreting was conducted. However, neither of them showed a tendency to require the involvement of the court interpreter or to require further explanations. The absence of objections to the court interpreting practices enabled the existing attractor (i.e. information gaps through interpreting) to gain traction.

3.2.3 Conclusion

The case study of trial201804 shows how an initial change (i.e. a different judge) brought about different tendencies of the same court interpreter and thus led to a different translation policy trajectory. In contrast to Lily, who acted as the judge of trial201801 and tended to give a string of words at a time, the judge of this trial (i.e. Judy) showed a tendency to divide a string of words into smaller parts. This tendency of Judy saved the need for the court interpreter to memorize a large amount of information at a time. The absence of such a need constrained the court interpreter from forgetting to interpret certain information. Although this constraint caused the translation policy of trial201804 to gravitate towards an attractor featured by a correct information exchange, it did not exclude the possibility of the court interpreter altering information. Most of the time at trial201804 the court interpreter maintained his tendency to alter information in his interpreting. Unlike trial201801, in which the bilingual people's assessor tended to correct the court interpreter, trial201804 did not have anyone else besides the court

interpreter who was bilingual in *Hanyu* (Chinese) and the Lahu language. Constrained by the absence of any correction to the court interpreting, the information gaps in the court interpreting were unlikely to get bridged at trial201804. The unrealised possibility of information gaps being bridged constrained the translation policy of trial201804 from continuing in the direction to the attractor featured by a correct information exchange. Furthermore, constrained by the judge's tendency to limit the involvement of the court interpreter and the absence of objections from the defendants, the attractor featured by information gaps gained traction.

This study also reveals mutual constraints between the messages to be interpreted and the interpreting of the messages, as shown in Example 15 and Example 16. Such a relationship between the information to be interpreted and the interpreting of the information challenges the traditional binary opposition in TS: source message versus target message. It is not always the case that the messages to be interpreted is the source message and the interpreting is the target message. As shown in Example 15, the court interpreting entailed the absence of certain possibilities. Specifically, the court interpreter did not interpret all the information conveyed by the judge. Neither did the court interpreter interpret the answers from the defendant. Constrained by these unrealised possibilities in the interpreting, the judge was likely to react in certain ways and to give certain utterances rather than others. Therefore, the court interpreting also constrained what and how the following messages to be interpreted would be produced. In other words, the interpreting can also serve as the source message, from which new messages to be interpreted emerge. This relationship between the messages to be interpreted and the interpreting of the messages is not a binary relation of equivalence, but, in Marais's words, "a temporal relation of interpretive process" (Marais, 2019c, p. 53). According to Marais (2019c, p. 53), in a semiotic process, incipient sign systems serve as initiating semiotic systems, based on which the subsequent sign systems are created. As the incipient and the subsequent sign systems are only "temporally relative to a particular moment of observation" (Marais, 2019c, p. 53), a subsequent sign system of a process can serve as an incipient sign system of another process. This idea of 'incipience' and 'subsequence' reflects the possibility that the interpreting might be both the cause and effect of the messages to be interpreted and vice versa.

3.3 The translation policy of trial201809

3.3.1 Initial conditions of the translation policy of trial201809

In common with trial201801 and trial201804, trial201809 was constrained by the same laws concerning the languages of the court. In addition, trial201809 was held in a courtroom with the same layout with the courtrooms where trial201801 and trial201804 took place. Like trial201801 and trial201804, trial201809 was conducted by a judge who is a monolingual speaker of *Hanyu* (Chinese) with the aid of an interpreter whose role was to bridge the communication gap between the officials of the law and the defendant. The defendant of trial201809 is a monolingual speaker of the Hani language. The languages involved in trial201809 were *Hanyu* (Chinese) and the Hani language, which enjoy constitutionally equal status (NPC, 1982, article 4). However, the Hani language is not as extensively used as *Hanyu* (Chinese) in public sectors. Instead, similar to the Lahu language (i.e. the mother tongue of the defendants at trial201801 and trial201804), the Hani language is mainly spoken in private lives, with the use of its written script limited in scope (Ministry of Education of the PRC, 2004).

The court interpreter involved in trial201809 (i.e. Tracy) is neither a professional interpreter nor a legal professional. She works as a geography teacher in a local high school. The judge of trial201809 (i.e. Lily) acted as the judge of trial201801 and the prosecutor of trial201809 (i.e. Jenny) acted as the prosecutor of trial201804. It is worth noting that although Lily and Jenny are members of Lahu ethnic group and Hani ethnic group respectively, they are unable to speak the Lahu language and the Hani language. This to some extent reflects the dominant use of *Hanyu* (Chinese) in the County.

A study of trial201809 may enable us to compare the translation practices of a bilingual legal professional and those of a bilingual local without any legal background. Besides, we could also delve into Lily's and Jenny's behavioural patterns through comparing their practices in different courtroom interactions. Furthermore, a comparison between the translation policy trajectory of trial201809 and the translation policy trajectories of trial201801 and trial201804 may deepen our understanding of the attractors and constraints that contribute to the translation policy trajectories of the Court.

Table 5 The participants of trial201809

Pseudonym	Role in a trial	Occupation	Educational background	Ethnic origin	Language skill(s)
Lily	judge	judge (criminal cases)	law	Lahu	Chinese
Tracy	court interpreter	high school teacher	geography	Hani	Chinese and Hani
Jenny	prosecutor	prosecutor	law	Hani	Chinese
Paola	defendant	farmer	uneducated	Hani	Hani

3.3.2 Tracing the translation policy trajectory of trial201809

One attractor that emerged from the translation policy of trial201809 is that the court interpreter assured a correct information exchange between the defendant and the court. This attractor was also shown in the studies of trial201801 and trial201804. The translation policy of trial201809 tended to gravitate towards this attractor when the messages to be interpreted did not involve sophisticated legal terms. For example, at the beginning of the trial when the judge checked the factual information about the defendant, the court interpreter could correctly relay the information about the defendant's name, date of birth, ethnic origin, education background, profession, address, the reason why the defendant had been put in a detention centre, etc. However, similar to the translation policies of trial201801 and trial201804, the translation policy of trial201809 also tended to gravitate towards the attractor featured by information gaps.

Example 24.

Excerpt from trial201809

公诉人[对庭审翻译说]: 再问一个第二个问题啊, 就是她卖给赵某 1 (Charles) 的这些毒品是哪里来的?

庭审翻译[对被告说]: He yeivqyei he naol aqgal e yiul laq yil e lei Charles anvq neiq e he?

被告人[对庭审翻译说]: Neiq ei ngal nyivq hhaq tiqqal daol mil-ei, hyul lo aljee yiul daol e lei toq, ngaq peiqssaq e aljee yiul daol deiq.

庭审翻译[对被告说]: Neil aqgaq-el yiul laq yil nei daol lei eil ma.

被告人[对庭审翻译说]: Maq siiq toq nei, ngal jil maq siiq nia lei-eil.

庭审翻译[对被告说]: Neil noq e aqsul bivq nei laq laq-a?

被告人[对庭审翻译说]: Ngaq nei yiul daol leiq ngaq peiqssaq daol nmq e hyulgal yiul taq laq ei.

庭审翻译[对被告说]: Noq e peiqssaq daol nmq e leil?

被告人[对庭审翻译说]: Evq, ngaq haqziilssaq daol nmq mil yiul daol leiq-ei.

庭审翻译[对公诉人说]: 哦, 从她老公那里拿的。

The prosecutor (Jenny) [to the court interpreter in Chinese]: I would like to ask a second question. Where had she obtained the drugs that she sold to Charles?

The court interpreter (Tracy) [to the defendant in Hani]: Where had you obtained the drugs that you sold to Charles?

The defendant (Paola) [to the court interpreter in Hani]: As we < Paola and Charles> took drugs together, I shared some with him < Charles>. I took some drugs from my husband.

The court interpreter (Tracy) [to the defendant in Hani]: Just tell us where the drugs were from.

The defendant (Paola) [to the court interpreter in Hani]: I don't know. I don't know.

The court interpreter (Tracy) [to the defendant in Hani]: Then who gave you the drugs?

The defendant (Paola) [to the court interpreter in Hani]: I took some from the drugs that my husband uses.

The court interpreter (Tracy) [to the defendant in Hani]: Is your husband still taking drugs?

The defendant (Paola) [to the court interpreter in Hani]: Yes, I took some from the drugs that my husband uses.

The court interpreter (Tracy) [to the prosecutor in Chinese]: Well, she took the drugs from her husband.

As can be seen in Example 24, the defendant's answer reduced the uncertainty about where the defendant had taken the drugs and what she had done with the drugs. However, the court interpreter did not immediately interpret the defendant's answer. Constrained by the non-interpreting, the uncertainty reduced by the answer from the defendant was unlikely to be reduced for the prosecutor. In other words, information gaps emerged from the non-interpreting. Constrained by the information gaps, the prosecutor was unlikely to react to the defendant by asking follow-up questions. The information gaps excluded the possibility of further interactions between the prosecutor and the defendant but opened up the possibility of a conversation between the interpreter and the defendant. In the conversation between the interpreter and the defendant, the court interpreter interrogated the defendant in order to verify the answer given by the defendant. The court interpreter's interrogations denoted her additional interpreting or overinterpreting of the answer given by the defendant. In other words, the court interpreter attributed to the defendant's answer extra meanings. For example, the court interpreter's follow-up question about whether the defendant's husband also takes drugs had not been asked by the prosecutor. This question indicated that the court interpreter attributed to the fact that the defendant had taken drugs from her husband the meaning that the husband of the defendant might also take drugs. Despite the information that the court interpreter gained from the interrogations, the court interpreter only informed the prosecutor of the defendant's final

answer without interpreting the entire conversation. Again, information gaps emerged from the non-interpreting, which excluded the possibility of follow-up questions from the prosecutor.

Example 24 also demonstrates a positive feedback loop between non-interpreting and overinterpreting. That is, the non-interpreting of the first answer given by the defendant to the first question asked by the prosecutor enabled overinterpreting, from which emerged again non-interpreting. The nonlinear interactions between non-interpreting and overinterpreting were amplified through this positive feedback loop, constraining the information exchange between the prosecutor and the defendant. When court interpreting was required to enable the interactions between the judge and the defendant, the court interpreter showed the same tendency to only interpret the defendant's final answer rather than the entire conversation that she had with the defendant, as demonstrated by Example 25.

Example 25.

Excerpt from trial201809

法官[对庭审翻译说]：你问一下她就是公安在问她的时候，就是讯问她的时候有没有殴打或者威胁过她，有没有打过她。

庭审翻译[对被告说]：Jifcaf nol e nieiq ngei dei lal gol jeil lol?

被告人[对庭审翻译说]：Evq, hegal dei lal laq toq.

庭审翻译[对被告说]：Evq...dei lal lo?

被告人[对庭审翻译说]：Evq.

法官[对庭审翻译说]：问她的时候，你要问她。

庭审翻译[对法官说]：她说是。

法官[对庭审翻译说]：不是说是抓的时候，在看守所问话还有是在讯问室问话的时候。

庭审翻译[对法官说]: 不是被抓的时候吗?

庭审翻译[对被告说]: Naol e daoq ngeiq, nol daoq ngeiq qaoq lal ngei jeil hyul juq maq, kasefsof e peilcufsof noq e daoq ngeiq lol nal nalhaq lal ngei lol, nalhaq lal ngei maq dei lal e bul la leil?

被告人[对庭审翻译说]: Nalhaq lal nal Charles gal zul taq nei alnal...

庭审翻译[对被告说]: Hyul ngei maq ngel, bi nieiq ngei hyul ngei maq ngel, peilcufsof haol kasefsof e nol lol nalhaq ngei.

被告人[对庭审翻译说]: Eivq, maq dei lal, hegal nymr zul gal jei lo?

庭审翻译[对被告说]: Hegal eil mei.

被告人[对庭审翻译说]: Hegal maq dei lal yaq-al.

庭审翻译[对法官说]: 没有。

The judge (Lily) [to the court interpreter in Chinese]: Ask her whether the police beat or threatened her when they interrogated her.

The court interpreter (Tracy) [to the defendant in Hani]: Did the police beat you when they arrested you?

The defendant (Paola) [to the court interpreter in Hani]: Yes, I was beaten here.

The court interpreter (Tracy) [to the defendant in Hani]: Well...Were you beaten?

The defendant (Paola) [to the court interpreter in Hani]: Yes.

The judge (Lily) [to the court interpreter in Chinese]: Ask her whether the police beat her when they interrogated her.

The court interpreter (Tracy) [to the judge in Chinese]: She said yes.

The judge (Lily) [to the court interpreter in Chinese]: I did not ask whether she was beaten when she was arrested. I asked whether she was beaten when she was interrogated in the detention centre and the interrogation room.

The court interpreter (Tracy) [to the judge in Chinese]: Not at the time when she was arrested?

The court interpreter (Tracy) [to the defendant in Hani]: When they talked to you, I mean, when the working staff from the detention centre and the police office talked to you and asked you questions, they didn't beat you, did they?

The defendant (Paola) [to the court interpreter in Hani]: When they asked me questions, Charles was seated next to me, and then...

The court interpreter (Tracy) [to the defendant in Hani]: No, not at the time when you were arrested. At the time when the working staff from the detention centre and the police office asked you questions.

The defendant (Paola) [to the court interpreter in Hani]: I see. No, they didn't beat me. You mean here?

The court interpreter (Tracy) [to the defendant in Hani]: Yes, here.

The defendant (Paola) [to the court interpreter in Hani]: Here no one has beaten me.

The court interpreter (Tracy) [to the judge in Chinese]: No one has beaten her.

The court interpreter mistook⁴⁶ the meaning of 'interrogation' for 'arrest' and thus failed to reduce the uncertainty for the defendant about the judge's question. This information

⁴⁶ The term of 'interrogation' exists in the Hani language, as can be seen in the conversation between the court interpreter and the defendant.

gaps in the court interpreting excluded a possibility that the defendant could give an answer to the judge's question. Constrained by the lack of the knowledge about the Hani language, the judge was unlikely to understand the specific contents of the conversations between the court interpreter and the defendant. However, the judge had corrected the court interpreter's interpreting of 'interrogation' before the court interpreter interpreted her conversations with the defendant into *Hanyu* (Chinese). It is worth noting that the courtroom interactions were also enabled by non-linguistic signs, which opened up other possibilities for the judge to understand the dialogues between the court interpreter and the defendant. As shown in Example 26, the court interpreter referred to the defendant's body languages (i.e. 'the defendant covered her left ear', 'the side she pointed at') when interpreting. This indicates a possibility that the judge could understand the conversations between the court interpreter and the defendant via non-linguistic signs, such as gestures, tones, facial expressions, etc. In other words, the non-interpreting of the conversations between the court interpreter and the defendant did not fully exclude the possibility that the judge could find other ways to understand the courtroom interactions and intervene in the court interpreting.

Example 26.

Excerpt from trial201809

The court interpreter told the judge that the defendant had agreed with the evidence presented by the prosecutor. The judge double checked whether the defendant had no disagreement.

法官[对庭审翻译说]: 没有什么意见吗?

庭审翻译[对被告说]: Naol hejuq maq eil he haol hal ngel e tiqcan eil maq jav maq ngel lo?

被告人[对庭审翻译说]: Eil maq jav nia. Hyulgal ngaq e tiq lavq hyul jifcaf hyul tiq lavq dei lal hyul, he'lol hhei e maq eil aqgaq yil la toq, hegal hhedei lal laq-a.

庭审翻译[对被告说]: Naol noq e nieiq ngei hhedei lal e laq?

被告人[对庭审翻译说]: Evq, hyulgal peilcufsof e lei kev nei hhedei lal laq-a.

庭审翻译[对被告说]: Peilcufsof yu kev nei leil?

被告人[对庭审翻译说]: Evq.

庭审翻译[对被告说]: Oq, nymrkev nal nia lol?

被告人[对庭审翻译说]: Naqboq boq lol deiq hhei nia toq, hegal hheidei lal e mil nei. ((被告用手捂着左边耳朵。))

庭审翻译[对法官说]: 哦, 她说是就是来到那个派出所, 那里弄到了, 然后现在耳朵有点要聋要聋的。

法官[对庭审翻译说]: 哦, 就说在抓她的时候, 她觉得耳朵……

庭审翻译[对法官说]: 不是, 就是到派出所的时候, 可能是关她的时候弄到了一小点, 然后她就说是那边有点听不见听不见的有点, 那边, 她指的那边。

庭审翻译[对被告说]: Aqmo nal nia lo?

被告人[对庭审翻译说]: Nal a maq nal, naqboq hyul lol boq deivq nia toq.

庭审翻译[对法官说]: 疼倒是不疼, 就是有点听不见听不见的说。其他的没有什么了。

The judge (Lily) [to the court interpreter in Chinese]: She doesn't have any disagreement?

The court interpreter (Tracy) [to the defendant in Hani]: You don't have anything to say about what they had said, right?

The defendant (Paola) [to the court interpreter in Hani]: I have nothing to say. That time a police officer hit me here. I just want to say this. I was hit here.

The court interpreter (Tracy) [to the defendant in Hani]: He or she hit you when arresting you?

The defendant (Paola) [to the court interpreter in Hani]: Yes, when we went to the police station.

The court interpreter (Tracy) [to the defendant in Hani]: When you came to the police station?

The defendant (Paola) [to the court interpreter in Hani]: Yes.

The court interpreter (Tracy) [to the defendant in Hani]: I see. Does it still hurt?

The defendant (Paola) [to the court interpreter in Hani]: I'm feeling like I am going a bit deaf, because I was beaten here. ((The defendant covered her left ear.))

The court interpreter (Tracy) [to the judge in Chinese]: Well, she said that on her way to the police station, there, her ear was touched and now she feels she is going a bit deaf.

The judge (Lily) [to the court interpreter in Chinese]: Well, it means when she was arrested, she felt her ear ...

The court interpreter (Tracy) [to the judge in Chinese]: No, when she arrived at the police station, she was probably touched a little bit when she was locked up. Then she said she couldn't hear clearly on that side, that side, the side she pointed at.

The court interpreter (Tracy) [to the defendant in Hani]: Does it hurt a lot?

The defendant (Paola) [to the court interpreter in Hani]: No, it doesn't hurt. I just cannot hear.

The court interpreter (Tracy) [to the judge in Chinese]: It doesn't hurt. She said that she cannot hear clearly. Nothing else.

Example 26 once again reflects how the nonlinear interactions between non-interpreting and overinterpreting constrained the information exchange between the judge and the defendant. As shown in the conversation between the court interpreter and the defendant, the court interpreter understood what the defendant had meant by 'hit' but the court interpreter used the word 'touched' when she relayed the information to the judge. Such an adjustment led to a change in meaning and thus information gaps, as it did not reduce the uncertainty about the exact way in which the police officer 'touched' the defendant.

The conversations between the judge and the court interpreter in Example 25 also reflect that the court interpreter is unfamiliar with the concept of 'interrogation'. This might explain another attractor that was only demonstrated at trial201809 but not at trial201801 and trial201804. The strikingly different attractor emerging from trial201809 was that the court interpreter tended to rely heavily on the judge's assistance in the interpreting, especially when it came to legal terms. Unlike the court interpreter of trial201801 and trial201804 (i.e. Lawrence), the court interpreter of trial201809 (i.e. Tracy) has no legal background and has no court interpreting experience. Constrained by the lack of legal background and the absence of court interpreting experience, the court interpreter tended to be uncertain what to interpret, as can be discerned in Example 27.

Example 27.

Excerpt from trial201809

公诉人[对所有人说]: 下一个是补充卷 10 至 12 页, 这个是证人赵某 2(Roy), 赵某 2(Roy)的话是 Paola 的老公啊, 这个他的证言, 他的证言主要证实的一个内容就是说 Paola 吸食的毒品是赵某(Roy)拿给她吃的, 但是赵某 2(Roy)他认不得这个 Paola 拿毒品去卖的这个事情。以上的这个赵某 2(Roy)的证言请法庭指证。

法官[对庭审翻译说]：这个赵某2(Roy)说的对吗？你跟她说一下。

庭审翻译[对法官说]：就是她老公不知道她卖毒品那个吗？

法官[对庭审翻译说]：就是说是毒品是跟她老公拿的，但是她老公不知道她卖毒品。

庭审翻译[对被告说]：Hyul noq haqziilssaq neiq yiul nei anvq e lol laq yeivqyei, nal noq haqziilssaq hyul maq siiq nial he lol ngel jei lo?

被告人[对庭审翻译说]：Evg maq siiq nia lei toq.

庭审翻译[对被告说]：Maq siiq nial laq?

被告人[对庭审翻译说]：Evg.

庭审翻译[对法官说]：嗯，是了。

The prosecutor (Jenny) [to all the participants in Chinese]: On pages 10-12 of the supplementary volume, a witness named Roy, the husband of Paola, confirms that the drug that Paola has taken is from him < Roy>. In addition, Roy is unaware that Paola also sells the drug. The testimony of Roy is presented for courtroom investigation.

The judge (Lily) [to the court interpreter in Chinese]: Is what Roy has said correct? Tell her.

The court interpreter (Tracy) [to the judge in Chinese]: You mean, the defendant's husband does not know that she sells the drug?

The judge (Lily) [to the court interpreter in Chinese]: Tell her < the defendant> that the drug is from her husband, but her husband knows nothing about her selling the drug.

The court interpreter (Tracy) [to the defendant in Hani]: The drug that you have taken is from your husband and he knows nothing about you selling the drug. Is it correct?

The defendant (Paola) [to the court interpreter in Hani]: Yes. He does not know.

The court interpreter (Tracy) [to the defendant in Hani]: He does not know?

The defendant (Paola) [to the court interpreter in Hani]: No, he doesn't.

The court interpreter (Tracy) [to the judge in Chinese]: It is correct.

Constrained by the court interpreter's limited competence in precisely judging what to interpret, the judge tended to instruct the court interpreter what to interpret. As a matter of fact, to assist the court interpreter, the judge summarized many pieces of evidence and testimonies of witnesses that the prosecutor had presented at the trial. By contrast, the judge did not show such a tendency at trial201801 when a legal professional (i.e. Lawrence) acted as the court interpreter. In addition, the testimonies of witnesses were presented by the prosecutor in *Hanyu* (Chinese), instead of being presented by the witnesses themselves at the trial. The fact that the testimonies were not given in the Hani language, as a constraint, excluded the possibility of relying on the court interpreter to interpret the testimonies from the Hani language to *Hanyu* (Chinese). At the same time, this constraint allowed the possibility of the judge's tendency to instruct the court interpreter what to interpret. In a sense, the judge became an interpreter due to the lack of a 'real' interpreter. Similarly, as can be seen in Example 28 and Example 29, the judge tended to interpret legal terms into plain Chinese, constrained by the court interpreter's limited knowledge of legal Chinese.

Example 28.

Excerpt from trial201809

法官[对被告说]：这个 A 县人民检察院的起诉书收到了吗？（法官举起起诉书。）

法官[对庭审翻译说]：你问她，这个拿到没有，就是你拿的那个。

庭审翻译[对被告说]：Naol jaeqnan he lo hhei e sanqghaq maq bivq neiq laq lol?（庭审翻译拿起起诉书。）

被告人[对庭审翻译说]：Bivq neiq laq ya.

庭审翻译[对法官说]：拿到了。

法官[对被告说]：拿到多长时间了？

庭审翻译[对被告说]：Armyan byan lal maq he yiul hha e?

被告人[对庭审翻译说]：Maq siiq nial nia toq, almia nan byan lal jil maq nyuq nia eil.

庭审翻译[对法官说]：好几天了，具体几天了记不得。

法官[对庭审翻译说]：满十天了吗？你问她。

庭审翻译[对被告说]：Ceil nan byan lal meiq lol?

被告人[对庭审翻译说]：Al?

庭审翻译[对被告说]：Ceil nan byan lal meiq lol?

被告人[对庭审翻译说]：Maq siiq toq nei, maq saol taq lo haol niaq.

庭审翻译[对被告说]：Naol guq hao xeil nei.

法官[对被告说]：十多天有了吗？

庭审翻译[对被告说]：Ceil nan byan maq byan maq siiq nial nia lol, ceil nan?

被告人[对庭审翻译说]: Byan lal maq leil te ngei nmr.

庭审翻译对法官说]: 到了, 十多天了。

The judge (Lily) [to the defendant in Chinese]: Have you received the indictment from the people's procuratorate of County A? ((The judge raised the indictment.))

The judge (Lily) [to the court interpreter in Chinese]: Ask her whether she has received this, the one you are holding in your hands.

The court interpreter (Tracy) [to the defendant in Hani]: Later have they given you this paper? ((The court interpreter raised the indictment.))

The defendant (Paola) [to the court interpreter in Hani]: Yes, they have given it to me.

The court interpreter (Tracy) [to the judge in Chinese]: She has received it.

The judge (Lily) [to the defendant in Chinese]: For how long have you received it?

The court interpreter (Tracy) [to the defendant in Hani]: For how long have you received it?

The defendant (Paola) [to the court interpreter in Hani]: I don't know. I don't remember the exact number.

The court interpreter (Tracy) [to the judge in Chinese]: She has received it for many days but she couldn't remember the exact number.

The judge (Lily) [to the court interpreter in Chinese]: Ask her whether she has received it for already 10 days.

The court interpreter (Tracy) [to the defendant in Hani]: Have you received it for already 10 days?

The defendant (Paola) [to the court interpreter in Hani]: What?

The court interpreter (Tracy) [to the defendant in Hani]: Have you received it for already 10 days?

The defendant (Paola) [to the court interpreter in Hani]: I don't know. I don't remember.

The court interpreter (Tracy) [to the defendant in Hani]: Estimate the number of days.

The judge (Lily) [to the defendant in Chinese]: For around 10 days?

The court interpreter (Tracy) [to the defendant in Hani]: Don't you know whether you have received it for already 10 days? 10 days?

The defendant (Paola) [to the court interpreter in Hani]: I guess so. I have received it for already 10 days.

The court interpreter (Tracy) [to the judge in Chinese]: She has received it for 10 days.

Example 29.

Excerpt from trial201809

法官[对被告说]: 另外, 根据这个法律的规定, 你在法庭审理过程当中还享有辩护的权利。

法官[对庭审翻译说]: 你跟她说下就是说是自己帮自己说话, 她有什么意见的可以自己说这样, 你跟她说。

庭审翻译[对被告说]: Naol ngaq maq eil ngei janr ngei lol laq, naol yaoqha yaoqha miljeiq qao eil e jav mei dei, naol qao eil ngei hhaq mei, yol yaoqha lol, gaq ma? Siiq nia mil lol? Yol yaoqha qao eil e lol.

被告人[对庭审翻译说]: Yaoqha yaoqha qao eil e?

庭审翻译[对被告说]: Evq, naol yol yaoqha, noq e qao eil toq.

被告人[对庭审翻译说]: Eivq.

庭审翻译[对被告说]: Evq, o hha nia mil lol?

被告人[对庭审翻译说]: Evq, ngal qao eil e laq?

庭审翻译[对被告说]: Evq, yol yaoqha.

被告人[对庭审翻译说]: Evq, hhaq mil nei.

The judge (Lily) [to the defendant in Chinese]: In addition, in accordance with the law, the defendant shall have the right to defend herself at the trial.

The judge (Lily) [to the court interpreter in Chinese]: Tell her that she can speak for herself. In other words, she can express her opinions. Tell her.

The court interpreter (Tracy) [to the defendant in Hani]: When we handle your issue, you enjoy the right to speak for yourself. You can speak for yourself. Did you hear that? Do you understand? You can speak for yourself.

The defendant (Paola) [to the court interpreter in Hani]: I can speak for myself?

The court interpreter (Tracy) [to the defendant in Hani]: Yes, speak for yourself.

The defendant (Paola) [to the court interpreter in Hani]: I see.

The court interpreter (Tracy) [to the defendant in Hani]: Do you understand?

The defendant (Paola) [to the court interpreter in Hani]: Yes. I speak for myself, right?

The court interpreter (Tracy) [to the defendant in Hani]: Yes, you help yourself.

The defendant (Paola) [to the court interpreter in Hani]: Okay. Okay.

The examples demonstrate the judge's efforts to simplify legal jargon in a way that is intelligible to laymen. Without the judge's use of plain Chinese as an intermediate language, the court interpreter could have mistaken meanings of certain legal terms entirely, as shown in Example 25. However, at the same time, the judge's interpreting from legal Chinese to plain Chinese inevitably involved information gaps. For example, the term 'right to defence' denotes that the defendant has the right to present materials and express her opinions in order to protest her innocence, receive a lesser or a mitigated punishment or get exempted from punishment (NPC, 1979a, article 35). The judge's intralingual interpreting of 'right to defence' did not reduce the uncertainty about how and why the defendant could 'speak for' herself. This information loss in the judge's intralingual interpreting was repeated in the court interpreter's Chinese-Hani interpreting, as shown in Example 29. As a result, the information embedded in the legal term was unlikely to be conveyed to the defendant. As indicated in Example 28 and Example 29, if there was any non-interpreting or information loss in the judge's intralingual interpreting, the court interpreting, which was produced based on the judge's intralingual interpreting, was unlikely to avoid the information loss. In this sense, the court interpreting was constrained by the judge's intralingual interpreting. However, it should be noted that the constraint that the judge imposed on the court interpreting did not ensure that all the information conveyed by the judge could reach the defendant through the court interpreting. As a matter of fact, in some cases the court interpreter did not relay all the information that the judge had passed on to her. As shown in Example 29, when

explaining the term ‘right to defence’ to the court interpreter, the judge also added that the defendant could express her opinions. However, the court interpreter left this information uninterpreted, which indicates that the judge’s intralingual interpreting is not the only constraint that increased the possibility of information gaps. Even though the judge relayed all the information or the court interpreter was competent enough to interpret directly from legal Chinese to the Hani language, the court interpreter was still likely to alter information. Example 30 shows another possibility that the court interpreter might make wrong interpretation of the judge’s messages and thus create information gaps in her interpreting.

Example 30.

Excerpt from trial201809

法官[对被告人说]：另外根据法律的规定，被告人还享有通知新的证人到庭、调取新的证据、申请重新鉴定或者勘验的权利，有申请法庭通知有专门知识的人出庭的权利，这些权利在阶段性都会跟你重申。在法庭辩论结束以后，对案件有什么要求或者意见还有做最后陈述的权利。

法官[对庭审翻译说]：你跟她说下就说是她在这个法庭审理过程当中，可以提出新的证据交给我们，然后还可以叫这个证人到庭。然后在最后，就是在这个法庭审理的最后，她还可以，这个案子怎么处理，她还可以做发言，还可以发表自己的意见。

庭审翻译[对被告说]： He’lol eil nia, ngaq maq gal noq e eil neiq laq e lolo laq, naol nyuq nei maq caq e aqge deq maq caq nal eil ngei hhaq mei eil e, nal hegal janr saq nei jil e naol yaoq deq yaoq e yaomeeq jeiq jav nal pal eil ngei hhaq eil e. O hha nia mil lo?

被告人[对庭审翻译说]： Evq.

庭审翻译[对被告说]: Evq, naol noq e yaol yaoqha eil lol laq, hegal eil ngei hhaq eil e, nal hegal janr saq nei pal eil ngei hhaq eil e. O hha nia mil lo?

被告人[对庭审翻译说]: Evq.

庭审翻译[对被告说]: Evq.

The judge (Lily) [to the defendant in Chinese]: In addition, in accordance with the law, the defendant shall have the right to request new witnesses to be summoned, new material evidence to be obtained, a new expert evaluation to be made, and another inquest to be held. The defendant may apply to the people's court for notifying persons with specific expertise to appear before the court to present their views. These rights will be reiterated at each relevant session of the trial. After the courtroom argument stage, the defendant may make final statement to express her opinions about the case.

The judge (Lily) [to the court interpreter in Chinese]: Tell her that she may present new evidence and summon new witnesses at the trial. And at the end of the trial, she may also express her opinions on how to handle this case.

The court interpreter (Tracy) [to the defendant in Hani]: Well, if you feel anything is not correct during the trial, you could tell us. Think about it. After the court hearing has finished, let us know if there is anything that could be beneficial for you. Do you understand?

The defendant (Paola) [to the court interpreter in Hani]: Okay.

The court interpreter (Tracy) [to the defendant in Hani]: Well, you speak for yourself. You may speak for yourself either during the court hearing or after the court hearing has finished. Do you understand?

The defendant (Paola) [to the court interpreter in Hani]: Yes.

The court interpreter (Tracy) [to the defendant in Hani]: Okay.

As can be seen in Example 30, what the court interpreter relayed in her interpreting is a far cry from what the judge had passed on to her. Constrained by the fact that at the trial no one but the court interpreter was bilingual speakers of *Hanyu* (Chinese) and the Hani language, the information gaps in the court interpreting were unlikely to be bridged. Constrained by this unrealised possibility, the defendant was unlikely to receive the information that the judge had relayed and thus was unlikely to take certain actions accordingly, such as presenting new evidence or summoning new witnesses. The information gaps, be it due to the judge or the court interpreter, might also constrain to what extent the defendant could understand the courtroom interactions, as indicated in Example 31.

Example 31.

Excerpt from trial201809

法官[对被告人说]: 根据中华人民共和国刑事诉讼法第 28、29、30、31、185 条的规定, 被告人在诉讼过程当中享有以下权利: 首先是回避的权利。也就是说如果被告人认为我们上面在座的审判人员、书记员、公诉人以及这个翻译, 如果有与本案有什么利害关系, 可能影响本案的公正处理的, 你可以提出理由来申请回避, 被告人是否申请回避?

法官[对庭审翻译说]: 你就跟她说下, 就是她要不要申请, 她需不需要换人这样。

庭审翻译[对被告说]: Naol he ngaq maq aqsuba eil e hemia hhaq lol laq, noq e janr he naol caolhaq maq hual ngei hhaq maq ngel lo?

被告人[对庭审翻译说]: Maq o hha nial nia.

法官[对庭审翻译说]: 就是我们来处理她的这个事情, 她有什么意见吗?

庭审翻译[对被告说]: Hyul ngaq maq aqsuba eil e hemia hhaq lol laq, noq e siilqif he janr he, tiq can yiljif maq jav maq ngel lo?

被告人[对庭审翻译说]: Maq, maq jav nia.

庭审翻译[对法官说]: 没有了。

The judge (Lily) [to the defendant in Chinese]: In accordance with Article 28, Article 29, Article 30, Article 31 and Article 185 of the Criminal Procedure Law of the People's Republic of China, the defendant is entitled to the following rights in the process of litigation. Firstly, the defendant may demand the withdrawal of any one of the abovementioned personnel. In other words, the defendant may demand the withdrawal of any one of the judge, the people's assessors, the clerk, the prosecutor and the interpreter if she believes that he or she has an interest in this case and may thus affect the impartial handling of the case. Does the defendant want to make such demand?

The judge (Lily) [to the court interpreter in Chinese]: Ask her whether she demands a change in the personnel at the trial.

The court interpreter (Tracy) [to the defendant in Hani]: Is it ok not to change the abovementioned people who will deal with your case?

The defendant (Paola) [to the court interpreter in Hani]: I didn't understand.

The judge (Lily) [to the court interpreter in Chinese]: Does she have any opinion about us handling her case?

The court interpreter (Tracy) [to the defendant in Hani]: You don't have any opinion about the abovementioned people handling your case, do you?

The defendant (Paola) [to the court interpreter in Hani]: No, nothing.

The court interpreter (Tracy) [to the judge in Chinese]: No, she doesn't.

In Example 31, the judge deleted several sentences about the defendant's right and condensed the content into a one-sentence question. Deleting the sentences constrained the judge from reducing uncertainty for the defendant about the rationale behind a decision to demand a change in the personnel at the trial. The unrealised possibility of reducing this uncertainty constrained the defendant from understanding immediately the interpreting of the judge's question. As demonstrated by the defendant's immediate reaction to the interpreting, the interpreting of the judge's question seemed abrupt and unexpected for the defendant. As shown in Example 31, the court interpreter once again showed a tendency to overinterpret the judge's messages. Instead of literally interpreting the judge's question, the court interpreter added her presumption that the defendant did not want to change any of the judicial personnel. Example 31 again reflects how intralingual interpreting, interlingual interpreting, non-interpreting and overinterpreting interacted with each other and enabled the existing attractor of information gaps to gain traction. The nonlinear interactions between intralingual interpreting, interlingual interpreting, non-interpreting and overinterpreting are also reflected in Example 32.

Example 32.

Excerpt from trial201809

法官[对所有人说]: 经过法庭调查对证据的举证指证, 公诉机关向法庭提交的这个证据, 被告人 Paola 不持异议, 作为本案的定案依据, 法庭调查结束。下面进行法庭辩论, 先由公诉人发表公诉意见。

法官[对庭审翻译说]: 翻译你跟她说一下就是说是下面是公诉人对她的这个行为进行一个发言, 叫她注意听。

庭审翻译[对法官说]: 发言吗?

法官[对庭审翻译说]: 就是对她的这个行为进行一个那种发表一个意见, 就检察院的这边, 你跟她说。

庭审翻译[对被告说]: Hyulpao jifcafyul hyul juq noq ei janr e he lol laq, labanq e he miljeiq lo banq nga e eil lei jeil, naol meeq-el pal ei nalhaq dei.

被告人[对庭审翻译说]: Evq.

庭审翻译[对被告说]: Noq janr e siilqif he lol. Evq o hha nia mil lo?

被告人[对庭审翻译说]: Banq ngal eil e?

庭审翻译[对被告说]: Evq, aqge lol janr e eil e, aqge lol banq nga eil e, miljeiq mil nei banq nga lol laq.

被告人[对庭审翻译说]: Evq, banq nia toq.

The judge (Lily) [to all the participants in Chinese]: The evidence has been presented and checked through courtroom investigation. Paola, the defendant, raised no objections to the evidence presented by the procuratorial organ. The evidence is admitted as evidence for the case. This is the end of the courtroom investigation stage. Now the courtroom argument commences with a prosecution statement given by the prosecutor.

The judge (Lily) [to the court interpreter in Chinese]: Tell her < the defendant > that the prosecutor will give a speech on her behaviour and let her pay attention.

The court interpreter (Tracy) [to the judge in Chinese]: A speech?

The judge (Lily) [to the court interpreter in Chinese]: That is to say, an opinion about her behaviour. Tell her that it is an opinion given by the procuratorate.

The court interpreter (Tracy) [to the defendant in Hani]: The procuratorate will tell you what mistakes you have made. Pay attention.

The defendant (Paola) [to the court interpreter in Hani]: Okay.

The court interpreter (Tracy) [to the defendant in Hani]: That is, the things you have done. Do you understand?

The defendant (Paola) [to the court interpreter in Hani]: You mean I have made mistakes?

The court interpreter (Tracy) [to the defendant in Hani]: She will tell what you should do, what mistakes you have done and why they are mistakes.

The defendant (Paola) [to the court interpreter in Hani]: Yes, I admit my mistakes.

When the judge instructed the court interpreter what to interpret, she deleted the information that the evidence to which the defendant had raised no objections was admitted as evidence for the case. This information loss in the judge's instructions was repeated in the court interpreting. In addition, the judge interpreted the legal term 'a prosecution statement' into 'a speech'. This intralingual interpreting reduced the uncertainty about what the prosecutor would do but did not reduce the uncertainty for a layman about the content and function of a prosecution statement. The information gaps constrained the court interpreter from immediately understanding the judge's intralingual interpreting, as shown by the court interpreter's reaction. In response to the court interpreter's question about the first paraphrase (i.e. a speech), the judge gave another paraphrase (i.e. an opinion given by the procuratorate about the defendant's behaviour). However, the court interpreter overinterpreted this new paraphrase and added her own interpretation to the paraphrase. The court interpreter added examples to explain to the defendant what opinions the procuratorate would give. The court interpreter added information accordingly as her interpreting reduced more uncertainty about the specific content of the prosecutor's 'speech' and 'opinion'. Despite the change made by the court interpreter, her interpreting reduced the uncertainty about what the prosecutor would do. Therefore, she relayed the information embedded in the judge's messages. It shows that the court interpreter's dependence on the judge did not necessarily mean that the

information loss in the judge's intralingual interpreting would be always repeated by the court interpreting. In other words, the constraint that the judge's intralingual interpreting imposed on the court interpreter's interpreting did not fully exclude randomness. It was still uncertain how a court interpreter would interpret and to what extent the message to be interpreted and its interpreting would correspond with each other. The court interpreting also occasionally prevented the translation policy of trial201809 from moving towards the attractor characterized by information gaps.

3.3.3 Conclusion

The case study of trial201809 has found that generally the translation policy of trial201809 gravitated between two attractors, i.e. a correct information exchange between the participants and information gaps. The translation policy of trial201809 tended to gravitate towards the former attractor when the messages to be interpreted did not involve legal terms. The latter attractor emerged and gained traction, constrained by the nonlinear interactions between interlingual interpreting, intralingual interpreting, non-interpreting and over-interpreting. It shows that the court interpreter's interlingual interpreting and the judge's intralingual interpreting constrained each other, which contributed to the translation policy of trial201809. Constrained by the court interpreter's tendency to alter information and the judge's inability to understand the Hani language, the judge was unlikely to detect the information gaps in the court interpreter's interlingual interpreting. Likewise, constrained by the court interpreter's heavy dependence on the judge's intralingual interpreting and the judge's tendency to alter information in her intralingual interpreting, the court interpreter was likely to repeat the information gaps in the judge's intralingual interpreting.

However, the translation policy of trial201809 also gravitated towards different or even contradictory attractors, despite the existing attractors that had gained traction. As shown in Example 25, since the courtroom interactions were not confined to the interpreting of linguistic signs, the judge could understand the conversations between the court interpreter and the defendant via non-linguistic signs and intervene in the court interpreting. Therefore, the court interpreter's tendency to alter information did not exclude the possibility that the judge might bridge the information gaps. Similarly, it was uncertain how a court interpreter would interpret, even though the court interpreting was

constrained by the judge's intralingual interpreting. As shown in Example 32, the court interpreter's overinterpreting of the judge's question narrowed the information gaps in the judge's intralingual interpreting. It is possible that the court interpreter might prevent the translation policy of trial201809 from moving towards the attractor characterized by information gaps. These examples demonstrate that the translation policy of trial201809 emerged from a dynamic interplay between order (i.e. some reduced possibilities in the courtroom interactions due to certain constraints) and chaos (i.e. the uncertainty of how the court interpreter would interpret and how the judge would respond to the court interpreting). In other words, the translation policy of trial201809 emerged at the edge of chaos, a dynamic state that opened up new possibilities of courtroom interactions.

Furthermore, the use of 'constraints' as an analytical tool proves useful in expanding our understanding of what constitutes interpreting. It has been found that 'non-interpreting' and 'over-interpreting' are also constituent parts of 'an interpreting process' but are often neglected in interpreting studies. It shows that interlingual interpreting, intralingual interpreting, non-interpreting and over-interpreting are interconnected parts that constitute the whole interpreting process at trial201809. Further research in interpreting studies could usefully explore the interactions between these constituent parts instead of examining these constituent parts in isolation or studying interpreting as such. In addition, as discussed above, this study also demonstrates that interpreting is not confined to the interpreter. The judge in a sense also became an interpreter, constrained by the lack of a 'real' interpreter. A focus shift from professional interpreters to non-professional interpreters and more largely all participants in the communication process might produce interesting findings that account for the complexity of interpreting.

3.4 A synthesis of the translation policy trajectories at the Court

In the three case studies, I have identified several constraints and attractors, which interacted and contributed to the emergence of each particular translation policy trajectory. This section aims to compare the cause and effect of these constraints and attractors and synthesise the translation policy trajectories at the Court. To this end, this section will combine the findings of the three case studies and data from some other trials (i.e. trial201710, trial201712, trial201807, trial201907) at the Court.

All the trajectories investigated are largely constrained by the court interpreters' tendency to alter information. As discussed earlier, when a court interpreter alters information in the interpreting, he or she either increases uncertainty and thus conveys less information or reduces more uncertainty and thus conveys more information. One constraint that gives rise to court interpreters' tendency to alter information is the unlikelihood of defendants or plaintiffs understanding legal terms even in their mother tongues. The case of the court interpreter of trial201809 (i.e. Tracy) suggests that even a well-educated bilingual without legal background is likely to misinterpret certain legal terms. A bilingual's lack of legal background constrains him or her from understanding the meanings of certain legal terms. Consequently, the legal terms increase uncertainty and thus provide less or even no information for the bilingual. Likewise, constrained by plaintiffs' or defendants' insufficient knowledge of legal concepts, some legal terms might leave the plaintiffs or the defendants with considerable uncertainty about courtroom interactions. In that case, the legal terms provide little information for the plaintiffs or the defendants. And if the plaintiffs or the defendants represent themselves at a trial, the absence of an attorney, as a constraint, will increase the likelihood of intralingual interpreting of legal language into daily language. As different individuals might vary widely in levels of competence in understanding legal concepts, there is unlikely to be a one-size-fits-all intralingual interpreting. Constrained by the unlikelihood of a one-size-fits-all intralingual interpreting, not only court interpreters in their interlingual interpreting but also judges (e.g. Lily) in their intralingual interpreting inevitably tend to alter information, as shown in Example 1 and Example 28. The court interpreter of trial201801 (i.e. Lawrence) interpreted the legal term 'indictment' into a demonstrative pronoun combined with a gesture of raising the indictment. Likewise, the court interpreter of trial201809 (i.e. Tracy) interpreted 'indictment' into 'this paper' combined with a gesture of raising the indictment. The judge of trial201809 (i.e. Lily) interpreted 'indictment' into 'what you are holding'. All of these ways of interpreting entail the absence of another possible message, i.e. an official statement accusing a defendant of a crime. Constrained by the absence of this possible message, the court interpreters and the judge were unlikely to reduce the uncertainty about the function and nature of an indictment. Therefore, they altered information embedded in the legal term 'indictment' in their interpreting. The information gaps created by the interpreting might

constrain the defendants from understanding the meaning behind ‘indictment’. However, the information that judges wanted was an answer that reduced their uncertainty about whether defendants had received an indictment for already 10 days at the time of the trials. In the case when an indictment was the only paper document that defendants had received, the ways the court interpreters and the judge interpreted reduced uncertainty for the defendants about the judges’ questions and thus enabled the judges to gain the information they needed. This indicates that information gaps in court interpreting do not necessarily rule out the possibility of information being exchanged.

Admittedly, a court interpreter without legal background (e.g. Tracy) is more likely to misinterpret legal terms than a legal professional (e.g. Lawrence). However, constrained by the unlikelihood of defendants or plaintiffs understanding legal terms even in their mother tongues, all the court interpreters, regardless of whether they are legal professionals or not, are likely to alter information. In other words, the absence of the constraint imposed by the absence of legal background would not exclude the likelihood of a court interpreter altering information. Likewise, even without the constraint imposed by the absence of the Lahu equivalent, the Hani equivalent or the Wa equivalent of Chinese legal terms, defendants are still likely not to understand the literal interpreting of Chinese legal terms in their mother tongues. The literal interpreting then does not provide any information for defendants, as it does not reduce any uncertainty. This suggests that literal translation is not necessarily synonymous with the absence of information gaps.

This also indicates that information gaps (i.e. either more information in the interpreting or less information in the interpreting) are not confined to multilingual trials that involve speakers of different languages. At a monolingual trial which is constrained by plaintiffs’ and/or defendants’ insufficient knowledge of legal concepts and the absence of an attorney, judges are also likely to alter information in their intralingual interpreting of legal language into daily language. That is, judges might either increase uncertainty and thus convey less information or reduce more uncertainty and thus convey more information. As a matter of fact, it was not uncommon that the judge of trial201809 (i.e. Lily) deleted several sentences when she instructed the court interpreter what to interpret. As shown in Example 31, deleting certain sentences constrained the judge from reducing uncertainty for the defendant about the rationale behind a decision to demand a change in

the personnel at trial201809. The unrealised possibility of reducing this uncertainty constrained the defendant from understanding immediately the interpreting of the judge's question. In short, even without the constraint imposed by the language barriers between judges and defendants, judges are still likely to alter information in their intralingual interpreting of legal language for the defendants who have insufficient knowledge of legal concepts. This suggests a translational dimension in other professions. It would be worthwhile for TS to expand its focus to include this translation dimension in other professions.

The unlikelihood of defendants or plaintiffs understanding legal language is not the only constraint that might give rise to court interpreters' tendency to alter information. The absence of any note taken by court interpreters and lack of memory capacity constrain court interpreters from fully relaying the information to be interpreted. As shown in the study of trial201804, such a tendency to forget to interpret certain information could be constrained by the judge's tendency to divide a string of words into several small parts, which reduced the need for the court interpreter to memorize a fairly large amount of information. However, the absence of the need to memorize a large amount of information does not exclude the tendency of court interpreters to make adjustments. As shown in Example 33, even though the messages to be interpreted did not involve a large amount of information or legal terms, the court interpreter (i.e. Lawrence) still altered information. He did not explicitly repeat in the Lahu language that the victim had drunk alcohol. Instead, he simply asked the defendant (i.e. Zoey) whether she had any remarks and even implied that she should say no. By doing so, the court interpreter filtered out information, as he did not reduce the uncertainty about the content of the evidence that the judge had introduced. Meanwhile, the court interpreter also added information, as he reduced the uncertainty about what exact answer the defendant should give. Other trials also witnessed such a tendency of Lawrence. Likewise, the court interpreter of trial201809 (i.e. Tracy) also tended to omit certain information that the judge (i.e. Lily) had passed on to her, as demonstrated by the study of trial201809. Therefore, the absence of the need to memorize a large amount of information, as a constraint, reduces but does not exclude the tendency of court interpreters to alter information.

Example 33.

Excerpt from trial201804

法官[对被告人 Alan 说]: Alan, 对于这个他喝了酒的证言有没有意见? 就是说 Nick 喝了酒的这个事。

被告人 Alan [对法官说]: 没有。

法官[对被告人 Zoey 说]: Zoey, 有什么意见? 就是说当天 Nick 来你们家是因为喝了酒, 有什么意见, Zoey?

庭审翻译[对被告人 Zoey 说]: Thorma yiqceq cawl lie? Madcawl qo madcawl qot.

被告人 Zoey [对庭审翻译说]: Madcawl.

庭审翻译[对法官说]: 没有, 说。

The judge (Judy) [to the defendant (Alan) in Chinese]: Alan, do you disagree on the testimony which states that he had drunk alcohol? That is, Nick had drunk alcohol.

The defendant (Alan) [to the judge in Chinese]: No.

The judge (Judy) [to the defendant (Zoey) in Chinese]: Zoey, do you have any opinion? That is, Nick went to your place because he had drunk alcohol. Do you have any opinion, Zoey?

The court interpreter (Lawrence) [to the defendant (Zoey) in Lahu]: Do you have any opinion? Say no if you don't have any opinion.

The defendant (Zoey) [to the court interpreter in Lahu]: No, I don't.

The court interpreter (Lawrence) [to the judge in Chinese]: She said no.

As discussed earlier, the tendency of court interpreters to alter information does not necessarily exclude the possibility of a correct information exchange. As shown in

Example 32, the judge (i.e. Lily) interpreted the legal term ‘a prosecution statement’ into ‘a speech’ and ‘an opinion given by the procuratorate about the defendant’s behaviour’. This intralingual interpreting reduced the uncertainty about what the prosecutor would do but did not reduce the uncertainty for a layman about the content and function of a prosecution statement. Based on the judge’s intralingual interpreting, the court interpreter added examples to explain to the defendant what opinions the procuratorate would give. The court interpreter added information accordingly as her interpreting reduced more uncertainty about the specific content of the prosecutor’s ‘speech’ and ‘opinion’. Despite the change made by the court interpreter, her interpreting reduced the uncertainty about what the prosecutor would do. Therefore, she relayed the information embedded in the judge’s messages.

In addition, the tendency of court interpreters to relay information without changes does not necessarily mean that the information always reaches defendants. For example, at trial201712, the two defendants appeared confused many times even though the court interpreter did not alter information. As implied in Example 34, the lack of similarity between the accent of the court interpreter and that of the defendants constrained the court interpreting from reducing certain uncertainty for the defendants and thus constrained the defendants from fully understanding the interpreting. In other words, the tendency of court interpreters to relay information without changes reduces but does not exclude the possibility of information gaps.

Example 34.

Excerpt from trial201712

被告人 Leo [对庭审翻译说]: Naol ngeiq te yao meel maq lao lal nia, ngaq mavq hhei tiq jeiq mil nei.

庭审翻译[对被告人 Leo 说]: Ovq, maq gaq lal nia lol?

被告人 Leo [对庭审翻译说]: Maq ngel gaq lal mil a, naol ngeiq e yao meel maq lao lal nia, ngaq mavq he jeiq maq ngeiq e.

庭审翻译[对被告人 Leo 说]: Evq, aljee maq dul nga aljee maq dul.

The defendant (Leo) [to the court interpreter in Hani]: I don't understand what you said very well. We speak the Hani language with a different accent.

The court interpreter (Laura) [to the defendant (Leo) in Hani]: Well, can't you hear clearly?

The defendant (Leo) [to the court interpreter in Hani]: I can hear, but I can't understand. We don't speak with your accent.

The court interpreter (Laura) [to the defendant (Leo) in Hani]: Yes, our accents are a little bit different.

The study of trial201804 also indicates another constraint that might contribute to the tendency of court interpreters to alter information. The constraint is imposed by a judge's tendency to ask court interpreters to summarize rather than interpret sentence-by-sentence. This tendency of a judge might constrain court interpreters from interpreting all the content of a message. The non-interpreting of certain content increases the possibility of information gaps. In addition, the judge's tendency to ask the court interpreter to summarize rather than interpret sentence-by-sentence entails an unrealised possibility of making full use of court interpreting. Constrained by the limited use of court interpreting, information gaps are likely to emerge, as the presence of a court interpreter does not necessarily imply that all information is interpreted. It is worth noting that information gaps in turn might constrain judges from entirely trusting court interpreters, as shown in Example 10. The lack of confidence in court interpreters, as a constraint, might strengthen the tendency of judges to limit the use of court interpreting. Again, the limited use of court interpreting might give rise to the non-interpreting of certain information and thus information gaps. In this way, information gaps can be both the cause and effect of a judge's tendency to limit the use of court interpreting.

To sum up, as shown in Figure 2⁴⁷, constrained by the unlikelihood of defendants or plaintiffs understanding legal terms together with the absence of an attorney, both court

⁴⁷ CT refers to court interpreters. J refers to judges.

interpreters in their interlingual interpreting and judges in their intralingual interpreting inevitably tend to alter information. In addition, the absence of any note taken by court interpreters and lack of memory capacity constrain court interpreters from fully relaying the information to be interpreted. Such a tendency to forget to interpret certain information could be constrained but not excluded by the absence of the need to memorize a large amount of information. The tendency of court interpreters to alter information might also emerge from the constraint imposed by a judge's tendency to ask court interpreters to summarize rather than interpret sentence-by-sentence. Also, another two constraints, i.e. the lack of specific regulations on court interpreting and the absence of objections from defendants, allow court interpreters to switch between the tendency to alter information and the tendency not to alter information. These two different tendencies of court interpreters in turn become constraints, leading to two different attractors (i.e. a correct information exchange and information gaps). It shows that the tendency of court interpreters to alter information increases the possibility of information gaps, but does not necessarily exclude the possibility of a correct information exchange. Likewise, the tendency of court interpreters to relay information without changes increases the possibility of a correct information exchange, but does not exclude the possibility of information gaps. In complexity theory terms, an attractor could be attributed to multiple constraints and a constraint could give rise to multiple attractors. This reflects nonlinear causality, where multiple causes may have a single effect and multiple effects may be attributed to a single cause.

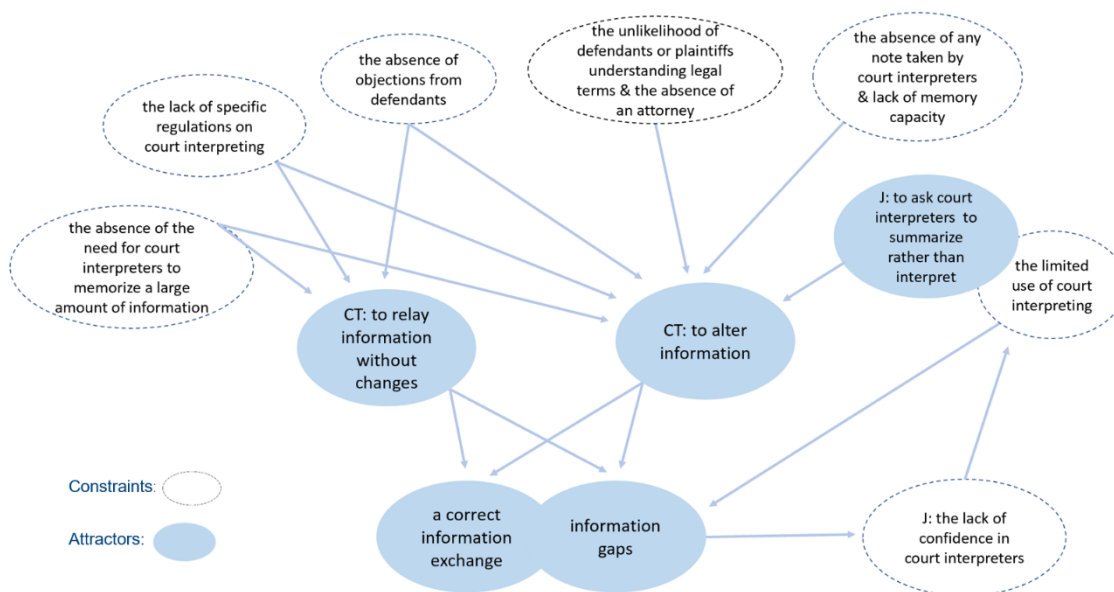


Figure 2 Causes and effects of the tendencies of court interpreters (not) to alter information

Similarly, information gaps constrain but do not exclude the possibility that other participants might intervene in the interpreting and constrain the information gaps to a certain extent (Figure 3⁴⁸). For example, at trial201809, despite the constraint imposed by the absence of the knowledge about the Hani language, the judge (i.e. Lily) could identify the mistake in the court interpreting via non-linguistic signs and correct the court interpreter’s interpreting accordingly. At trial201801, the reduced information was still likely to get relayed, constrained by the tendency of the judge (i.e. Lily) to double check information and the tendency of the defendant (i.e. Bill) to repeat his answers. Moreover, constrained by the tendency of the people’s assessor (i.e. Michael) to correct the interpreting, the court interpreter (i.e. Lawrence) was likely to correct his interpreting and relay the information that he had altered. Meanwhile, other constraints lower the likelihood of other participants constraining all the information gaps (Figure 3). As a matter of fact, not every information gap created by the court interpreter could be bridged, constrained by the unlikelyhood of other participants understanding all the courtroom interactions via non-linguistic signs, the monolingual skills of judges and defendants,

⁴⁸ CT refers to court interpreters. D refers to defendants. J refers to judges. A refers to people’s assessors.

non-correction of Lahu-Chinese interpreting in Chinese, the limited role of people’s assessors and the unlikelihood that every trial involves a bilingual people’s assessor.

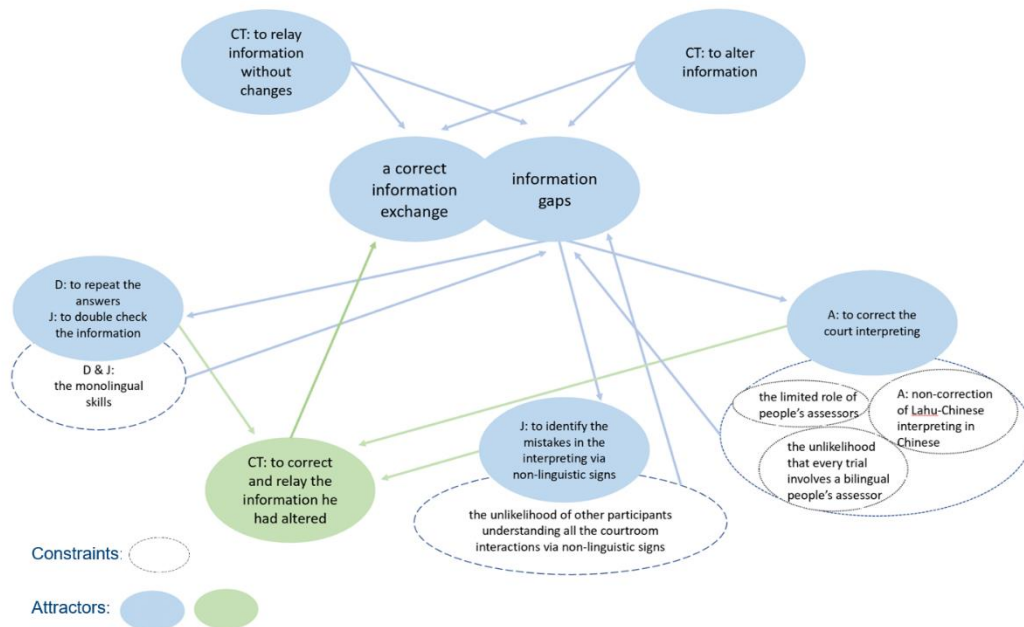


Figure 3 Possible attractors, constraints and trajectories when court interpreters (do not) alter information

As indicated by Figure 3, a court interpreter’s tendency is neither the only reason for information gaps nor the only way to enable information exchange. As a matter of fact, the tendency of some judges and prosecutors to interact with defendants directly in *Hanyu* (Chinese) led to both the attractor featured by a correct information exchange (Example 35, Example 36 and Example 37) and the attractor featured by information gaps (Example 20).

Example 35.

Excerpt from trial201710

公诉人[对被告人 Kate 说]: 你是 Kate 吗? 你吸毒吗?

被告人 Kate [对公诉人说]: 吸的。

公诉人[对被告人 Kate 说]: 你吸什么毒品?

被告人 Kate [对公诉人说]: 那个, 麻黄素。

公诉人 [对被告人 Kate 说]: 你吃不吃鸦片?

被告人 Kate [对公诉人说]: 不吃。

公诉人 [对被告人 Kate 说]: 那天被查到你包里的麻黄素和鸦片是你的吗?

被告人 Kate [对庭审翻译说]: grāi ex hmoung gah blag loux rāog.

庭审翻译 [对被告人 Kate 说]: si ndah yāox gix ndaex nbae gō an noh mōh si ndah jīe mox?

(xxx)

公诉人 [对被告人 Kate 说]: 你又递给 Noah, 是吗?

被告人 Kate [对公诉人说]: mōh Noah ba dox gah ex, ex dom joux dox gah William kaix.

庭审翻译 [对公诉人说]: 她的意思是, 东西是 Noah 给的, 她又拿给 William。

The prosecutor (Joseph) [to the defendant (Kate) in Chinese]: Are you Kate? Do you take drugs?

The defendant (Kate) [to the prosecutor in Chinese]: Yes.

The prosecutor (Joseph) [to the defendant (Kate) in Chinese]: What drugs do you take?

The defendant (Kate) [to the prosecutor in Chinese]: Well, ephedrine.

The prosecutor (Joseph) [to the defendant (Kate) in Chinese]: Do you take opium?

The defendant (Kate) [to the prosecutor in Chinese]: No.

The prosecutor (Joseph) [to the defendant (Kate) in Chinese]: Do the ephedrine and opium found in your bag belong to you?

The defendant (Kate) [to the court interpreter in Wa]: Please speak to me in the Wa language.

The court interpreter (Christina) [to the defendant (Kate) in Wa]: To whom do the drugs in the bag belong to?

(xxx)

The prosecutor (Joseph) [to the prosecutor (Kate) in Chinese]: Then you gave it to Noah?

The defendant (Kate) [to the court interpreter in Wa]: Noah gave (it) to me and then I gave it to William.

The court interpreter (Christina) [to the prosecutor in Chinese]: What she meant is that the thing was given by Noah and then she gave it to William.

Example 36.

Excerpt from trial201907

公诉人[对被告人 Sebastian 说]: 被告人 Sebastian, 现在公诉人向你提问, 请你如实向法庭陈述, 听清楚了吗?

被告人 Sebastian [对公诉人说]: 有些话我听不懂。

公诉人[对被告人 Sebastian 说]: 我的意思是, 现在我要对你进行提问, 你要老老实实的向法庭交代。

被告人 Sebastian [对公诉人说]: 嗯。

公诉人[对被告人 Sebastian 说]：听明白了吗？

被告人 Sebastian [对公诉人说]：听明白了。

The prosecutor (Sofia) [to the defendant (Sebastian) in Chinese]: Sebastian, now I, the prosecutor, am going to ask you questions. Please state facts to the court. Is that clear?

The defendant (William) [to the prosecutor in Chinese]: I can't understand some of what you said.

The prosecutor (Sofia) [to the defendant (Sebastian) in Chinese]: I mean that now I am going to ask you questions. You should tell the truth in front of the court.

The defendant (William) [to the prosecutor in Chinese]: All right.

The prosecutor (Sofia) [to the defendant (Sebastian) in Chinese]: Do you understand what I'm saying?

The defendant (William) [to the prosecutor in Chinese]: Yes.

Example 37.

Excerpt from trial201710

公诉人[对被告人 William 说]：William，你有没有身份证？

被告人 William [对公诉人说]：没有。

公诉人[对被告人 William 说]：为什么会没有呢？没有办吗？没有吗？从来没有办过吗？

被告人 William [对公诉人说]：没有办过。

公诉人[对被告人 William 说]：你们寨子是不是有一个跟你叫一样的名字，William，有没有？

被告人 William [对公诉人说]: 什么?

公诉人[对被告人 William 说]: 就是你们寨子是不是有一个小伙子, 他的名字跟你一样?

庭审翻译[对被告人 William 说]: ba ko jē gaex maix goui laih?
yaong beix ba om jē gaex maix, ang goui laih?

*The prosecutor (Joseph) [to the defendant (William) in Chinese]:
William, do you have an ID card?*

The defendant (William) [to the prosecutor in Chinese]: No.

*The prosecutor (Joseph) [to the defendant (William) in Chinese]: Why
don't you have one? Haven't you applied for one? Don't you have one?
Haven't you ever applied for one?*

The defendant (William) [to the prosecutor in Chinese]: No, I haven't.

*The prosecutor (Joseph) [to the defendant (William) in Chinese]: Is
there a guy who is also called William in your village?*

The defendant (William) [to the prosecutor in Chinese]: What?

*The prosecutor (Joseph) [to the defendant (William) in Chinese]: Is
there a guy who has the same name with you in your village?*

*The court interpreter (Christina) [to the defendant (William) in Wa]:
Does anyone have the same name with you? Is there a guy who has the
same name with you in your village?*

Drawing upon the examples mentioned above, Figure 4⁴⁹ models how the tendency of judges or prosecutors to interact with defendants directly in *Hanyu* (Chinese) might interact with different attractors and/or constraints and how these interactions might lead

⁴⁹ CT refers to court interpreters. D refers to defendants. J refers to judges. P refers to prosecutors.

to the attractor featured by a correct information exchange and the attractor featured by information gaps. One possible scenario would be that information could be exchanged as defendants have sufficient knowledge about *Hanyu* (Chinese) to participate in certain courtroom interactions. Information is also likely to be exchanged with the help from court interpreters despite the constraint of defendants' insufficient knowledge about *Hanyu* (Chinese). Admittedly, all the examples presented in this study show that the help from court interpreter leads to information exchange. However, as discussed above, even the tendency of court interpreters to relay information without changes is still likely to give rise to information gaps due to other constraints. Therefore, it is assumed that the involvement of court interpreters may lead to both the attractor of information exchange and the attractor of information gaps. It is noteworthy that court interpreters are either likely or unlikely to interpret for defendants, in spite of the constraints imposed by the absence of request on the part of defendants for interpreting and the tendency of defendants to answer in their mother tongues. When the absence of interpreting and defendants' insufficient knowledge about *Hanyu* (Chinese) together act as constraints, a translation policy is likely to gravitate towards the attractor of information gaps. Example 36 suggests another possible scenario in which information exchange could be enabled. That is, defendants inform that they do not understand and judges or prosecutors paraphrase what they have said in *Hanyu* (Chinese). However, as demonstrated in the case study of trial201809, the paraphrase or the intralingual interpreting provided by judges or prosecutors does not ensure with absolute certainty information exchange.

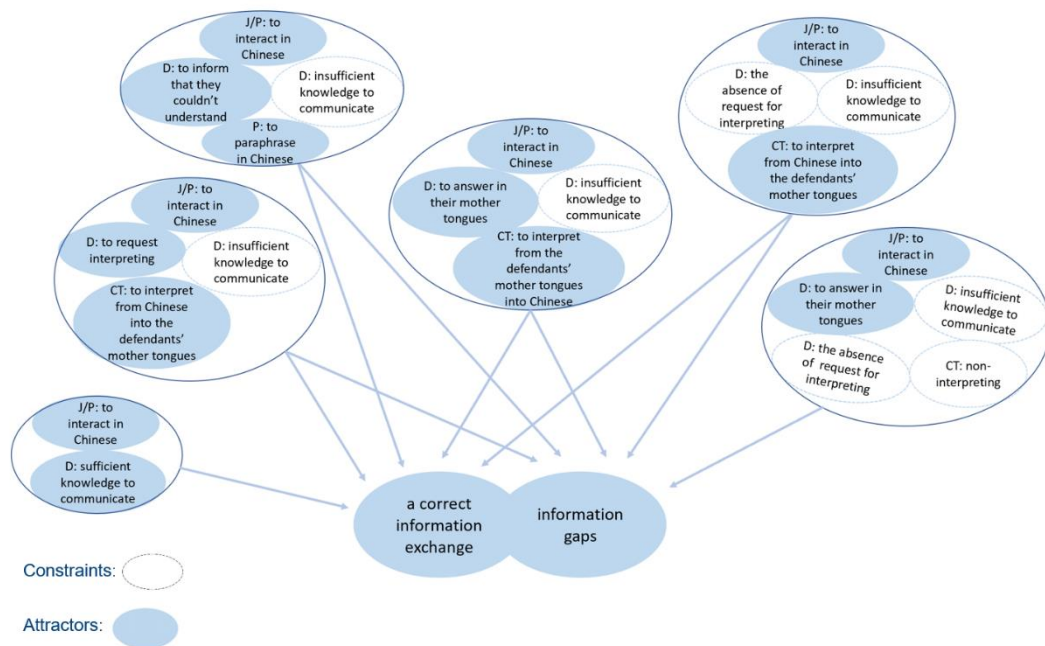


Figure 4 Possible attractors, constraints and trajectories when judges or prosecutors interact with defendants in *Hanyu* (Chinese)

This synthesis of the translation policy trajectories at the Court has modelled how possible translation policy trajectories are likely to emerge from the nonlinear interactions between different attractors and constraints. As shown above, a constraint reduces but does not exclude an attractor, and the same constraint might lead to multiple or even contradictory attractors. In other words, the same cause does not always yield the same effect. Bearing this nonlinear causality in mind, we should avoid linear thinking that information gaps could be simply removed by linear intervention, such as introducing specific regulations and/or promoting professionalization of court interpreters.

Chapter 4 The reconceptualisation of translation policy: implications of complexity theory for translation (policy) studies

There is no simple direction of causality in any sense for complex systems. Cause operates in any and all directions.

(Byrne & Callaghan, 2014, p. 190)

The empirical studies on a local court in China have demonstrated how certain key concepts from complexity theory, such as constraints, attractors and trajectories, could be applied to qualitative studies of translation policy. The findings of the empirical studies corroborate my assumption of translation policy as a complex system with emergent and nonlinear properties. The conceptualisation of translation policy as a complex phenomenon that encompasses translation management, translation practices, and translation beliefs (González Núñez, 2016a, p. 92; Meylaerts & González Núñez, 2017, p. 2) recognises that not only policy documents but also everyday social practices and ideological factors shape and affect both *de jure* and *de facto* translation policy. However, this model is treated generally in a relatively static and descriptive manner, a manner that cannot sufficiently articulate the emergent and nonlinear nature of translation policy. Our conceptualisation of translation policy may require adjustment. In this chapter, I seek to integrate the concepts of ‘constraints’, ‘attractors’ and ‘trajectories’ to reconceptualise translation policy through discussing the inherently dynamic relationships between the whole and the parts, between systems and environment, between structure and agency, and between cause and effect. I will also illustrate how such conceptualisation would inform research methods in translation (policy) studies.

4.1 The whole-part relationship

As the empirical studies in Chapter 3 show, what is not realised in terms of translation management, translation practices and translation beliefs has a causal influence on the emergence of translation policy as a whole. Deacon’s idea about constraints expands our understanding of what constitutes translation policy by taking account of not only realised

possibilities but also unrealised possibilities. Through examining the interactions between the parts of translation policy with a consideration of both realised and unrealised possibilities, I have demonstrated that translation policy takes place ‘at the edge of chaos’, somewhere between order and chaos (see Chapter 3). This property that emerges at the level of the whole does not exist at the level of the parts and thus cannot be learnt through decomposing the whole into its parts. This upward emergence from the parts to the whole reflects one popular expression describing the whole-part relationship, that is, “the whole is greater than the sum of the parts” (Morin, 1992, p. 374). Emergence is not only upward from the parts to the whole, but also downward from the whole to the parts, as recognised by many scholars (e.g. Byrne & Callaghan, 2014; Deacon, 2013; Marais, 2019a). The downward emergence reflects another perspective related to the whole-part relationship, that is, “the whole is less than the sum of the parts” (Morin, 1992, p. 374). In the words of Morin (1992):

The whole is greater than the sum of the parts (a principle which is widely acknowledged and intuitively recognized at all macroscopic levels), since a macro-unity arises at the level of the whole, along with emergent phenomena, i.e., new qualities or properties.

The whole is less than the sum of the parts, since some of the qualities or properties of the parts are inhibited or suppressed altogether under the influence of the constraints resulting from the organization of the whole (p. 374).

Deacon’s idea about constraints also proves useful in explaining the downward causation. Once translation policy as a whole emerges from the interactions between its parts, certain potential translation policy trajectories become impossible. The unrealised possibilities in the translation policy trajectories in turn constrain the possibilities of the parts and constrain the way the parts interact with each other. Consequently, the possibilities of the whole are constrained. This illustrates why the whole is less than the sum of the parts. Through considering the causal influence of absence on the emergence of reality, “Deacon poses a complex interplay between upward and downward causation, and simultaneously, he solves the problem of circularity and supervenience” (Marais, 2019a, p. 56). The recursive relation between the whole and the parts demonstrates the need for

a basic rethinking of our approach to translation policy. It is unrealistic to expect that we can manage to explain a complex system like translation policy by simply adding up all the data about translation management, translation practices and translation beliefs. What we need, instead, is a synthesised approach that explains processes of interaction, including the way translation management, translation practices and translation beliefs interact with each other and with translation policy as a whole. TS may also benefit from this focus on the process of translation and on the relationships between different parts of the process, as noted by Meylaerts (2020).

Complexity theory urges translation studies to be process- and actor-oriented in order to conceptualize translation as an emergent phenomenon: every translated text is the result of complex and non-linear interactions that cannot be added up in order to measure their effects and to understand the final product as a translation. The analysis of the translation process can reveal the multiple interacting transfer practices of which the target text is the surface result: translation, multilingual writing, self-translation, adaptation, summary, parody, plagiarism, pastiche and so on. In other words, translation is just one among many transfer modes taking sense and shape in relation to all other transfer modes (p. 56).

In this study about translation policy, I have also come across several examples that make me rethink some traditional binary oppositions in TS, such as translation versus non-translation and source versus target elements. As mentioned earlier, the notion of ‘constraints’ makes us open to both realised and unrealised possibilities and thus draws our attention to the causal influence of absence on the emergence of reality. A consideration of the role that unrealised possibilities play expands our understanding of what constitutes the reality of translation. As shown in Chapter 3, translation often entails non-translation and what is not translated, as a constraint, reduces certain possibilities of what further messages to be translated will be produced. In this way, the non-translation constrains what is to be translated. This example reveals how translation and non-translation interact and both constitute the reality of translation. Further research on non-translation, the role of which is understudied, might enrich our understanding of

translation as an integrated whole. This unified view to understand reality as a whole consisting of opposites might alter the way we view some other binary oppositions. Take source versus target elements as another example. As examples in Chapter 3 demonstrate, it is not always the case that the message to be translated is the source message and the translation is the target message. As shown above, (non)-translation constrains what and how the messages to be translated will be produced. This means that the translation can also serve as the source message, from which new messages to be interpreted emerge. This relationship between the messages to be translated and the translation of the messages is not a binary and static relation of equivalence, but “a temporal relation of interpretive process” (Marais, 2019c, p. 53). This reveals that translation, both as a process and as a product, is neither linear nor binary as in source texts > target texts, but recursive, which means the so-called target texts can also feed back into the so-called source texts (Marais, 2019b, p. 46). To articulate this process nature of translation, Marais (2019b) introduces the concepts of ‘incipient sign systems’ and ‘the subsequent sign systems’:

I conceptualize what is currently known as a source text as an incipient sign system and what is currently known as a target text as a subsequent sign system. This reflects the fact that neither source nor target is stable but part of a historical process. The incipient sign system is simultaneously a subsequent system from previous processes, and the subsequent system is simultaneously an incipient system for subsequent processes. They are incipient and subsequent to ‘this’ particular process under description only (p. 45).

In short, a complexity theory approach, the notion of ‘constraints’ in particular, offers new analytical instruments to explain bidirectional causation between the reality of translation as a whole and its constituent parts (i.e. both translation and non-translation, both ‘incipient sign systems’ and ‘the subsequent sign systems’). TS could usefully explore how these constituent parts of translation interact with each other and with the reality of translation as a whole instead of examining the constituent parts in isolation or studying translation as such.

4.2 The system-environment relationship

It is worth noting that translation policy is not isolated or closed. Firstly, translation policy is related to other systems in a way that some constraints that give rise to a particular translation policy trajectory are unrealised possibilities in other systems. For example, the unlikelihood of defendants understanding legal terms even in their mother tongue is an unrealised possibility in the legal system and education system. This constraint (i.e. the unlikelihood of defendants understanding legal terms) crosses into a translation policy system and limits the way a particular translation policy develops. At the same time, the unrealised possibilities in a translation policy system (e.g. information gaps through court interpreting) might limit legal knowledge dissemination at a local community and thus constrain the legal system and education system. The interaction between translation policy and other systems reflects Byrne and Callaghan's (2014) idea of "nested but interpenetrating systems with causal powers running in all directions" (p. 45).

Secondly, translation policy is related to other systems in a way that some attractors that give rise to a particular translation policy trajectory stem from some constraints imposed by other systems. For example, as mentioned in Chapter 3, the criminal trials at the Court, unlike the civil trials at the Court, tend to involve court interpreters to enable courtroom interactions. Such an attractor emerges, constrained by the operating procedures regarding judicial appointment at the Court. The Court appoints all the monolingual judges to criminal courtrooms and all the bilingual judges to civil courtrooms. This attractor in the process of judicial appointment emerges from a constraint imposed by a low level of bilingualism at the local community. Constrained by a low level of bilingualism among prosecutors⁵⁰ and people's assessors, the criminal trials at the Court tend to involve monolingual prosecutors and monolingual people's assessors, who can only understand *Hanyu* (Chinese). As a result, bilingual judges alone would hardly suffice for the courtroom interactions between different participants and thus the criminal trials have to inevitably rely on court interpreters. Therefore, a low level of bilingualism at the local community, which is an unrealised possibility in other systems, such as the language policy system and education system, constrains the legal system by

⁵⁰ All but one prosecutor are monolingual speakers of *Hanyu* (Chinese).

causing a certain way of arranging judicial personnel. What is unrealised in this attractor in the legal system, i.e. the absence of bilingual judges for criminal cases, becomes a constraint and increases the possibility of involving a court interpreter at criminal trials. Therefore, the whole-part interactions within a translation policy system are also open to the influences from other systems. In a sense, the structure⁵¹ of translation policy is ‘about’ its environment. As Marais (2019b) observes:

Systems that are simultaneously dissipative and self-organizing thus have a complex, interdependent relationship with their environment. They influence their environment as much as they are influenced by it, and they structure their environment as much as they are structured by it (p. 46).

To understand the causal processes in translation policy, we need to examine not only the mutual implication between the whole and the parts but also the connections between translation policy and the environment from which it emerges. This interdependent relationship that translation policy has with its environment highlights the need to reconsider the notion of ‘boundaries’. Zeleny (1996) believes that boundaries of social systems “do not separate but intimately connect the system with its environment” (p. 133). In the same vein, Cilliers (2001) reminds us of the enabling nature of boundaries and their displacement:

We often fall into the trap of thinking of a boundary as something that separates one thing from another. We should rather think of a boundary as something that constitutes that which is bounded. This shift will help us to see the boundary as something enabling, rather than as confining (...) If the boundary is seen as an interface participating in constituting the system, we will be more concerned with the margins of the system, and perhaps less with what appears to be central.

⁵¹ In this study, the notion of ‘structure’ refers to “the patterns of interaction in the system” (Cilliers, 2001, p. 140) and I will return to the notion of ‘structure’ in the following section.

(...) non-contiguous sub-systems could be part of many different systems simultaneously. This would mean that different systems interpenetrate each other, that they share internal organs (...) There is thus no safe “inside” of the system (...) Everything is always interacting and interfacing with others and with the environment; the notions of “inside” and “outside” are never simple or uncontested (pp. 141–142).

Two implications can be drawn from this understanding of boundaries. Firstly, given the constitutive role of a boundary in a system, a focus shift towards the margins of a translation policy system may enhance our understanding of what constitutes translation policy. As shown in Chapter 3, the role of translation is by no means confined to exchanging information across linguistic boundaries (interlingual translation). Translation also plays a role in the communication between legal professionals and laymen (intra-lingual translation) and in the communication via non-linguistic signs (intersemiotic translation). Therefore, studies about translation policies may also benefit from studying monolingual interactions or even non-linguistic communication. This also implies that translation policy is not a sub-system of language policy. Rather, translation policy and language policy intersect with each other and share interpenetrating components. In addition, the empirical studies in Chapter 3 reveal the roles that both non-professional interpreters and other participants of trials play in court interpreting processes. This means that professional translation should not be the only focus in our studies about translation processes. A focus shift from professional to non-professional translators and more largely all participants in the communication process might produce interesting findings that account for the complexity of translation. Secondly, the interconnectedness between translation policy and other systems places great importance on interdisciplinary efforts in dealing with the constraints that apply to different systems at the same time. Translation-related decisions should not be made by drawing upon insights only from TS. Likewise, the perspective of TS does not only solve translation-related problems. This corroborates how Byrne and Callaghan (2014) see the future of the social sciences.

We would note that, as the Gulbenkian Commission both predicted and requested, much of the most interesting and exciting work has been

done outside the boundaries of traditional disciplines narrowly defined. The implication of these developments is that the future of the social sciences lies not in an ever increasing refinement of disciplines considered as relatively isolated and discrete intellectual projects but in a much more unified generic social science explicitly founded on complexity theory (p. 12).

4.3 The structure-agency relationship

As discussed in Section 4.1, the concept of ‘constraints’ proves useful in explaining both upward emergence from the parts to the whole and downward emergence from the whole to the parts. This understanding of emergence also offers insights into the interactions between structure and agency. On the one hand, it shows that individuals involved in a translation policy process are constrained by larger social and cultural structures in society, which in essence, as shown by the ‘norms’ concept, is not a new insight in TS. As indicated in the analyses of courtroom interactions, the social-economic class of an individual constrains *but does not determine* the education the individual ends up having and constrains the way the individual speaks and acts at a trial. And constrained by judicial procedures, participants of a trial tend to behave in a manner that is consistent with their positions in courtroom interactions.

On the other hand, the structural constraints do not necessarily exclude the possibility of individuals acting according to their own beliefs, beliefs that are not necessarily in line with larger social and cultural structures, in a translation policy process. It is the interaction between structure and agency that constrains the translation policy process. The tendency of the people’s assessor to correct interpreting because of his concern for ethnic minority defendants’ interests⁵² is a case in point. Despite the constraint imposed by his role of acting as a people’s assessor (i.e. structure), he is able to intervene in the interpreting and bridge information gaps (i.e. agency) when he believes that the information gaps might affect defendants’ rights and interests (i.e. agency). Apart from the people’s assessor, judges are able to decide how to engage interpreters. Despite the lack of official guidelines, judicial personnel are apparently aware of the need to

⁵² Michael, interview by author, April 21, 2018.

employ the court interpreters who are not affiliated with the same court to ensure neutrality. The judges investigated in this study mentioned their considerations regarding the objectivity and neutrality of court interpreters in the interviews (See Example 38 and Example 39). However, at the same time, legal professionalism and trial efficiency are also their concerns (See Example 38 and Example 39), which often override neutrality, as exemplified by their tendencies to choose their bilingual colleagues over the bilinguals who are not affiliated with the same court.

Example 38.

Excerpt from the interview with Judy (April 18, 2018)

I: 院方是通过哪些途径找到此次庭审的翻译人员的?

Judy: 本单位或者有些人民陪审员也有对拉祜语有研究。昨天庭审翻译就是我们民庭的法官。出于公立的考虑, 原则上不允许请本院的, 但本单位的更专业。

I: How did you find the court interpreter?

Judy: Some working staff and some people's assessors have expertise in Lahu language. The court interpreter for yesterday's trial is a judge for civil cases in our court. Considering the importance of fairness and objectivity, in principle, we are not allowed to employ an interpreter from our court. However, working staff in our court tend to be more professional.

Example 39.

Excerpt from the interview with Lily (April 18, 2018)

I: 院方一般是通过哪些途径找到庭审的翻译人员的?

Lily: 一般我们自己解决, 向领导汇报自己所知道的庭审译员, 一般如果时间充裕, 会从外边请庭审译员。如果是当地开庭, 就与当地村委会、司法组沟通, 从当地找一位合适的人员担任翻译工

作。如果时间紧，会从院内请，院内的译员熟悉流程，但是中立欠缺。

I: How did you find the court interpreter?

Lily: Normally, we solve the problem on our own, and report to our leaders on potential court interpreters we personally know. If time permits, we will employ an interpreter who does not work for our court. If we hold a trial in a local village, we will consult local village committees and judicial teams, in order to find a local who is qualified to do court interpreting. If time is limited, we will select an employee from our court. Our working staff is more familiar with procedures, but are less neutral.

In addition, court interpreters are able to choose their translation strategies (i.e. agency), despite the possibility of other participants of trials intervening in the interpreting. For example, the court interpreters investigated in this study are able to leave the information they deem unimportant or inappropriate uninterpreted (Example 5 and Example 26). They are also able to paraphrase legal terms in the way that they think enables defendants to understand legal concepts (Example 4 and Example 32). Chapter 3 also shows the possibility of defendants emphasising the information that they want to relay to the court by repeating their answers (Example 5), although defendants are constrained by their positions at trials and their lack of proficiency in the language of the court. These examples reflect the reflexivity of agency, which involves “mediating deliberately between the objective structural opportunities confronted by different groups and the nature of people’s subjectively defined concerns” (Archer, 2007, p. 61). As indicated in Example 38, the judge is capable of recognizing the structural constraints on her decisions. She is aware that theoretically speaking they are not allowed to employ an interpreter from the court. At the same time, she is also aware of the unrealised possibility in structure, i.e. the absence of a specific regulation. Her statement that “translation and interpreting are important, but I cannot see to what extent they are important” illustrates this (Example

40). This unrealised possibility in structure acts as a constraint, enabling⁵³ her to make choices that are in line with her own principles or beliefs. This example illustrates how reflexivity could play a role in enabling agency to be stronger than structure.

Example 40.

Excerpt from the interview with Judy (April 18, 2018)

I: 您认为目前为少数民族当事人提供司法翻译服务的相关立法对司法翻译实际操作是否有指导性作用？

Judy: 肯定有的。(Judy 斩钉截铁地回答。)要这么做。但是目前的规定不具体不明确，导致现在出现的情况，具体我们该怎么做我们也不知道，相关立法需要细化明确。哎，翻译工作是重要，但是重要到什么程度也没见到。

I: What effect, if any, do you feel current legislation on court interpreting for ethnic linguistic minorities have had on court interpreting practices in reality?

Judy: Sure. There must be some effects. ((Judy answered without any hesitation.)) It is important to do this. However, current laws are too abstract, due to which we are not clear about what we are supposed to do. Regulations related to court interpreting should be specified and clarified. ((Judy sighed.)) Indeed, translation and interpreting are important, but I cannot see to what extent they are important.

The reflexivity of agency leads to an understanding of structure-agency relationships in which “habitus is part of action rather than agency”⁵⁴ (Byrne & Callaghan, 2014, p. 113).

⁵³ Chapter 3 illustrates the enabling nature of a constraint. That is, by reducing certain possibilities, a constraint also opens up other possibilities (Cilliers, 2001, p. 139).

⁵⁴ This differentiation challenges the tendency of some scholars “to equate habitus with Bourdieu’s account of agency”, which results in the misconception that Bourdieu “deals only with reproduction and cannot understand change” (Byrne & Callaghan, 2014, p. 108). For a detailed discussion, see Byrne and Callaghan (2014).

We have introduced habitus above as explaining the reproductive dimension of human action. Rather than agency per se, it is the pre-conscious orientations to action with which actors are equipped to reproduce the world as it is ‘without either knowing they are doing so or wanting to do so’ (Bourdieu 1998: 26).

Therefore, people’s actions emerge from the interaction between reflexivity and habitus (Byrne & Callaghan, 2014, p. 125) and include “both the reflexivity of agency and the non-reflexive, reproductive elements that are consistent with the structural context” (Byrne & Callaghan, 2014, p. 111). This also means that habitus and norms are, but not the only, parts that contribute to the emergence of translators’ strategies and actions. Admittedly, a habitus-norms analysis, which is what TS normally does, can reveal the interactions between translators’ actions and norms. However, studying translators’ actions with a habitus-norms frame implies reducing the reality of translators’ strategies and actions to these two aspects and focusing on the causal influence of what has happened. This will lead to a blind spot regarding the nonlinear causality (see Section 4.4 below) operating throughout the complex process from which translators’ strategies and actions emerge. The interaction between norms, habitus and reflexivity opens up the possibilities of people moving from one attractor to another. Once an individual gravitates towards one attractor, the other attractors that he or she could have moved towards but did not do so, become unrealised possibilities, constraining the probability that other people might gravitate towards certain attractors rather than others. For example, when the people’s assessor only corrected Chinese-Lahu interpreting directly in the Lahu language throughout trial201801, other tendencies that he could have shown, such as correcting Lahu-Chinese interpreting and using *Hanyu* (Chinese) to correct interpreting, became impossible. These unrealised possibilities constrained other judicial personnel who are monolingual speakers of *Hanyu* (Chinese) from receiving all the information about the interactions between defendants and court interpreters and thus constrained the way they reacted to the courtroom interactions. Likewise, when judges decided to appoint their bilingual colleagues as court interpreters, the unrealised possibility of non-legal professionals doing court interpreting became a constraint. It reduced the likelihood of court interpreters’ heavy dependence on judges’ intralingual interpreting of legal language and judges’ tendency to instruct what to interpret. These examples illustrate how

individual agency might have a causal effect on the way individuals act collectively, i.e. collective behaviour. As Judy indicates in the interview⁵⁵, people interact locally in the absence of a specific blueprint of how to engage interpreters and how to do the interpreting, and it is from local interactions under certain constraints that new patterns of interactions, i.e. structures, emerge. In complexity theory terms, individuals are capable of producing collective behaviour through self-organisation, i.e. “the spontaneous emergence of new structures and new forms of behaviour in open systems far from equilibrium” (Capra, 1996, p. 85). This also corroborates the ideas of Cilliers (2001), who claims that structure is “not something that has to exist in an *a priori* fashion” (p. 141). The emergence of new structures can be explained but not determined beforehand.

Once structure of a complex system like translation policy emerges, we see the emergence of certain patterns of interactions. In complexity theory terms, these patterns are strange attractors, which display ‘recognizable’ but ‘irregular’ patterns of behaviour in space or over time (Stacey, 2003, p. 44). As suggested in the definition of attractors, attractors limit possibilities through ‘boxing’ the behaviour of a system into a subset of the phase space (Kauffman, 1993, p. 174). Therefore, attractors could be a kind of constraint in that attractors entail the absence of certain trajectories and thus constrain further attractors. In other words, the shape of attractors “establishes the limits of the behaviour that it is possible for the system to produce” (Stacey, 2003, p. 44). Structure therefore has a downward causal effect on the individuals whose interactions caused the structure (Epstein & Axtell, 1996, p. 33; Giddens, 1984; Marais, 2014, p. 37) through limiting the possibilities of the attractors that both individual and collective behaviour might gravitate towards.

As we are dealing with an open system ‘interpenetrating’ with other systems, it is worth noting that both structure and agency in translation policy are subject to change. Any change in other systems might result in changes in initial conditions for translation

⁵⁵ Judy reported that no written regulation is available for the judicial personnel at the Court on issues like the appointment and administration of court interpreters as well as the way court interpreting should be conducted. And no one is in charge of these issues. However, some norms have developed, although they are not explicitly mandated in written documents. For example, the Court’s judicial personnel tend to equate bilinguals with interpreters, and thus routinely designate its bilingual legal professionals or bilingual locals to serve as court interpreters for criminal trials.

policy in a certain context. And a small change in the initial conditions could be escalated by nonlinear iteration into a major change in local (inter)actions. This again shows that translation policy takes place ‘at the edge of chaos’, somewhere between order and chaos, as discussed in Chapter 3. A habitus-norms analysis could also enable us to see that translation policy gravitates between order and chaos. However, as I argued earlier, a habitus-norms frame implies reducing the reality of translation policy to these two aspects (i.e. habitus and norms) and focusing on the causal influence of what has happened. This way cannot suffice to account for the nonlinear causality operating throughout a translation policy process, and to explain the interrelationships between competing norms, and between contradicting habituses.

At this far from equilibrium state, the structure of a translation policy system is not fixed but will adapt to the changes in the interactions between actors whose interactions will then adapt to the emerging structure. This feedback loop creates continuous adaptation in the complex interplay between structure, agency and reflexivity. In other words, structure and agency “inform each other and co-evolve” (Morrison, 2005, p. 315). What emerge from the co-evolution of structure and agency are dynamic and adaptive relationships between individuals. That is, new structures are forming. As the empirical studies in Chapter 3 show, the relationship between a monolingual judge and a court interpreter is not always the one between an individual who needs interpreting services and another individual who offers interpreting services. It can be the other way round. A defendant who has limited proficiency in the language of the court is not always the one for whom court interpreting services are provided. On the contrary, a defendant is found to do the interpreting in some cases, as shown in the study of trial201804. Methodologically speaking, when we study the emergence of translation policy, we should not treat the relationships between individuals as a sum of the individual static roles. TS scholars would also benefit from studying the relationships in translation processes in a dynamic manner. As a matter of fact, translation, both as a process and as a product, involves complex relationships between source and target cultures. As Meylaerts (2020) observes in her study about the interactions between the Flemish and Francophone Belgian literatures, “the roles of author and translator interact in complex ways in the translation process and are at times indistinguishable” (p. 54). This makes Translation Studies’ conceptualisation of a clear-cut distinction between authors and

translators problematic and makes generalizations about translatorship impossible (Meylaerts, 2020, p. 48). This again shows the importance of studying processes of interaction, in which structure and agency influence each other, co-evolve, and bring forth emergence.

To sum up, the concepts of ‘constraint’, ‘attractors’ and ‘trajectories’ incorporate the irreducible interactions between structure, agency and reflexivity without reducing one to another. This adds to the growing body of research that emphasizes the recursive relationships between structure and agency, such as Bourdieu’s (1977) habitus, Giddens’ (1984) theory of structuration and Archer’s (2003) morphogenesis. For a detailed discussion about the similarities and differences between these theories and complexity theory, see Fuchs (2003a), Fuchs (2003b), Morrison (2005) and Byrne and Callaghan (2014). It is worthwhile to further explore what new insights complexity theory could add to the standing structure versus agency debate and how these insights could shed new light on issues related to norms and habitus in TS. Bearing the recursive relationships between structure and agency in mind, we will see the interactions between translation management, translation practices and translation beliefs as a contingent outcome of interactions between structure, agency and reflexivity (both individual and collective), between determinism and freedom. This explains why translation policies have uncertain outcomes and cannot be controlled by a certain individual or structure, but at the same time show patterns.

4.4 The cause-and-effect relationship

As the preceding sections show, the notion of ‘constraints’ enables us to explain the bidirectional causation between system elements or between systems. For example, the three constituent parts of translation policy inform and shape each other. Similarly, translation policy and other systems constrain each other. Furthermore, the notion of ‘constraints’ also proves useful in explaining the bidirectional causation between the macro level and the micro level within a system. For instance, the whole-part relationship and the structure-agency relationship demonstrate both upward causation and downward causation. All of these examples illustrate a nonlinear relationship between cause and effect. An effect resulting from a cause might feed back to affect the cause. Or in the words of Marais (2019a), “causes might thus sometimes be effects’ and ‘trajectories could

be both cause and effect, as could constraints” (p. 62). In addition, as demonstrated by many examples in this study, multiple causes may have a single effect. For example, as shown in Chapter 3, a certain attractor may be reached through different ways of interactions between different constraints⁵⁶. This echoes the discussion by Byrne and Callaghan (2014):

For complex systems of the same kind, for ensembles, the same system state may be produced in different ways and those ways are not only multiple in number but generally are complex and interactive in kind (p. 90).

Likewise, a single cause might give rise to multiple or even contradictory effects. For example, the tendency of court interpreters to alter information increases the possibility of information gaps but does not necessarily exclude the possibility of a correct information exchange. Likewise, the tendency of court interpreters to relay information without changes increases the possibility of a correct information exchange, but does not exclude the possibility of information gaps. Translation is neither the only reason for information gaps nor the only way to enable information exchange. These examples of nonlinear causality serve to illustrate the point that we could “argue for the probability of a causal factor to have played a role” but cannot “reduce the causality to that particular factor only” when we explain translation processes (Marais, 2019a, p. 68).

This nonlinear cause-and-effect relationship also means that “we can have changes in effects which are disproportionate to the changes in the causal element(s)” (Byrne & Callaghan, 2014, p. 18). As discussed in the preceding section, a small change in the initial conditions may produce widely divergent outcomes. Therefore, making linear causality claims when we explain translation processes would be problematic. As Chapter 3 shows, the judges involved in this study assume that an ethnic origin causes a court interpreter to interpret in favour of ethnic minority defendants. Contrary to their

⁵⁶ It should be noted that the constraints identified in this study are some (but not the only) potential means through which a certain attractor might be reached. However, my aim is not to reduce the causality to a limited number of factors. On the contrary, I intend to explain possible translation policy trajectories by examining the roles of constraints based on the data available to me.

observation, the court interpreter of trial201801 and the people's assessor of trial201801 can suddenly gravitate towards markedly different attractors, at any time, no matter how similar their cultural backgrounds are initially. This reinforces the idea that similar causes do not necessarily yield similar effects. It stops making sense to assume that an ethnic identity causes a court interpreter to interpret in favour of ethnic minority defendants. Bearing nonlinear causality in mind, TS scholars should be aware that "indicating one cause and effect relationship between, say, a translation/translator and a particular development in society, is thus highly questionable" (Marais, 2014a, p. 34).

4.5 Reconceptualising translation policy as a complex adaptive system

The interactions discussed above strengthen our understanding of the emergent, nonlinear and open properties of a translation policy system. Another noteworthy feature of a translation policy system is that it is adaptive both at the level of individual actors and at the level of the whole system. As demonstrated above, translation policy is what Byrne and Callaghan (2014) called "a far from equilibric, open and complex adaptive system", which is "self-maintaining and self-organizing whilst also being open to influences as we shall see from other systems" (p. 26). As shown in the discussion on the structure-agency relationship, translation policy does not exist *a priori*, but emerges from the interactions between agents. Patterns of behaviour (i.e. structures) of a translation policy system emerge from the self-organisation of its agents rather than from external interference. No single agent is in control or has access to all the information about the system (see also Cilliers, 1998, p. 90). Admittedly, once a structure has emerged, it creates a certain level of stability by limiting the possibilities of the attractors that both individual and collective behaviour might gravitate towards. However, as pointed out already, a translation policy system does not exist in isolation. A translation policy system is adaptive in the sense that both the system as a whole and individual agents self-organise and adapt to the changing conditions both within and outside the translation policy system. The co-evolution of the whole system and agents contributes to evolving changes both within and outside translation policy system.

Therefore, translation policy can be conceptualised as a complex adaptive system, which has the potential to "redefine itself, evolve and change" (Allen, 2016, p. 1). One advantage of this conceptualisation is that it incorporates the complex relationships

between a translation policy system and its agents, between a translation policy system and its environment without reducing one to another (a view also shared by Marais, 2014, pp. 113–114). In the conclusion chapter, I will work out the implications of this conceptualisation of translation policy as a complex adaptive system in more detail. Specifically, I will discuss how this conceptualisation might help shed light on the nature of translation policy by revisiting the research questions outlined in Chapter 1. In addition, I will discuss how this conceptualisation might help inform policy makers how to deal with the uncertainty and unpredictability of translation policies.

Chapter 5 Conclusion

*What we call the beginning is often the end.
And to make an end is to make a beginning.
The end is where we start from.*

(Eliot, 1943, p. 58)

In this research, I sought to understand the reality of translation policy, to explore why translation management, translation practices and translation beliefs are sometimes contradictory, what are the mechanisms underlying a translation policy process, and how we can cope with the inherent uncertainty of translation policies. To address these questions, I adopted complexity theory as a frame of reference, drawing upon its ontological and epistemological insights and adopting research methods that are compatible with these insights. By applying the concepts of ‘constraints’, ‘attractors’ and ‘trajectories’, I developed qualitative explanations for the emergence of translation policies during courtroom interactions at a local court in China. This study fills an important gap in current translation policy studies that have yet to uncover complex causal processes of translation policies. The application of complexity theory adds to our understanding of the complex and paradoxical relationships between the whole and the parts, between systems and environment, between structure, agency, and reflexivity, and between cause and effect. This understanding lays the groundwork for conceptualising translation policy as a complex adaptive system.

In this chapter, I will firstly revisit the research questions outlined in Chapter 1. Then, based on these findings, I will reflect on the implications and relevance of this research for both academics and policymakers. Finally, I will discuss the limitations of this research and suggest possible future research directions.

5.1 Key findings: returning to the research questions

RQ1. How can it be explained that translation management, translation practices and translation beliefs are sometimes contradictory?

This study has shown that translation management, translation practices and translation beliefs constrain but *do not determine* each other. A constraint affects the probability that a tendency might emerge, but does not set clear what tendencies will definitely take place or not take place, as discussed in Chapter 2. Examples in Chapter 3 illustrated how the same constraint led to multiple or even contradictory attractors. This illustrates the nonlinear interactions between translation management, translation practices and translation beliefs. Nonlinearity challenges simple notions of causality driven by linear and deterministic thinking. The perspective of complexity theory allows for a non-reductionist conception that embraces the coexistence of contradictory translation management, translation practices and translation beliefs, all of which constitute the reality of translation policy.

In addition, the interaction between structure, agency and reflexivity opens up the possibility of a local actor gravitating between different or even contradictory attractors (Chapter 4). The empirical findings showed that an individual local actor's views on translation management, translation practices and translation beliefs could be contradictory (Chapter 3). Chapter 4 discussed the role of reflexivity in enabling a local actor to mediate between structure and agency. That is, on the one hand, a local actor is capable of recognizing the structural constraints on his or her decisions. On the other hand, a local actor is also able to use the unrealised possibilities in structure as a constraint to enable choices that are in line with his or her own beliefs but not necessarily in line with larger social and cultural structures. Therefore, translation management, translation practices and translation beliefs are neither determined nor random but are contingent outcomes of interactions between structure, agency and reflexivity. This sheds light on why translation policies have uncertain outcomes and cannot be controlled by a certain individual or structure, but at the same time show patterns.

Furthermore, translation management, translation practices and translation beliefs and the way they interact are constrained by the legal system, education system, and other systems (Chapter 4). Any change in other systems might result in changes in initial conditions for translation management, translation practices and translation beliefs in a certain context. And a small change in the initial conditions could be escalated by nonlinear iteration into a major change in translation management, translation practices

and translation beliefs and the way they interact. This can be illustrated by different tendencies that the same judge showed when interacting with defendants with different levels of proficiency in *Hanyu* (Chinese), when interacting with the same defendants at different times of a trial, or when interacting with different court interpreters with and without legal background (Chapter 3). These examples show how an initial change introduced by other systems might cause an individual actor to gravitate between contradictory attractors in a translation policy process. Once the individual actor gravitates towards one attractor, the other attractors that he or she could have moved towards but did not do so, become unrealised possibilities, constraining the probability that other actors might gravitate towards certain attractors rather than others. Due to the nonlinear interactions between local actors, the possibility of an individual actor gravitating between contradictory attractors in a translation policy process might give rise to the possibility of other actors gravitating between contradictory attractors in the same translation policy process.

RQ2. What are the mechanisms underlying a translation policy process?

In Chapter 3, I explained how certain translation policy trajectories emerged from the nonlinear interactions between different attractors and constraints during courtroom interactions at a local court in China. Admittedly, the qualitative explanations developed in this research are local in time and place. However, this research sheds light on the mechanisms underlying a translation policy process by means of the concepts of ‘constraints’, ‘attractors’ and ‘trajectories’.

The notion of ‘constraints’ allows us to consider the causal influence of both realised possibilities and unrealised possibilities on how translation management, translation practices and translation beliefs interact and contribute to the emergence of certain translation policy trajectories. The notion of ‘constraints’ also offers an effective way of explaining the downward causation from the whole to the parts. The unrealised possibilities in the translation policy trajectories in turn constrain the possibilities of translation management, translation practices and translation beliefs and constrain the way they interact with each other. The study has further found that a translation policy process is also constrained by the interaction between translation policy and its environment, and interaction between structure, agency and reflexivity, as pointed out in

the discussion on *RQI*. The notion of ‘trajectories’, through revealing the sequence in which events take place, shows that a translation policy process is path-dependent. That is, a translation policy process is constrained by past interactions and at the same time constrains future interactions. This reflects what Gould (1990) calls “the central principle of all history – contingency” (p. 283):

A historical explanation does not rest on direct deductions from laws of nature, but on an unpredictable sequence of antecedent states, where any major change in any step of the sequence would have altered the final result. This final result is therefore dependent, or contingent, upon everything that came before – the unerasable and determining signature of history (Gould, 1990, p. 283).

The notions of ‘attractors’, ‘trajectories’ and ‘constraints’ reflect both structure and contingency in a translation policy process. As shown in the section devoted to the structure-agency relationship (Chapter 4), the local actors that constitute a translation policy process are capable of self-organising, contributing to the emergence of patterns of interactions. The emerging structure, which is represented by strange attractors, may in turn constrain the probability that certain tendencies of local actors might emerge. A translation policy process takes place ‘at the edge of chaos’, somewhere between order and disorder. At this far from equilibrium state, the structure of translation policy is not fixed but will adapt to the changes in the interactions between local actors whose interactions will then adapt to the emerging structure. Translation policy may accordingly be viewed as a complex adaptive system, which “could potentially redefine itself, evolve and change – qualitatively – creating new variables, new mechanisms and new emergent features and characteristics” (Allen, 2016, p. 1).

RQ3. What can we do to deal with the inherent uncertainty of translation policies?

As indicated above, a translation policy process is nonlinear and interactive, which accounts for the inherent uncertainty of translation policies. This resonates with Marion (1999), who observes that “the lack of predictability in strange attractor behaviour” is a consequence of “nonlinearity and interactivity” (pp. 16–17). As shown in the empirical examples, multiple causes might have a single effect, and a single cause might give rise

to multiple or even contradictory effects. Nonlinearity also means “disproportionate relationships between cause and effect” (Marais, 2014b, p. 34) and “sensitive dependence on initial conditions” (Marion, 1999, p. 17). Prediction becomes impossible, as a small change in the initial conditions might result in a vastly different trajectory of a translation policy. Furthermore, it is impossible to accurately measure the conditions of a certain system at any given point in time (Marion, 1999, p. 17). In other words, we cannot precisely identify the initial changes in a new translation policy process. Even though we have the knowledge about the initial changes, nonlinearity will still prevent us from predicting where exactly the initial changes will lead. Apart from nonlinearity, the interactions within a translation policy system as well as the interactions between a translation policy system and its environment make its future behaviour unpredictable, as pointed out already in the discussions on *RQ1* and *RQ2*. System elements interact in an unpredictable way, which has unpredictable effects on the trajectories of each element (Marion, 1999, p. 18).

Despite the unpredictability of translation policies, translation policy processes are not completely random. It is possible to explain retrospectively how a certain translation policy has come to be as it is, as shown in this research. However, translation policy processes can only be explained *a posteriori*. Given the ‘nonlinearity and interactivity’, we should establish causality by observing processes of interaction. And we may gain an understanding of complex and contingent causality by tracing trajectories, as discussed earlier. By drawing upon the past trajectories of a translation policy, we might make assumptions that the translation policy in the future is more likely to gravitate towards certain attractors rather than others given a certain set of initial conditions (see also Baldwin, 2011, p. 312; Gerrits, 2012, p. 173). But it is important to keep in mind that these assumptions might not be the only way things will turn out to be.

5.2 Contributions and implications

The key findings summarized above illustrate how complexity theory has considerable potential for studies about translation policies. Moreover, the findings from this study offer some insights that might also benefit TS. Apart from theoretical and methodological implications, this research also has important practical implications for policymakers.

5.2.1 What can TS learn from a complexity approach?

Firstly, this research sheds light on how complexity theory may alter the way we view some traditional binary oppositions in TS, such as translation versus non-translation and source versus target elements (Chapter 4). The notion of ‘constraints’ offers an effective way of explaining bidirectional causation between the reality of translation as a whole and its constituent parts: both translation and non-translation, both ‘source’ and ‘target’ messages should be part of translation analysis. TS could usefully explore how these constituent parts of translation interact with each other and with the reality of translation as a whole instead of examining the constituent parts in isolation or studying translation as such.

In addition, TS can benefit from an epistemological shift from parts and phenomena to relationships and processes, as pointed out by Marais (2019b, p. 43) and Meylaerts (2020, p. 56). This research shows that the concepts of ‘constraints’, ‘attractors’ and ‘trajectories’ can be usefully applied to study translation processes, the relations within a translation system, and the relations between a translation system and other systems. Deacon’s idea about constraints, in particular, enables us to consider the causal influence of what is, what could have been and what is not on the emergence of the reality of translation, and to account for the nonlinear causality underlying translation processes. By considering the influence, not determination, that constraints have on a system, Deacon moves the debate about causality beyond a deterministic view of cause and effect (Marais et al., forthcoming). The empirical findings of this study reveal regularities of translational behaviour. However, this study, by applying a complexity approach, confirms that “regularities are always the achievement of actors, within contexts, including those of time and place so that their actual achievement is never certain” (Byrne & Callaghan, 2014, p. 124). This challenges the tendency in TS to search for universal laws through establishing regularities (see also Meylaerts, 2020, p. 47). Translational behaviour cannot be predicted or determined, but emerges from the interactions between norms, habitus and reflexivity (Byrne & Callaghan, 2014, p. 125; Marais et al., forthcoming). As demonstrated in Chapter 4, a complexity approach can explain translational behaviour by incorporating the irreducible interactions between structure, agency and reflexivity without reducing one to another. The interaction between norms,

habitus and reflexivity opens up the possibility of translators gravitating between different or even contradictory attractors (e.g. strategies or practices). The same translation practice may emerge from different or even contradictory constraints and at the same time lead to different or even contradictory attractors. The nonlinear causality illustrated by the empirical findings of this study corroborates the proposal by Marais (2014, p. 36) for reconsidering causality in TS (Chesterman, 2008).

The co-evolution of structure and agency (see *RQ 2*) also provides a new understanding of norms and habitus as dynamic processes of interaction rather than static parts. Norms and habitus, instead of being fixed, adapt to each other. This co-evolution of norms and habitus might bring about changes in the relationships between different actors in translation processes (Chapter 4). Therefore, simplifying relations or making generalizations about translatorship do not suffice to account for the complexity of translation processes. Instead, a complexity approach to translation argues for a method that studies the relationships between individuals in translation processes in a dynamic manner rather than as a sum of the individual static roles.

This research strengthens the idea that “constraints can have definite extension across both space and time, and across whole ensembles of elements and interactions” (Deacon, 2013, pp. 194–195). This demonstrates the potential of the concept of ‘constraints’ for explaining relations across time and space. Given the emergent nature of translation processes, a translation process under investigation is constrained by past processes and simultaneously constrains future processes. Furthermore, a translation system is constrained by and constrains other systems. This reflects the interdisciplinary nature of TS and highlights the importance of interdisciplinary efforts in dealing with the constraints that cross different systems. As Marais (2014) rightly observes, “translation studies, as a field of study interested in the in-betweenness and the in-between-ing, can thus not be a field of study on its own, but should be an in-between field of study” (p. 26).

5.2.2 What can policymakers learn from a complexity approach?

This research adds to the growing body of research that endeavours to inform policymaking with the insights of complexity theory (Cairney, 2012; Gerrits, 2012; Haynes, 2008; among others). The results of this research support the idea that top-down

and linear intervention, which aims to control policy outcomes, can be counterproductive for complex adaptive systems like policy systems (Cairney, 2012, p. 353; Ratter, 2012, pp. 100–101). I also concur with Colander and Kupers (2014, p. 8) that top-down intervention is a last resort in the face of failures of previous endeavours and an urgency to deal with systemic threats. Nevertheless, policymakers should be aware that their policies may return unintended outcomes, in spite of thorough planning. As pointed out earlier, policy outcomes are contingent upon the interactions between structure, agency and reflexivity. Therefore, the role of policymakers is not to develop rigid plans, but to unlock the potential of local actors to bring about desirable tendencies. In a complex adaptive system, no problem can be solved once and for ever, which requires iterative adaptation of policy design based on feedback. Empirical findings, like the ones provided by this research, can help policymakers to engage with local processes of interaction and make decisions that guide local actors but simultaneously allow them freedom to innovate and adapt to their environment.

In addition, a policy should be made based on a solid knowledge about local contexts. It has been recognised that a successful policy in one context cannot necessarily be replicated elsewhere (Cairney, 2012, p. 349; Marais, 2014, p. 35). Nonlinearity means that there is no one-size-fits-all policy and reducing causality to a limited set of variables may lead to misleading policy recommendations. For example, the empirical results of this research are contrary to the studies which consider specific regulations or professionalization of translators and interpreters as the panacea for problems pertaining to language and translation services (e.g. Cairang, 2014; Cha, 2016; Wang, 2014). Instead of focusing on the independent impact of a single cause, policymakers should look at the interactions between different causes and consider not only immediate effects but also indirect effects. A mapping of constraints at work in a specific context will be of assistance in doing so. Admittedly, from the perspective of complexity theory, it is impossible to identify all the constraints on a complex adaptive system and to get an entire picture of its behaviour (Ratter, 2012, pp. 100–101). However, the idea of ‘constraints’, as a concept that reveals relations, may enrich the understanding of complex causal relationships in policy formulation and implementation.

5.3 Research limitations

As recognized by Cilliers (2001, pp. 137–138), Gerrits (2012, p. 172) and others, it is impossible to fully reveal the complexity of reality. As just mentioned, it is impossible to identify all the constraints on a complex adaptive system. As a consequence, I might have inevitably missed certain causal relationships, whose importance is unpredictable (Cilliers, 2001, p. 138). However, this should not stop us from developing non-reductionist understanding of reality. We can still develop explanations in a way that accords closely with the perspective of complexity theory. Yet we should accept the imperfections of our explanations.

As pointed out in Chapter 2, limited access to certain data required me to limit the scope of this study to trial processes, criminal trials in particular. Constrained by this focus, this study dealt with more about how translation management was implemented than how translation management was formulated. However, it was not the aim of this research to focus on translation practices or any single element of translation policy. On the contrary, it intended to understand the complex nature of translation policy through examining how the interactions between the constituent parts of translation policy gave rise to emergent properties at the system level. The case of the Court did not allow further investigation on the emerging process of translation management, as no policy document was produced at the Court. Translation management was studied as both an initial condition and a subsequent condition of the translation policy processes investigated in this research. Future research could usefully explore cases that involve the emergence of translation management, the relations between central and local translation management, and the absence of local management (if not permitted) etc.

In addition, for confidential reasons, it was impossible to access data about some judicial procedures that were closely related to the trial processes investigated in this research, such as arrest and interrogation by policemen and interrogation by prosecutors. This certainly constrained me from finding some meaningful relationships, even though I tried to explore the relations between the trial processes and other judicial procedures through interviewing judicial personnel.

Moreover, as mentioned in Chapter 2, I was refused permission by the new president of the Court to conduct the second wave of interviews with the judicial personnel at the Court. Consequently, I was unable to study the trials that involved the judges or court interpreters who had not attended the first wave of interviews. This, together with the availability of trial videos, limited the size of my corpus. However, the relatively limited corpus did not stop me from following through on this study, as it proved useful in unravelling complex causal processes. What could not be done in this study will be possibilities for future research, if the Court is accessible again.

My lack of knowledge about ethnic minority languages proved another obstacle to both collecting and analysing data. I had no choice but to rely on translations of trial videos to understand courtroom interactions. I have to acknowledge that there could be information gaps in the translations, even though I took great care to ensure the quality of the translations and transcriptions (Chapter 2). Nevertheless, this research provides one of the first investigations into China's translation policies towards ethnic minority languages and lays the groundwork for future research in this area.

5.4 Possible future research

A reflection about the limitations of this research has pointed out some possibilities for future research. I have also identified possible research trajectories in the previous parts of this dissertation for future work on TS in general and translation policies in particular. In this section, I present a brief summary and add some final remarks.

Complexity-informed research is strongly recommended. Complexity theory demonstrates great potential to enhance our understanding of contingent, complex and multiple causality. This brings promising research opportunities to TS and studies about translation policies. Further research in TS could usefully explore what new insights complexity theory could add to the standing structure versus agency debate and how these insights could shed new light on issues related to norms and habitus. It is also worthwhile to apply a complexity lens to further discussions on traditional binaries, such as source versus target, non-translation versus translation, monolingual versus multilingual, majority versus minority, etc. Moreover, a focus shift from professional translators to non-professional translators and more largely all participants in the communication

process might produce interesting findings that account for the complexity of translation. Last but not least, TS can benefit from conceptualising absence as having causal influence on the emergence of the reality of translation.

With respect to studies about translation policies, the emerging process of how translation management is formulated is in need of further investigation. Longitudinal designs that account for emergence over time in a specific context would be worthwhile. To deal with a multilingual context that involves several language pairs, we need collaborative research projects which involve researchers with expertise in different languages. Moreover, the interdisciplinary nature of translation policies highlights the need for collaboration between scholars from different disciplines and practitioners in different areas of social intervention. With respect to studies about China's translation policies towards ethnic minority groups in judicial settings, future research regarding how different judicial procedures interact and constrain a translation policy process is definitely worthwhile. In addition, further work needs to be done to compare the trials that involve 'a court interpreter' and the trials that are held by a bilingual judge who directly uses the languages spoken by the parties involved.

With respect to research methods, given the quantitative background of complexity theory, we are confronted with challenges of applying inherently quantitative concepts to qualitative accounts of complex adaptive systems in the humanities (Marais, 2019a, p. 53). But along with these challenges come opportunities for future research. A narrative approach and a possible-worlds approach have been used to apply complexity theory in a qualitative method in TS (Harding, 2019, pp. 33–52; Marais, 2019a, pp. 53–72). In this study, I applied concepts from complexity theory in a qualitative manner by means of a case-based method. Case-based methods are recommended by Byrne (2020, p. 16) for their capacity for comparison and the search for difference, which are important for developing causal explanations for complex systems (Byrne & Callaghan, 2014, pp. 184–187; MacIver, 1942, pp. 27–28). Moreover, case-based methods, such as ethnographies, historical investigation, qualitative comparative analysis (QCA)⁵⁷ and process tracing⁵⁸,

⁵⁷ See Ragin (1987) for a detailed discussion on QCA.

⁵⁸ See George and Bennett (2005), and Byrne and Callaghan (2014) for a detailed discussion on process tracing.

could be deployed in both qualitative and quantitative ways (Byrne, 2020, p. 2). Not only the aforementioned methods but also other approaches would be welcome and provide valuable insights into causal processes in complex systems. One point to be emphasized is that researching complex social systems requires a realist stance. I totally subscribe to the view of Gerrits (2012) on this:

Public decision-making and the policies that result from it have a real impact on the real world, and that is enough reason to study it in its most natural, non-abstract way – complexity should be seen, touched, smelled and heard (p. 192).

This view also applies to researching the complexity of translation. Instead of assuming the roles of translation or translators and the relationships in translation processes, we need to look at what is actually going on in the real world. This is also in tune with an ontology of ‘complex realism’, which believes that ‘reality itself plays a part’ in constructing knowledge (Byrne & Callaghan, 2014, p. 9). This complex realist ontology “moves beyond arguments between positivism and relativism towards a notion of knowledge which is real but bounded” (Byrne & Callaghan, 2014, p. 9).

Translation policy is an ongoing process. Unravelling its complexity awaits more research. And the end is where we start from.

Reference

- Allen, P. (2016). Editorial. *Emergence: Complexity and Organization*, 18(3–4), 1–3. doi:10.emerg/10.17357.96a9945edab14cd1ca39024719162823
- Archer, M. S. (2007). *Making our way through the world: Human reflexivity and social mobility*. Cambridge: Cambridge University Press.
- Archer, M. S. (2003). *Structure, agency and the internal Conversation*. Cambridge: Cambridge University Press.
- Baldwin, J. S. (2011). The complexity of industrial ecosystems: Classification and Computational Modelling. In P. Allen, S. Maguire, & B. McKelvey (Eds.), *The Sage handbook of complexity and management* (pp. 299–316). London: Sage.
- Bastardas-Boada, A. (2013). Language policy and planning as an interdisciplinary field: Towards a complexity approach. *Current Issues in Language Planning*, 14(3–4), 363–381. doi:10.1080/14664208.2013.829276
- Bazeley, P. (2013). *Qualitative data analysis: Practical strategies*. London: Sage.
- Blommaert, J., Collins, J., & Slembrouck, S. (2005). Spaces of multilingualism. *Language & Communication*, 25(3), 197–216. doi:10.1016/j.langcom.2005.05.002
- Bourdieu, P. (1977). *Outline of a theory of practice*. Cambridge: Cambridge University Press.
- Bourdieu, P. (1998). *Practical reason: On the theory of action*. Stanford, CA: Stanford University Press.
- Bruhn, D. (2008). Minority language policy in China, with observations on the She ethnic Group. *Linguistics 250E-Endangered Languages*. Retrieved from http://linguistics.berkeley.edu/~dwbruhn/dwbruhn_250E-paper.pdf on 2 May 2015.
- Byrne, D. (2005). Complexity, configurations and cases. *Theory, Culture & Society*, 22(5), 95–111. doi:10.1177/0263276405057194
- Byrne, D. (2020). Case-based methods. In P. Atkinson, S. Delamont, A. Cernat, J. W. Sakshaug, & R. A. Williams (Eds.), *SAGE research methods foundations*. London: Sage. doi:dx.doi.org/10.4135/9781526421036884898

- Byrne, D., & Callaghan, G. (2014). *Complexity theory and the social sciences: The state of the art*. New York: Routledge.
- Cairang, W. (2014). 城市少数民族流动人口语言文字诉讼权的法律实现. *贵州民族研究*, 35(03), 14–17.
- Cairney, P. (2012). Complexity theory in political science and public policy. *Political Studies Review*, 10(3), 346–358. doi:10.1111/j.1478-9302.2012.00270.x
- Cairney, P., & Geyer, R. (2017). A critical discussion of complexity theory: How does ‘complexity thinking’ improve our understanding of politics and policymaking? *Complexity, Governance & Networks*, 3(2), 1–11. doi:dx.doi.org/10.20377/cgn-56
- Capra, F. (1996). *The web of life: A new scientific understanding of living systems*. New York: Anchor Books.
- Cha, X. G. (2016). 论少数民族诉讼语言文字权利——以云南省少数民族诉讼权利保护为例. *云南大学硕士论文*.
- Chesterman, A. (2008). On explanation. In A. Pym, M. Shlesinger, & D. Simeoni (Eds.), *Beyond descriptive translation studies: Investigations in homage to Gideon Toury* (pp. 363–379). Amsterdam/New York: John Benjamins.
- China International Publishing Group (CIPG). (2019). Accreditation test for translators and interpreters in China. Retrieved from <http://www.catticenter.com/wzjs/452> on 12 December 2020.
- Cilliers, P. (1998). *Complexity and postmodernism: Understanding complex systems*. London: Routledge.
- Cilliers, P. (2001). Boundaries, hierarchies and networks in complex systems. *International Journal of Innovation Management*, 05(02), 135–147. doi:10.1142/S1363919601000312
- Coghlan, D., & Brydon-Miller, M. (Eds.). (2014). *The Sage encyclopedia of action research*. London: Sage.
- Colander, D. C., & Kupers, R. (2014). *Complexity and the art of public policy: Solving society’s problems from the bottom up*. Princeton: Princeton University Press.
- Council of Europe. (1992). European charter for regional or minority languages. Retrieved from <https://www.coe.int/en/web/conventions/full-list> on 2 May 2015.

- Deacon, T. W. (2013). *Incomplete nature: How mind emerged from matter*. New York: WW Norman & Company.
- DeLanda, M. (2002). *Intensive science and virtual philosophy*. London: Continuum.
- D'hulst, L., O'Sullivan, C., & Schreiber, M. (Eds.). (2016). *Politics, policy and power in translation history*. Berlin: Frank & Timme.
- Diaz Fouces, O. (2017). From language planning to translation policy: Looking for a conceptual framework. In G. González Núñez, & R. Meylaerts (Eds.), *Translation and public policy: Interdisciplinary perspectives and case studies* (pp. 58–82). New York: Routledge.
- Du Plessis, T. (2017). Educational interpreting as instrument of language policy: The case at a “historically Afrikaans” South African university. In G. González Núñez, & R. Meylaerts (Eds.), *Translation and public policy: Interdisciplinary perspectives and case studies* (pp. 131–151). New York: Routledge.
- Duflou, V. (2016). *Be(com)ing a conference interpreter: An ethnography of EU interpreters as a professional community*. Amsterdam/New York: John Benjamins.
- Eliot, T. S. (1943). *Four Quartets*. New York: Harcourt, Brace.
- Eppel, E. A., & Rhodes, M. L. (2018). Complexity theory and public management: A ‘becoming’ field. *Public Management Review*, 20(7), 949–959. doi:10.1080/14719037.2017.1364414
- Epstein, J. M., & Axtell, R. (1996). *Growing artificial societies: Social science from the bottom up*. Cambridge, MA: MIT Press.
- Even-Zohar, I. (1990). The position of translated literature within the literary polysystem. *Poetics Today: International Journal for Theory and Analysis of Literature and Communication*, 11(1), 45–51.
- Fuchs, C. (2003a). Some implications of Pierre Bourdieu’s works for a theory of social self-organization. *European Journal of Social Theory*, 6(4), 387–408. doi:10.1177/13684310030064002
- Fuchs, C. (2003b). Structuration theory and self-organization. *Systemic Practice and Action Research*, 16(2), 133–167. doi:10.1023/A:1022889627100
- George, A. L., & Bennett, A. (2005). *Case studies and theory development in the social sciences*. Cambridge, MA: MIT Press.

- Gerrits, L. (2010). Public decision-making as coevolution. *E: CO*, 12(1), 19–28.
- Gerrits, L. (2012). *Punching clouds: An introduction to the complexity of public decision-making*. Litchfield Park, AZ: Emergent Publications.
- Gerrits, L. (2013). Review of the book *A complexity theory for public policy*, by G. Morçöl. *Administrative Theory & Praxis*, 35(2), 314–319. doi:10.2753/ATP1084-1806350209
- Gerrits, L., Marks, P., & van Buuren, A. (2009). Coevolution: A constant in non-linearity. In G. Teisman, A. van Buuren, & L. Gerrits (Eds.), *Managing complex governance systems: Dynamics, self-organization and coevolution in public investments* (pp. 148–167). New York: Routledge.
- Giddens, A. (1984). *The constitution of society: Outline of the theory of structuration*. Cambridge: Polity Press.
- González Núñez, G. (2013). Translating for linguistic minorities in Northern Ireland: A look at translation policy in the judiciary, healthcare, and local government. *Current Issues in Language Planning*, 14(3–04), 474–489. doi:10.1080/14664208.2013.827036
- González Núñez, G. (2016a). On translation policy. *Target*, 28(1), 87–109. doi:10.1075/target.28.1.04gon
- González Núñez, G. (2016b). *Translating in linguistically diverse societies: Translation policy in the United Kingdom*. Amsterdam/New York: John Benjamins.
- González Núñez, G. (2017). Law and translation at the U.S.–Mexico border: Translation policy in a diglossic setting. In G. González Núñez, & R. Meylaerts (Eds.), *Translation and public policy: Interdisciplinary perspectives and case studies* (pp. 152–170). New York: Routledge.
- González Núñez, G. (2019). The shape of translation policy: A comparison of policy determinants in Bangor and Brownsville. *Meta*, 64(3), 776–793. doi:10.7202/1070539ar
- González Núñez, G., & Meylaerts, R. (Eds.). (2017). *Translation and public policy: Interdisciplinary perspectives and case studies*. New York: Routledge.
- Gould, S. J. (1990). *Wonderful life: The burgess shale and the nature of history*. New York: WW Norman & Company.

- Haddadian-Moghaddam, E., & Meylaerts, R. (2014). Translation policy in the media: A study of television programs in the province of Kurdistan in Iran. *Translation Spaces*, 3, 71–98. doi:10.1075/ts.3.04had
- Hammersley, M., & Atkinson, P. (2019). *Ethnography: principles in practice*. 4th edition. New York: Routledge.
- Harding, S.-A. (2019). Resonances between social narrative theory and complexity theory: A potentially rich methodology for translation studies. In K. Marais, & R. Meylaerts (Eds.), *Complexity thinking in translation studies: methodological considerations* (pp. 33–52). New York: Routledge.
- Haynes, P. (2008). Complexity theory and evaluation in public management: A qualitative systems approach. *Public Management Review*, 10(3), 401–419. doi:10.1080/14719030802002766
- Hlavac, J., Gentile, A., Orlando, M., Zucchi, E., & Pappas, A. (2018). Translation as a sub-set of public and social policy and a consequence of multiculturalism: The provision of translation and interpreting services in Australia. *International Journal of the Sociology of Language*, 2018(251), 55–88. doi:10.1515/ijsl-2018-0004
- Holmes, J. S. ([1972]2000). The name and nature of translation studies. In L. Venuti (Ed.), *The translation studies reader* (pp. 172–185). New York: Routledge.
- Human, O. (2016). Complexity: E-special introduction. *Theory, Culture & Society*, 33(7–8), 421–440. doi:10.1177/0263276415600105
- Juarrero, A. (1999). *Dynamics in action: Intentional behavior as a complex system*. Cambridge, MA: MIT Press.
- Kauffman, S. A. (1993). *The origins of order self-organization and selection in evolution*. Oxford: Oxford University Press.
- Levý, J. (1967). Translation as a decision process. In *To honor Roman Jakobson: Essays on the occasion of his seventeenth birthday* (Vol. 2, pp. 1171–1182). The Hague: Mouton.
- Li, S., Qian, D. X., & Meylaerts, R. (2017). China's minority language translation policies (1949–present). *Perspectives: Studies in Translation Theory and Practice*, 25(4), 540–555. doi:10.1080/0907676X.2016.1241286
- MacIver, R. M. (1942). *Social causation*. New York: Ginn and Company.

- Mack, N., Woodson, C., MacQueen, K. M., Guest, G., & Namey, E. (2005). *Qualitative research methods: A data collector's field guide*. North Carolina: Family Health International.
- Manfredi, M. (2018). Investigating ideology in news features translated for two Italian media. *Across Languages and Cultures*, 19(2), 185–203. doi:10.1556/084.2018.19.2.3
- Marais, K. (2014). *Translation theory and development studies: A complexity theory approach*. New York: Routledge.
- Marais, K. (2019a). “Effects causing effects”: Considering constraints in translation. In K. Marais, & R. Meylaerts (Eds.), *Complexity thinking in translation studies: methodological considerations* (pp. 53–72). New York: Routledge.
- Marais, K. (2019b). Translation complex rather than translation turns? Considering the complexity of translation. *Syn-Thèses*, 9–10, 43–55. doi:10.26262/st.v0i9.7626
- Marais, K. (2019c). *A (bio)semiotic theory of translation: The emergence of social-cultural reality*. New York: Routledge.
- Marais, K., & Meylaerts, R. (2019). Introduction. In K. Marais, & R. Meylaerts (Eds.), *Complexity thinking in translation studies: methodological considerations* (pp. 1–18). New York: Routledge.
- Marais, K., Meylaerts, R., & Li, S. (forthcoming). The methodological implications of complexity thinking in translation studies. In R. Meylaerts, & K. Marais (Eds.), *Exploring the implications of complexity thinking for translation studies*. New York: Routledge.
- Marion, R. (1999). *The edge of organization: Chaos and complexity theories of formal social systems*. London: Sage.
- Mellinger, C. D. (2019). Puerto Rico as colonial palimpsest: A microhistory of translation and language policy. *Target*, 31(2), 228–247. doi:10.1075/target.19021.mel
- Meylaerts, R. (2011a). Translation policy. In Y. Gambier & L. van Doorslaer (Eds.), *Handbook of translation studies* (Vol. 2, pp. 163–168). Amsterdam/New York: John Benjamins.
- Meylaerts, R. (2011b). Translational justice in a multilingual world: An overview of translational regimes. *Meta*, 56(4), 743–757. doi:10.7202/1011250ar

- Meylaerts, R. (2017). Studying language and translation policies in Belgium: What can we learn from a complexity theory approach? *Parallèles*, 29(1), 45–59. doi:10.17462/para.2017.01.05
- Meylaerts, R. (2018). Language and translation policies in context of urban super-diversity. In M. Gazzola, T. Templin, & B.-A. Wickström (Eds.), *Language policy and linguistic justice* (pp. 455–475). Cham: Springer.
- Meylaerts, R. (2020). Cultural mediators and their complex transfer practices. In D. Roig-Sanz & J. Subirana (Eds.), *Cultural organizations, networks and mediators in contemporary Ibero-America* (pp. 46–62). New York: Routledge.
- Meylaerts, R., & González Núñez, G. (2017). Interdisciplinary perspectives on translation policy: New directions and challenges. In G. González Núñez, & R. Meylaerts (Eds.), *Translation and public policy: Interdisciplinary perspectives and case studies* (pp. 1–14). New York: Routledge.
- Meylaerts, R., & González Núñez, G. (2018). No language policy without translation policy: A comparison of Flanders and Wales. *Language Problems and Language Planning*, 42(2), 196–219. doi:10.1075/lplp.00028.mey
- Ministry of Education of the People's Republic of China. (2004). 我国的少数民族语言文字概况 . Retrieved from http://www.moe.gov.cn/s78/A19/yxs_left/moe_812/s234/201412/t20141225_182378.html on 23 May 2019.
- Ministry of Education of the People's Republic of China (PRC). (2019). 中国语言文字概况 . Retrieved from http://www.moe.gov.cn/jyb_sjzl/wenzi/201903/t20190311_372965.html on 23 May 2019.
- Mitchell, M. (2009). *Complexity: A guided tour*. Oxford: Oxford University Press.
- Morçöl, G. (2012). *A Complexity Theory for Public Policy*. New York: Routledge.
- Morin, E. (1992). From the concept of system to the paradigm of complexity. *Journal of Social and Evolutionary Systems*, 15(4), 371–385. doi:10.1016/1061-7361(92)90024-8.
- Morin, E. (1999). Organization and complexity. *Annals of the New York Academy of Sciences*, 879(1 TEMPOS IN SCI), 115–121. doi:10.1111/j.1749-6632.1999.tb10410.x.
- Morin, E. (2008). *On complexity*. Cresskill, NJ: Hampton Press.

- Morrison, K. (2005). Structuration theory, habitus and complexity theory: Elective affinities or old wine in new bottles? *British Journal of Sociology of Education*, 26(3), 311–326. doi:10.1080/01425690500128809
- The Standing Committee of the National People's Congress. (2000). 中华人民共和国国家通用语言文字法. Retrieved from http://www.gov.cn/ziliao/flfg/2005-08/31/content_27920.htm on 23 May 2019.
- Ozolins, U. (2010). Factors that determine the provision of Public Service Interpreting: Comparative perspectives on government motivation and language service implementation. *The Journal of Specialised Translation*, 14 (July), 194–215.
- Peirce, C.S., 1994. The collected papers of Charles Sanders Peirce. s.l.: s.n.
- People's Government of Yunnan Province. (2019). 人口和民族. Retrieved from http://www.yn.gov.cn/yngk/gk/201904/t20190403_96251.html on 29 March 2019.
- Plano Clark, V. L., & Creswell, J. W. (2015). *Understanding research: A consumer's guide*. 2nd edition. Boston: Pearson Education.
- Prigogine, I., & Stengers, I. (1997). *The end of certainty: Time, chaos and the new laws of nature*. New York: The Free Press.
- Qian, D. X., & Li, S. (2018). Language and translation policies toward minority languages in China and the USA. In S. D. Brunn & R. Kehrein (Eds.), *Handbook of the changing world language map*. Cham: Springer. doi:10.1007/978-3-319-73400-2_72-1
- Ragin, C. C. (1987). *The Comparative method: moving beyond qualitative and quantitative strategies*. Berkeley CA: University of California Press.
- Ratter, B. M. W. (2012). Complexity and emergence: Key concepts in non-linear dynamic systems. In M. Glaser, G. Krause, B. M. W. Ratter, & M. Welp (Eds.), *Human-nature interactions in the Anthropocene: Potentials of social-ecological systems analysis* (pp. 90–104). New York: Routledge.
- Sanderson, I. (2009). Intelligent policy making for a complex world: Pragmatism, evidence and learning. *Political Studies*, 57(4), 699–719. doi:10.1111/j.1467-9248.2009.00791.x
- Sawyer, R. K. (2005). *Social emergence: Societies as complex systems*. Cambridge: Cambridge University Press.

- Schreiber, M., & D'hulst, L. (2017). Translation policies in Western Europe (18th-20th centuries): Interdisciplinary perspectives. *Parallèles*, 29(1), 3–4. doi:10.17462/para.2017.01.01
- Shannon, C., & Weaver, W. (1964). *The mathematical theory of communication*. Urbana-Champaign: The University of Illinois.
- Spolsky, B. (2012). What is language policy? In B. Spolsky (Ed.), *The Cambridge handbook of language policy* (pp. 3–15). Cambridge: Cambridge University Press.
- Stacey, R. D. (2003). *Complexity and group processes: A radically social understanding of individuals*. New York: Routledge.
- Teisman, G., Gerrits, L., & van Buuren, A. (2009). An introduction to understanding and managing complex process systems. In G. Teisman, A. van Buuren, & L. Gerrits (Eds.), *Managing complex governance systems: Dynamics, self-organization and coevolution in public investments* (pp. 15–30). New York: Routledge.
- Teisman, G. R., & Klijn, E.-H. (2008). Complexity theory and public management: An introduction. *Public Management Review*, 10(3), 287–297. doi:10.1080/14719030802002451
- Teisman, G., van Buuren, A., & Gerrits, L. (Eds.). (2009). *Managing complex governance systems: Dynamics, self-organization and coevolution in public investments*. New York: Routledge.
- Tesseur, W. (2017). Incorporating translation into sociolinguistic research: Translation policy in an international non-governmental organisation. *Journal of Sociolinguistics*, 21(5), 629–649. doi:10.1111/josl.12245
- The National People's Congress. (1979a). 中华人民共和国刑事诉讼法. Retrieved from http://www.gov.cn/flfg/2012-03/17/content_2094354.htm on 20 Oct 2017.
- The National People's Congress. (1979b). Organic law of the People's Courts of the People's Republic of China. Retrieved from http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/node_2825.htm on 20 Oct 2017.
- The National People's Congress. (1982). The Constitution of the People's Republic of China. Retrieved from http://www.npc.gov.cn/npc/xinwen/2018-03/22/content_2052489.htm on 23 February 2021.

- The National People's Congress. (1983). 中华人民共和国人民检察院组织法. Retrieved from http://www.gov.cn/misc/2005-07/08/content_13159.htm on 20 Oct 2017.
- The National People's Congress. (1984). 中华人民共和国民族区域自治法. Retrieved from http://www.gov.cn/test/2005-07/29/content_18338.htm on 23 February 2021.
- The National People's Congress. (1989). 中华人民共和国行政诉讼法. Retrieved from http://www.npc.gov.cn/wxzl/gongbao/2014-12/23/content_1892467.htm on 20 Oct 2017.
- The National People's Congress. (1991). 中华人民共和国民事诉讼法. Retrieved from http://www.npc.gov.cn/wxzl/gongbao/2012-11/12/content_1745518.htm on 20 Oct 2017.
- The Standing Committee of the People's Congress of Yunnan Province. (2013). 云南省少数民族语言文字工作条例. Retrieved from http://www.ynrd.gov.cn/html/2013/rendayaowen_0503/1666.html on 2 March 2018.
- Tilly, C. (1984). *Big structures, large Processes, huge comparisons*. New York: Russell Sage Foundation.
- Toury, G. (1995). *Descriptive translation studies and beyond*. Amsterdam/New York: John Benjamins.
- van Doorslaer, L., & Loogus, T. (2020). The cautiously pragmatic translation policy in Estonia. *The International Journal of Translation and Interpreting Research*, 12(2). doi:10.12807/ti.11222.2020.a06
- Walby, S. (2007). Complexity theory, systems theory, and multiple intersecting social inequalities. *Philosophy of the Social Sciences*, 37(4), 449–470. doi:10.1177/0048393107307663
- Wang, L. W. (2014). 我国少数民族语言庭审翻译服务制度构建之探讨. *Chinese Translators Journal*, 35(03), 68–71.
- Zeleny, M. (1996). On the social nature of autopoietic systems. In K. Boulding, & E. Khalil (Eds.), *Evolution, order and complexity* (pp. 122–145). New York: Routledge.

Annexes

Annex I Transcription conventions

'The judge' followed by colon	introduces the judge's turn
'The court interpreter' followed by colon	introduces the court interpreter's turn
'The defendant' followed by colon	introduces the defendant's turn
'The people's assessor' followed by colon	introduces the people's assessor's turn
'The prosecutor' followed by colon	introduces the prosecutor's turn
(())	description of non-linguistic signs, such as gestures, tones, facial expressions, e.g. ((The court interpreter raised the indictment.))
(xxx)	passage which was acoustically unclear and could not be transcribed
()	the pseudonym of the person who is speaking
[]	to whom and in what language
< >	to whom a (possessive) pronoun refers
The defendant: The court interpreter:	overlap between speakers
CAPITAL LETTERS	strongly emphasized syllable

Annex II Non-disclosure agreement

Non-disclosure agreement

The Disclosing Party: Shuang Li

The Receiving Party:

The Disclosing Party is doing a doctoral research project funded by China Scholarship Council at KU Leuven in Belgium. The receiving party is willing to transcribe, translate and/or proofread video records of trials for this research project titled *A complexity approach to translation policy: the case of courtroom interactions in a multi-ethnic and multilingual county in China*. To protect the anonymity of the participants of this study, the Disclosing Party and the Receiving Party have reached the following agreement:

- The Receiving Party agrees not to disclose to a third party the relationship between the trial(s) that he or she will translate, transcribe and/or proofread and this research project.
- The Receiving Party agrees not to disclose to a third party the relationship between the Court and this research project. The Receiving Party agrees not to disclose to a third party the relationship between the participants of the trials that he or she will translate, transcribe and/or proofread and this research project.

The Disclosing Party

Name: Shuang Li

Signature:



Date:

The Receiving Party

Name:

Signature:

Date:

Annex III Informed consent

Informed Consent

Title of the research:

A complexity approach to translation policy: the case of courtroom interactions in a multi-ethnic and multilingual county in China

Name + contact details of the researcher:

Name: Shuang Li

Email: shuang.li@kuleuven.be

Tel: +86 13614472871

Introduction

You are being invited to participate in interviews for my PhD research project funded by China Scholarship Council. Research studies such as this one involve only those individuals who choose voluntarily to take part. In order to decide whether or not you wish to participate in this study, you need to understand enough about its risks and benefits to be able to make an informed decision. This consent form provides detailed information about the study. I will discuss the study with you individually in person before the interview. Before agreeing to participate, you might wish to talk about it further with your friends and family. Once you understand the study, you will be asked to sign this form if you wish to participate. You will be given a copy of the signed form to keep as a record.

Research Goals and Methodology

According to the PRC's current Constitution (NPC 1982: article 139), the people's courts and people's procuratorates are under a legal obligation to provide translation and interpreting services for any Chinese litigant with limited proficiency in the spoken or written languages commonly used in the locality. However, despite the same legal framework at national level, translation practices in judicial settings at local levels are far

from uniform, and translation policy often does not produce predictable outcomes. Many scholars have provided suggestions about improving written laws and rules for translation matters. Nevertheless, very little is empirically known about the local processes of policy implementation. Therefore, I aim to investigate local processes of interaction between laws, practices and beliefs through observing courtroom interactions either in person or through online videos, conducting semi-structured interviews and collecting documents.

What Is Involved in the Interviews?

If you consent to participate in this study, I will record information about you (such as your occupation, educational background, ethnic group, language skills, etc.) that might affect your perspectives. The interview will be conducted on a one-on-one basis. In the interview, you will be expected to answer questions related to your experiences of and opinions about the court interpreting practices in which you have been involved. The interview will take about 30-40 minutes to complete and will be recorded by a digital voice recorder, but this will all depend on your willingness to participate. No interview will take place without your prior consent.

What about Confidentiality?

The information you provide is for research purposes only and will remain strictly confidential. Other people who are also involved in the court interpreting practices that you are involved in will not see your responses – if you wish them to have the information, please bring it to their attention yourself.

Your anonymity will be protected at all times. You will be assigned a study code that will be used as your identifiers in data documents (e.g. field notes, interview notes, voice recordings of interviews and transcriptions of interviews). This means that your names and identifying information will not appear on data documents. A separate document will be created to link the study code to your name and this separate document will be encrypted with limited access. Data documents will be stored and made available only to qualified research personnel who are coordinating the study.

At no time will you be identified in any presentation or publication arising from this study. If I am unsure whether the information you provide is appropriate for my official field notes or transcriptions of interviews, I will ask your permission. I will only publish excerpts of the interviews, not the full transcripts nor exhaustive profile data which might allow others to identify you.

What Are the Risks of Participating in the Interviews?

There are minimal risks of participating in this study. Some participants may consider court interpreting as a sensitive issue and may feel concerned about sharing their ideas or experience. Please tell me if you need to take a break or rest. If you consider some of the questions too personal, you can decide not to answer. You may choose to withdraw from the interview at any point.

What Are the Benefits of Participating in the Interviews?

You are encouraged to talk about your experience and concerns. Judicial personnel and court interpreters may have a chance to express themselves about the challenges that they have been faced as well as the support they need. Ethnic linguistic minorities may learn more about their constitutional rights to have translation and interpreting services in trials, and have an opportunity to share their experiences of the court interpreting services.

Hopefully, the information gained will help other translation policy practitioners learn a lesson and take active steps to ensure the quality of court interpreting practices, which may benefit more ethnic linguistic minorities who need court interpreting services in the future.

What about Compensation or Remuneration?

I will reimburse participants for any expenses incurred for participating in the interviews (e.g. transportation, etc.). And all participants will be provided with the full reimbursement sum, regardless of whether they complete the interview.

Your Rights as a Participant

Participating in the interviews is voluntary. You may choose not to take part or may leave the study at any time. Deciding not to take part or deciding to not fully complete the interviews, will not result in a loss of benefits to which you may otherwise be entitled. By signing this consent form, you do not waive your legal rights.

Conflict of Interest

No conflict of interest parties have been identified.

What to Do If You Have Questions?

For any questions about this study, please contact:

Shuang Li

Email: shuang.li@kuleuven.be

Tel: +86 13614472871

For any complaints or other concerns regarding ethical aspects of this study, please contact the Social-Ethics Committee of KU Leuven: smec@kuleuven.be

Participant Statement and Signature Section

My signature on this consent form means the following:

- I understand what is expected of me during this research.

- I have been given sufficient time to consider the information mentioned above and to seek advice if I chose to do so.

- I understand that my participation in this study is voluntary. I have the right to stop my participation at any time. I do not have to give a reason for that and I know that no disadvantage can arise for me.

- The results of this research can be used for scientific purposes and may be published. My name is not published, anonymity and the confidentiality of the data are guaranteed at every stage of the research.

- I would like to be kept informed of the results of this research. The researcher may

contact me for this at the following e-mail address:

- As for any questions related to this study or my rights, I know that I can contact:


Shuang Li: shuang.li@kuleuven.be

+86 13614472871

- For any complaints or other concerns regarding ethical aspects of this study, I can contact the Social-Ethics Committee of KU Leuven: smec@kuleuven.be
- I will receive a copy of this consent form for my information.

I have read and understood the above information and have received answers to all my questions regarding this study. I agree to participate.

Name of Participant (Print) Signature of Participant Date (dd-mm-yyyy)

Shuang Li  _____
Name of Researcher (Print) Signature of Researcher Date (dd-mm-yyyy)

Annex IV Interview guide

Interviews with Judges and/or Judicial Personnel

Archival #:

Date:

Start:

End:

Introduction

Thank you for agreeing to participate in this interview. My name is Shuang Li and I am doing a PhD project about translation policy towards minority languages in China's judicial settings. This interview will be based on my previous observations of the trials in which you have been involved, so I would like to talk with you about your roles in providing language assistance to ethnic minorities in court proceedings and your opinions about current court interpreting practices.

As explained, the interview will take about 30 to 40 minutes and will be audio-recorded. All responses will be kept confidential, and all names and references to people or places will be anonymized. Also, you do not have to talk about anything you do not want to and you may end the interview at any time.

Are there any questions about what I have just explained? If you agree, I will start recording now.

Questions

Q.1. Personal information on your language skills, education background and occupation

Q.2. Measures taken to enable translation or interpreting services

- Could you please elaborate on the process of how you recruited the court interpreter(s)?
 - At what point did you decide to recruit an interpreter?
 - What criteria did you take into consideration when you recruited the court interpreter(s)? Why?
 - How did you find a court interpreter?
 - How much is a court interpreter paid, and by whom?
- Has the court drawn up any guideline on the employment and administration of court interpreters?
- Is there any official certification or training for court interpreters?
- Which measures you have mentioned, do you think, have worked well?
- What would you do differently in the future? Why?

Q.3. Challenges you've come across

- What challenge(s), if any, have you been faced in the process of organizing the court interpreting?
- Has any defendant appealed against his or her conviction because he or she found some parts of the court interpreting inappropriate?

Q.4. Supports or new measures needed to rise to the challenges

Q.5. Your opinions on the role(s) of translation and interpreting services

- What are your opinions on the role(s) of court interpreters?
- What effect, if any, do you think the practices of providing court interpreting services have had on the ethnic minority groups?

Q.6. How do you evaluate current translation and interpreting services?

Q.7. Your criteria for satisfactory court interpreting

Q.8. Your views on translation management

Closing

Is there anything more you would like to add? I will be transcribing the interviews and I will be happy to send you a copy to review, if you are interested. Thank you for your time!

Interviews with Court Interpreters

Archival #:

Date:

Start:

End:

Introduction

Thank you for agreeing to participate in this interview. My name is Shuang Li and I am doing a PhD project about translation policy towards minority languages in China's judicial settings. This interview will be based on my previous observations of the trials in which you have been involved, so I would like to talk with you about your roles in providing language assistance to ethnic minorities in court proceedings and your opinions about current court interpreting practices.

As explained, the interview will take about 30 to 40 minutes and will be audio-recorded. All responses will be kept confidential, and all names and references to people or places will be anonymized. Also, you do not have to talk about anything you do not want to and you may end the interview at any time.

Are there any questions about what I have just explained? If you agree, I will start recording now.

Questions

Q.1. Personal information on your language skills, education background and occupation

- Could you please tell me about the languages you can speak?
 - What languages can you speak? And which level have you reached? Have you passed certain exams for these languages?
 - How have you gained these language skills?

- Would you please tell me about your educational background?
 - Have you received any training in court interpreting?
 - Have you passed any exams of translation or interpreting?
 - Have you had any background in law?

- Could you please elaborate on your occupation?
 - What do you do?
 - Are you a full-time or part-time court interpreter?
 - How long have you been a court interpreter?

Q.2. Measures taken to enable translation or interpreting services

- Could you please elaborate on how you prepared for the court interpreting?
 - How do you normally prepare for court interpreting?
 - Does the court give you some case files for reference?
 - What challenge(s), if any, have you been faced when during your preparation for court interpreting?
 - Have you asked for any help from other colleagues?
 - Have you translated any document involved in a case? If so, what documents have you translated?
 - Have you referred to some existing translations of documents during your preparation for court interpreting?
 - What do you think of translating legal documents?

- How much were you paid for translation or interpreting and by whom?

Q.3. Challenges you've come across

- What difficulties, if any, have you encountered in court interpreting?

- What factors, do you think, make it difficult for you to interpret?

- Which strategies have you taken to deal with the difficulties?

- Which strategies you have mentioned, do you think, have worked well?

- What would you do differently next time? Why?

Q.4. Supports or new measures needed to rise to the challenges

Q.5. Your opinions on the role(s) of translation and interpreting services

- How do you perceive your roles in court interpreting?
- What effect, if any, do you think the practices of providing court interpreting services have had on the ethnic minority groups?

Q.6. How do you evaluate current translation and interpreting services?

Q.7. Your criteria for satisfactory court interpreting

Q.8. Your views on translation management

Closing

Is there anything more you would like to add? I will be transcribing the interviews and I will be happy to send you a copy to review, if you are interested. Thank you for your time!