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The interplay between linguistic and non-verbal communication in an interpreter-mediated main hearing of a victim's testimony

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Abstract: This article examines verbal and non-verbal communication between the interpreter and the injured party in a video-recorded main hearing of a criminal matter at a court of first instance in Finland. The language of the court was Finnish and the interpreter and injured party communicated in French, the interpreter's B language and the injured party's second language. Due to differences in the two participants' ability to communicate in French, their verbal communication was characterized by significant problems. A salient feature of their communication consisted of abundant gesturing on the part of the injured party and the interpreter's mirroring of these gestures and putting them into words in her renditions. The interpreter's renderings combined mimicking of the injured party's gestures, language interpretation, and intermodal (gesture to language) interpretation, as well as elements that had been mentioned previously by other participants. The analysis highlights the problematic status of intermodal and multimodal translation from the viewpoint of legal norms, interpreting norms, and the theory of multimodality. It calls for increased sociolinguistic awareness among interpreters, legal experts, and interpreting studies scholars, as well as greater communication between the theory and practice of multimodality and intermodality in the dialogue interpreting of spoken languages.

Keywords: court interpreting; French as a lingua franca; Finnish; multimodality; non-verbal communication

Résumé en français: Cet article examine la communication verbale et non-verbale entre l'interprète et la partie civile lors d'une audience principale enregistrée en vidéo, dans le cadre d'une affaire pénale devant un tribunal de première instance en Finlande. La langue du tribunal était le finnois et l'interprète et la partie civile

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communiquaient en français, la langue B de l’interprète et la deuxième langue de la partie civile. En raison des différences dans la capacité des deux participants à communiquer en français, leur communication verbale a été caractérisée par des problèmes importants. Leur communication était marquée par une caractéristique importante, à savoir une gestuelle abondante de la part de la partie civile, et aussi par le fait que l’interprète reflétait cette gestuelle et la mettait en mots dans ses interprétations. Les restitutions de l’interprète combinent l’imitation des gestes de la partie civile, l’interprétation linguistique et l’interprétation intermodale (du geste à la langue), ainsi que des éléments qui avaient été mentionnés précédemment par d’autres participants. L’analyse met en évidence le caractère problématique de la traduction intermodale et multimodale du point de vue des normes juridiques, des normes d’interprétation et de la théorie de la multimodalité. Elle appelle à une sensibilisation sociolinguistique accrue des interprètes, des juristes et des chercheurs en interprétation, ainsi qu’à une plus grande communication entre la théorie et la pratique de la multimodalité et de l’intermodalité dans l’interprétation de dialogue quand il s’agit de deux langues parlées.

Mots-clés: interprétariat juridique; français langue véhiculaire; finnois; multimodalité; communication non-verbale

1 Introduction

In public service interpreting of spoken languages, in which consecutive dialogue interpreting is the most common mode, interpreters typically translate between their first language (A language) and another language in which they are fully or almost fully proficient (B language), while migrants who are not (fully) proficient in the language used by the authorities of their new home country communicate through an interpreter using their first language. However, migrants frequently use a language in which they are not fully proficient; for example, a lingua franca that is the official language of their multilingual country of origin (Määttä 2018). In the European context of public service interpreting, such lingua francas include Arabic, English, French, Portuguese, Russian, or Swahili, for example. The reasons for using a vehicular language in these settings are manifold, including the lack or absence of interpreters of the language in which the migrant is more proficient and the prestige of the official language of the former home country. Additionally, since the matters discussed in such encounters tend to be quite delicate, the migrant may prefer an interpreter of a world language – typically a native of the new country of residence – rather than an interpreter of a less widely spoken language, who is usually a migrant from the same ethnic group. In some cases, a multilingual migrant may be unable to pinpoint one single language as his or her first language.

Sociolinguistic and anthropological analyses of interpreter-mediated legal encounters in which vehicular language is used have focused on the migrant's perspective and the difficulty of achieving linguistic justice in a situation in which the migrant does not have the necessary linguistic resources to assert his or her rights. Many studies have identified monolithic language ideologies as the main cause of this problem, as such ideologies fail to acknowledge the complexity of multilingual repertoires and identities and hinder awareness of the unequal distribution of linguistic resources and affordances (e.g., Angermeyer 2015; Berk-Seligson 2008; Eades 2010; Haviland 2003; Maryns 2006). As for interpreting studies, interpreter-mediated legal encounters in which a lingua franca is used have been analyzed mainly through the prism of the interpreter's role and salient interactional features (e.g., Dal Fovo 2018; Gavioli and Baraldi 2011; Pöllabauer 2004; Wadensjö et al. 2023).

In this article, we analyze the interplay between the lingua franca and other semiotic resources by analyzing a short sequence of an interpreter-mediated main hearing of a racially motivated assault and battery case at a Finnish court of first instance. In this hearing, the interpreter and the migrant (henceforth, the "injured party") communicated in French, and the interpreter translated the prosecutor's and the legal counsels' questions from Finnish to French and the injured party's responses from French to Finnish. In the sequence analyzed in this article, the prosecutor asked the injured party to explain in her own words what happened in the incident in which she and her son were attacked by two men. This sequence was chosen for detailed analysis because it was particularly important in terms of the legal consequences faced by the accused persons.

The interpreter's first language was Finnish, but she had received her higher education in France and held certified court interpreter status in the Finnish to English language pair in another country. The injured party was a migrant from West Africa and a second-language speaker of French.[1] Throughout the hearing, the interpreter's and the injured party's differential access to French – the language in which they communicated – constituted a major hindrance to their successful verbal communication. To improve mutual understanding, the interpreter and the injured party regularly formed a communicative dyad from which the other participants were excluded, and the prominent role of non-verbal communication alongside speech characterized both this dyad and the interpreter's renderings in Finnish.

We argue that the problems in verbal communication and the salient role of non-verbal tools in this situation were linked: The interpreter's and the injured party's asymmetrical linguistic resources in the lingua franca (French) prompted them to mobilize abundant non-verbal interactional resources, namely visual, embodied, and spatial resources, in their co-construction of meanings. These actions, notably hand gestures, posture, gaze, and pointing gestures, were equally important as information conveyed through linguistic means (Schegloff 1995: 186) and compensated for the shortcomings of verbal communication in French – a linguistic resource that was part of both participants' linguistic repertoires (Gumperz 1964) but was shaped differently, so that it could not be equally used to serve the same functions (Maryns and Blommaert 2002).

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[1] No other details are given to protect the interpreter's and the injured party's anonymity.

In addition to analyzing the interplay between different semiotic resources in the communicative dyad formed by the interpreter and the injured party, we examine how the interpreter combined the verbal mode (Finnish language) with a selective mimicking of the injured party's gestures in her renderings. The oral renderings occasionally contained elements triggered by the injured party's gestures, thereby constituting a transductive (Kress 2010: 43), intermodal (Braun 2008), or intersemiotic (Jakobson 1959: 261) translation.

In the discussion, we link these phenomena to interpreting norms and the insight that human interaction and people's semiotic repertoires are inherently multimodal (Goodwin 2000: 1489; Kress 2020; Streeck et al. 2011), such that it is difficult to draw boundaries between different semiotic resources deployed in a situation (Norris 2004: 51). Hence, we approach our data from the perspective of the ecology of interaction, in which verbal and non-verbal communication are of equal value (Mondada 2014: 138) and spatial arrangements also function as components of interaction (Davitti and Pasquandrea 2017: 125; Licoppe and Veyrier 2017). In addition, we stress the fact that a person's linguistic and other semiotic resources are flexible and that the ways in which different resources are combined in each situation is context dependent (Gumperz 1972: 16). An important contextual element is the indexical aspect of meaning, deictically referring to the persons and objects present in the situation and non-referentially connecting semiotic resources deployed in the situation with social identities, thus constituting the sociocultural dimension of meaning (Blommaert 2006: 164–165; Silverstein 1976: 30, 1979). While indexicality is present in all semiotic processes, it becomes more salient in these data due to asymmetrical linguistic resources and the prominent role of non-verbal communication.

Our research also draws on existing literature on dialogue interpreting which has shown that the interpreter's tasks include not only oral translation of what is said in the encounter but also coordination tasks (Angelelli 2004; Baraldi 2009; Davidson 2000, 2001; van Dam 2017; Wadensjö 1998), and that non-verbal interactional resources or modalities of a visual, aural, embodied, and spatial nature are equally important as verbal resources in interpreter-mediated communication (Davitti 2019; Vranjes and Brône 2021; Wadensjö 2004).

In the following sections, we present our data and methods of analysis (Section 2) and analyze our data examples (Section 3). To conclude (Section 4), we discuss multimodal interaction in court and intermodal translation from the viewpoint of legal procedure, court interpreters' codes of conduct, and the theory of intermodality and argue that there should be more awareness of these interlinkages among interpreting scholars, legal interpreters, and legal professionals.

2 Data and methods of analysis

The total duration of the hearing was approximately 100 min, the language of the court was Finnish, and the participants included the judge, three lay judges forming the jury, the clerk, the prosecutor, two persons accused of having committed a racist assault[2] and their defense counsel, the injured party and her counsel, and the interpreter. The injured party consisted of a woman and her disabled son, but only the mother was present in court. In addition, one of the researchers observed the hearing.

In Finland, a register of legal interpreters was established in 2016; since our data were recorded before this date, the interpreter was not accredited as a court interpreter. Although the number of registered legal interpreters has grown steadily (159 registered legal interpreters at the time of this writing, six in the Finnish–French language pair), no law requires the courts of justice to use only registered legal interpreters. An interview held with the interpreter provided some information about her education and interpreting experience. As explained in the introduction, the interpreter was a native speaker of Finnish and had received her higher education degree in France; she was also a certified court interpreter in another country in the Finnish–English language pair and had twenty years of experience as a dialogue interpreter (Finnish–French), mostly in business settings. The hearing was open to the public and participants gave their consent to the recording of the proceedings and the usage of the data for research and training purposes.

As shown in Figure 1, the physical presence of all interactants in the courtroom allowed them to employ various non-verbal resources that are available in face-to-face communication situations. The injured party and her counsel were facing the judge, and the defendants and their counsel were seated to their right. The interpreter was seated next to the injured party on the left. The prosecutor was facing the parties and their counsels as well as the interpreter, affording direct eye contact and an unhindered ability to hear them.

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[2] The two defendants appearing in the excerpt that we analyze are pseudonymized as Korhonen and Karhunen.

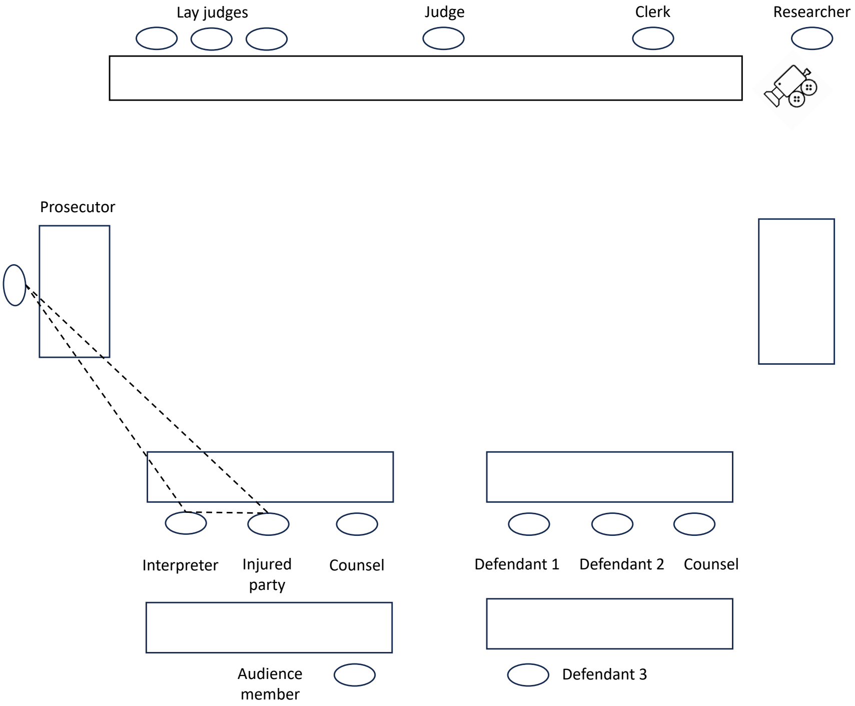
Lay judges
Judge
Clerk
Researcher
Prosecutor
Interpreter
Injured party
Counsel
Defendant 1
Defendant 2
Counsel
Audience member
Defendant 3

Figure 1: The spatial arrangement of the courtroom. The dashed triangle represents the primary interaction space employed during the interaction sequence analyzed in this article.

As the interpreter and the injured party were seated side by side, they could hear each other well. However, to establish direct visual and auditive contact, each had to orient their body toward the other interlocutor. When this happened, the prosecutor could only partly observe the interpreter's facial expressions and had difficulty hearing what she said. In addition, when the interpreter was turned toward the injured party, she potentially prevented the prosecutor from seeing the injured party's facial expressions, gestures, and other bodily expressions.

The hearing began with opening statements by the prosecutor and the counsels (30 min). Following this, the injured party and the defendants were heard (41 min). The closing statements by the prosecutor and the two parties' counsels (13 min) were followed by a short discussion about the legal costs (6 min).

One of the researchers video-recorded and observed the hearing. Subsequently, we analyzed the video in a series of data sessions and noticed that the interpreter and the injured party used gestures abundantly and changed their body positions frequently (see also Kinnunen 2018). The initial analysis also indicated a mixture of consecutive and chuchotage interpreting, as well as omissions and additions in the renderings produced by the interpreter. She did not systematically interpret the other participants' turns to the injured party, and she occasionally repeated the gestures made by the injured party. Regarding language use, the interpreter's French was close to standard, while the injured party's French was characterized by idiosyncrasies that seemed to cause problems of mutual understanding in her communication with the interpreter. These included morphological (e.g., grammatical gender), phonetic (e.g., lack of certain vowel sounds, such as [ø] and [œ], which were rendered as [e] or [ɛ]), lexical (e.g., a noun used in place of an adjective), and syntactic (e.g., auxiliary *avoir* used in place of auxiliary *être*) phenomena. She also used many deictic expressions whose reference was not clear without the visual context (see the analysis in Section 3 for more details), and her speech was characterized by false starts and repairs. It would have been impossible for the interpreter to render these features.

After observing the phenomena described above, we focused on the injured party's testimony because in this part of the hearing, the interpreter's role was crucial; the other participants could not have access to the information provided by the injured party without her interpreting. This testimony lasted 25 min. We transcribed it according to the conventions of conversation analysis and captured still images from the video frame by frame to better observe the sequential development and alignment of the verbal and non-verbal communication. Based on an initial analysis of the transcript, we then focused on a 2.62 min sequence starting 14 min after the beginning of the testimony, in which the prosecutor asked the injured party whether she had been pushed and kicked when she was lying on the ground after having been pushed by the aggressors. Although the sequence was relatively short, it was essential in terms of the nature of the crime and the judicial consequences faced by the perpetrators, and it illustrated linguistic and other interactional phenomena that were salient throughout the injured party's testimony. As analyzing this sequence elucidates the insufficiencies of focusing on linguistic communication alone in legal proceedings, the sequence also demonstrates how "the micro-actions of social interactions" can be revelatory of broader social issues (Scollon and Scollon 2004: 8).

The analysis (Section 3) is divided into three parts that follow the chronological unfolding of the sequence: the prosecutor's first question and the injured party's first answer (Section 3.1); the injured party's second answer and the interpreter's first rendering (Section 3.2); and the prosecutor's follow-up question, the injured party's answer to it, and the interpreter's rendering of this answer (Section 3.3). In each subsection, we combine the analyses of salient verbal and non-verbal phenomena.

To provide a smoother reading experience, we have divided the sequence into seven passages. The English translation of Finnish and French speech is italicized in the transcript. Since the excerpts are quite long and our focus is not on grammatical information, exact interlinear glosses are not used: they would render the transcripts quite complex. While the translation is as precise as possible, false starts, the free constituent order of the Finnish language and its usage of case endings instead of prepositions, as well as idiosyncratic features, such as erroneous auxiliaries in French, cannot be translated accurately. These characteristics are explained in the analysis where necessary, and a detailed transcription key is presented at the end of the article. The following symbols are used to refer to the speakers: PR = Prosecutor, INT = Interpreter, and IP = Injured party. To illustrate the non-verbal phenomena and their connection with the verbal phenomena, drawings accompanied by the corresponding lines of the transcript are used.

3 Analysis

3.1 The injured party's answer to the prosecutor's first question

Prior to this sequence, the injured party had identified one of the accused persons as the man who kicked her and her son and explained that she was mostly concerned about her son's safety in that situation. In lines 1–3, the prosecutor inquires as to whether there was further pushing and kicking after the injured party had fallen as a result of the kicking.

PR01 te (.) kaaduitte siinä (0.6) tilanteessa niin (2.0)
you (.) fell down in that (0.6) situation so (2.0)
PR02 vieläkö sen jälkeen teitä (1.6) tönittiin tai
also after that were you (1.6) pushed or
PR03 potkittiin kun olitte /kaatuneena
kicked when you lay down after having fallen

The interpreter's first turn (lines 4–7) initiates a transition from triadic interaction, involving the prosecutor, the interpreter, and the injured party, to dyadic interaction, centered exclusively on the interpreter and the injured party. While dyadic interaction between the interpreter and one of the participants goes against dialogue-interpreting norms (Hale 2007: 41), the interpreter's coordination activities in such dyads are quite common and can have important functions in terms of contributing to the activity in question, distributing the primary speaker's participation and making their voice heard (Bolden 2000; Davitti 2012; Licoppe et al. 2021; Wadensjö 1998). Thus, in these data, the dyadic interaction subsequence – which extends over three adjacency pairs (lines 4–25) – allows the interpreter to check the exact content of the injured party's account and ensure mutual understanding.

INT04 eh vous avez- vous êtes tombée par /terre (0.5)
er you have you fell[3] *onto the ground (0.5)*
INT05 est-ce qu'on vous a donné (les) coups de pied.
did you receive the kicks
INT06 ou est-ce qu'on on vous a (.) poussée aPRÈS. (0.7)
or were you (.) pushed afterwards (0.7)
INT07 (après ce- cet incident-là quand [on –])
after this- that incident when

In her answer (lines 8–20), the injured party does not appear to respond to the question initially asked by the prosecutor and instead appears to consider the interpreter's word *aPRÈS* ('afterwards', line 6 above), pronounced with more emphasis, as an invitation to continue the story and repeats this word at the beginning of her turn (line 8 below). This word, overlapping with the interpreter's turn, is followed by a pause. The pronominal and deictic expressions discussed below are in bold in this excerpt.

IP08 [après] (0.5) oui quand il a donné **un coup comme**
[after] (0.5) yes when he gave me ***a kick like***
IP09 /**ça** (0.6) je sais pas comment l'appeler **ça** hein
that *(0.6) I do not know how to call* ***it*** *uh*
IP10 c'est un coup et puis je (me) suis vite tombée
it is a blow and then I rapidly fell
IP11 **comme ça** (0.5) **ici là** (0.5) et si je (me) suis
like that *(0.5)* ***right here*** *(0.5) and if I*
IP12 tombée (0.5) quoi (1.7) après un moment quand je me
fell (0.5) well (1.7) after a moment when I
IP13 suis réveillée ? je me suis levée et puis (0.5) eh
woke up I stood up and then (0.5) er
IP14 je me suis échappée puis **l'autre** (s'est a laissé)
I escaped then **the other one** *left*
IP15 mon fils et puis j'ai dit à mon fils on court (.)
my son [alone] and then I told my son let's run (.)
IP16 on court on on courait **là** (0.4) o- on **l**'a fui et
we run we we ran ***there*** *(0.4) w- we escaped* ***him*** *and*

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[3] In French, the intransitive verb *tomber* 'to fall' requires the auxiliary *être* in the compound past tense *passé composé*. Here, the interpreter starts her rendering with the auxiliary verb *avoir* but quickly switches to the correct auxiliary (*avez* > *êtes*). The *passé compose* tense usually corresponds to the English simple past. However, we have translated the first auxiliary *avoir* ('have') to highlight the self-repair from *avoir* to *être*.

IP17 puis (.) (**eux eux** s'est) **ils** continuaient à nous
then (.) ***they they they*** *continued to us*

IP18 (.) poursuivre **les deux** (0.5) eh la fille était
(.) pursue[4] ***the two of them*** *(0.5) er the girl had*

IP19 partie (0.5) **les** /**deux** (.) continuaient à nous
gone (0.5) ***the two*** *(.) continued to us*

IP20 [poursuivre –]
[pursue]

The injured party's speech is characterized by features typical of natural conversation and the narrative style in oral storytelling, such as false starts, repairs, and switching between the past and present tense in the description of the action. The injured party also hesitates over the most important words in terms of the nature of the assault and the subsequent legal consequences thereof, namely the word *coup* ('blow', lines 8–10). In French, this word is used in numerous compounds, such as *coup de pied* ('kick'), *coup de poing* ('punch'), and *coup de coude* ('elbow strike'). Previously, the interpreter had used the compound *coup de pied* ('kick', line 5), which had also been used repeatedly prior to this passage, both by the interpreter and by the injured party. A potential explanation for the hesitation in lines 8–10 is that the injured party wanted to describe a specific type of kick but failed to find the right word.

The most salient linguistic feature in this turn consists of an abundant usage of pronominal and deictic expressions whose reference is not clear when analyzing the transcript alone, or when listening to the recording without watching the video to see how the verbal mode is combined with non-verbal communication. The injured party states that she received a blow *comme ça* ('like that/this', lines 8 and 9) and fell down *comme ça* ('like that/this') *ici là* ('right here', line 11), was running *là* ('there', line 16) with her son and fled from *l(e)* ('him', line 16). She refers to the attackers as *l'autre* ('the other one', line 14), *l(e)* ('him', line 16), *eux* and *ils* ('they', line 17), and *les deux* ('the two of them', lines 18 and 19). The exact reference of some of these words remains unclear. This suggests that the speaker had difficulty finding more precise words, such as nouns and adjectives, thus indicating issues with language proficiency and making it difficult to capture the exact meaning of her message.

To identify the references of the deictic and pronominal expressions used by the injured party in lines 8–20, it is necessary to analyze this passage in connection with the bodily expressions that accompany them (Figures 2 and 3). The embodied description of the kick and the way in which the injured party fell are particularly illustrative in terms of the combination of deictic verbal expressions and bodily actions.

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[4] That is, 'they continued to pursue us'.

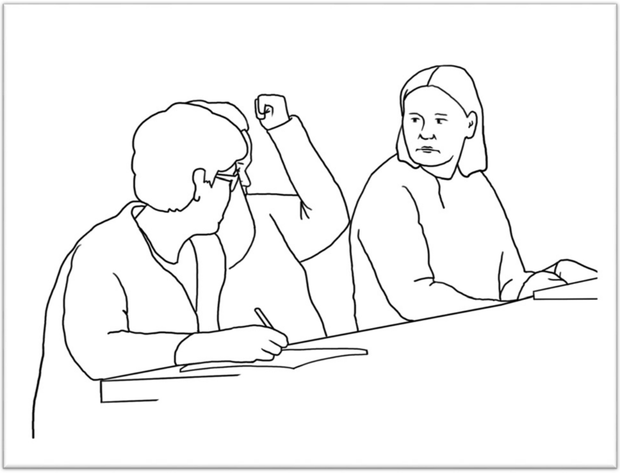

Figure 2: Counsel (left), injured party (middle), interpreter (right).

IP10 [—] et puis je (me) suis vite tombée
[—] and then I rapidly fell
IP11 **comme ça** [—]
like that *(0.5) [—]*

Thus, when the injured party makes the second marked pause in her verbal interaction (0.6 s, line 9), she points toward her feet under the table. During the following pause (0.5 s, line 11), she pushes her elbows back to show how she fell (Figure 2) and uses her left hand to show that she fell on her elbows (Figure 3).

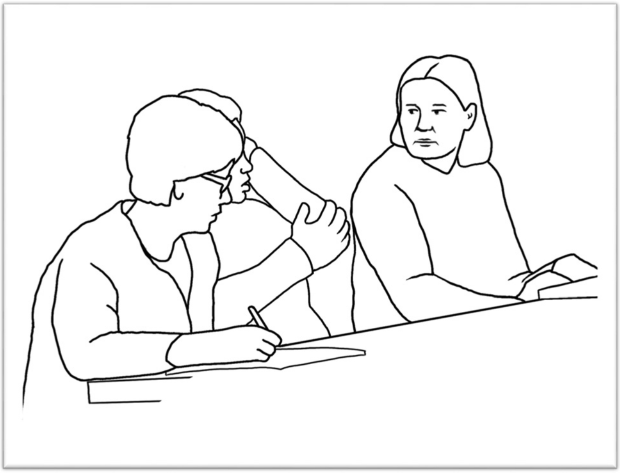

Figure 3: IP11 [—] **ici là** [—]
[—] ***right here****[—]*

These bodily signs are vital for the interpretation of the deictic demonstrative expression *comme ça* (‘like that’ or ‘like this’, Figure 2, line 11) and the compound demonstrative adverb *ici là* (‘right here’, Figure 3, line 11), referring here to her elbows. The use of deictic expressions typically prompts the co-participant’s gaze, and utterances containing deictic expressions can therefore be understood as multimodal, projective utterances. In other words, these utterances function as requests to draw the co-participant’s attention to the primary participant’s body. As shown in Figures 2 and 3, the interpreter closely follows the injured party’s account with her gaze. Combined with deictic expressions in the linguistic mode, deictic gestures therefore enhance the participation framework in which the interpreter and the injured party form a dyad from which other participants are excluded, even though they observe the situation (see Ticca and Traverso 2015: 45).

3.2 Second answer and the interpreter’s rendering

The interpreter reiterates the question in lines 21 and 22 and receives the desired answer from the injured party in line 23. In line 24, the interpreter checks this answer by providing a candidate understanding; namely, a suggested interpretation of the previous turn (see Schegloff 1996). As the injured party makes the lack of further kicking and pushing explicit in line 25, the interpreter finally translates the answer in lines 26–32; the expressions analyzed from a multimodal point of view are in bold in the excerpt.

INT21 [mais après eh.] (.) après que vous étiez tombée (.)
[but after er] (.) after you had fallen (.)
INT22 ils ne vous ont plus poussée ou=
they no longer pushed you or=
IP23 =NON non=
=no no=
INT24 =d’accord vous avez pu échapper
=ok you managed to escape
IP25 oui [(–)]
yes [–]

INT26 [et se kaa-] (.) tosiaan hän kaatu sillain että (.)
[that she fe-] (.) indeed she fell down so that (.)
INT27 että **kyynärpäät otti vastaan ja sitä varten tuli (.)**
*that **her elbows were hit and this is why she got (.)***
INT28 ***kyynärpäihinkin /kipuja*** .hhh mutta sen jälkeen kun
***pain also in her elbows** but after that when*
INT29 hän nousi siitä niin he pystyivät sitten lähtemään
she got up there they were able to leave to
INT30 pakoon tyttö oli hävinnyt ö heitä (0.4)
escape the girl had disappeared er they (0.4)
INT31 /seurattiin mutta ei häntä sitte enää potkittu
were being followed but she was no longer kicked
INT32 (0.6) he pääsivät \pakoon \sieltä \sitten
(0.6) they were then able to escape from there

The interpreter's turn (lines 26–32) starts with a reported speech structure *[that she fe-] (.) so she fell down so that (.),* in which the quotative clause is omitted. This turn, in which the beginning overlaps the injured party's turn, does not constitute a verbatim rendering of the injured party's three turns (lines 8–20, 23, and 25). Thus, much of the narrative of the injured party's first turn (lines 8–20) is omitted and the interpreter adds content that was not *verbally* present in the injured party's speech, i.e., contact between her elbows and the ground as well as elbow pain (lines 27–28). Some information that was not available in the prosecutor's question is induced by the interpreter (escaping, induced in line 24 and interpreted in line 32). In addition, while the injured party had affirmed that she was no longer being *pushed* (line 23), the interpreter's rendition indicates that she was no longer being *kicked* (line 31), whereas the prosecutor's original question (lines 1–3, interpreted in lines 4–7) referred to both kicking and pushing. In addition, by using the third person instead of the normative first person, the interpreter acts as a narrator and highlights her role as a gatekeeper of information that is not available for the other participants without her interpretation. This feature is usually considered a sign of non-professional interpreting (Cheung 2014: 192–194).

Like the injured party, the interpreter uses both verbal and non-verbal modes of meaning production in her turn and imitates the injured party's bodily behavior. The interpreter's bodily action in lines 26–28 can be observed in Figures 4 and 5.

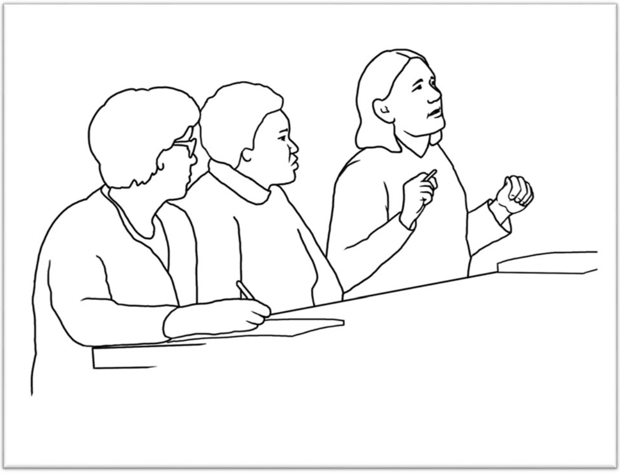

Figure 4: INT26 [et se kaa-] (.) tosiaan hän kaatu sillain että (.)
[that she fe-] (.) indeed she fell down so that (.)
INT27 että **kyynärpäät otti vastaan** [—]
*that **her elbows were hit** [—]*

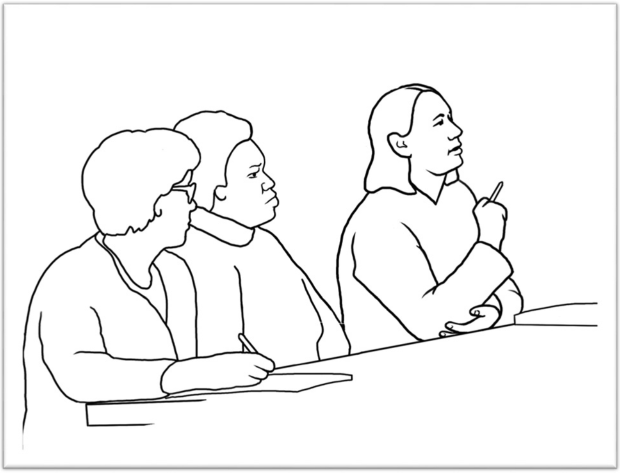

Figure 5: INT27 [—] **ja sitä varten tuli (.)**
*[—] **and this is why she got (.)***
INT28 ***kyynärpäihinkin /kipuja*** .hhh [—]
***pain also in her elbows** [—]*

Thus, in addition to verbal information, the interpreter shows how the injured party fell down and touches her right elbow with her left hand. The rendering also contains a proposition that was not present in the injured party's verbal account, which is that the injured party's elbows were hit and this occasioned pain in her elbows. Hence, she verbalizes something that was produced non-verbally by the injured party and translates the non-verbal content of the message into a verbal mode. At the same time, by repeating the injured party's gestures, she performs *counterpart mimicking*, a form of mirroring that reflects empathy and cooperativeness, enhances the smoothness of communication, and fosters understanding (e.g., Stel and Vonk 2010).

When compared with Figures 2 and 3 (lines 10 and 11 of the transcript), it is evident that the injured party also touched her elbow after using her arms to demonstrate how she fell down. However, the injured party had not *said* that she had pain in her elbows, and there were no clear non-verbal signs indicating this. In addition to the apparent *intermodal* (gesture to speech) interpretation of multimodal source language speech, the mention of elbow pain in the interpreter's rendering has three possible sources in the earlier stages of the hearing: the reading of the charges, in which it was mentioned that the pushing had caused pain in both elbows; the claims presented by the injured party's counsel, including compensation for pain, suffering, and non-permanent damage; and the doctor's statement that had been read aloud by the prosecutor and interpreted into French.

Suprasegmental phenomena in the interpreter's speech suggest that she is aware that her intermodal interpretation is somehow special and perhaps problematic. Thus, her voice quality is altered when she mentions elbow pain, as shown by the asterisks in line 28 of the Finnish transcript. In addition, the intermodal passage is followed by a respiration sound (*.hhh* in line 28 of the transcript), marking the end of intermodal interpretation and a transition to the interlingual mode, and the part of the interpretation corresponding to the content that was induced by the interpreter's candidate understanding (line 24) shows stress and pitch prominence (lines 30–32).

3.3 The prosecutor's follow-up question, the answer, and the rendering

From the perspective of turn organization, the final passage, which is analyzed in this subsection, is particularly illustrative of a fact that is visible throughout the hearing: that much of the interaction happens between the interpreter and the injured party, so that the interpreter actively participates in the construction of the injured party's story. The co-construction of meaning, which Licoppe et al. (2021: 41) identify as a typical feature of micro-ecologies in which the interpreter and the primary speaker sit next to each other, is here highlighted by the fact that the two participants' turns overlap four times; and in three instances, their turns follow each other without a pause. In this passage, verbal and non-verbal modes are combined to identify the defendants, whom the injured party does not recognize by their (Finnish) names, which are consistently used in the court documents and throughout the hearing; rather, she recognizes them by their looks and especially their faces. The identification is achieved through a pointing gesture, a deictic sign locating the ostensive referent in interactional space (Agha 2007: 118). The success of such a pointing gesture depends on the two participants negotiating for shared understanding of the same thing (Goodwin 2003: 218), and this negotiation requires equal access to visual resources. In other words, this kind of interaction is only possible in a face-to-face interpreting situation. As for the interpreter's rendering, she again combines verbal and non-verbal resources, although the rendering does not include intermodal translation, as in the previous subsection.

The passage starts with the prosecutor's turn (lines 33–37), in which she seeks to verify whether the other defendant (sitting in the front row) had also attacked the injured party.

PR33 (.) /vielä (.) tarkistan nyt tämän että (0.5) te (.)
(.) again (.) I will now verify this that (0.5) you (.)
PR34 osotitte äsken tän takana istuvan (.) vastaaja
just indicated this sitting here behind (.) defendant
PR35 Karhusen mutta (0.7) onko nyt sitten niin että
Karhunen but (0.7) is it now so that
PR36 Korhonen ei teihin (.) teihin (.) mielestänne
Korhonen did not you (.) you (.) in your opinion
PR37 koskenut vai oliko hänki siinä sit mukana
touch [you] or did he actually participate as well

The prosecutor's turn is followed by dyadic interaction between the interpreter and the injured party (lines 38–53), with a focus on the identification of the second defendant. The prosecutor intervenes in the dyad in line 45. In fact, this passage constitutes a dyad only in terms of verbal communication – both the interpreter and the injured party interact with other participants non-verbally.

INT38 donc vous avez montré que c'était Karhunen qui est
so you showed that it was Karhunen who is

INT39 assis eh derri[ère (0.9)] qui eh vous a poussée ?
sitting er behind (0.9) who er pushed you
IP40 [mh derrière oui]
[um behind yes]
INT41 (0.6) qui vous a donné les coups de [pied ?[5]]
(0.6) who kicked you
IP42 [donc] qui était mon agresseur=
[so] who was my attacker
INT43 =oui (.) donc eh## est-ce que ça veut /dire que Korhonen
yes (.) so er does this mean that Korhonen
INT44 ne vous a pas agressée.
did not attack you
PR45 tää edessä
this here in front
INT46 donc la personne qui est assise (.) devant.
so the person who is sitting (.) in front
IP47 qui ne.
who not
INT48 il ne vous a pas agressée (.)
he did not attack you (.)
INT49 Korhonen ne vous a pas agressée=
Korhonen did not attack you=
IP50 =qui est Korhonen
=*who is Korhonen*
INT51 Korhonen qui est assis eh devant.
Korhonen who is sitting er in front
IP52 non (.) /lui l'é- /il /il avait il était
no (.) he wa- he he had he was
IP53 pour mon fils.
for my son

In lines 38–39 (Figure 6), where the interpreter substitutes the verb *pousser* ('push') for the prosecutor's verb *koskenut* (past participle of *koskea*, 'touch', line 37), she leans backwards, turns her head toward the defendant who is sitting in the back (see Figure 1, Defendant 3), and points at him with her pen, thereby complementing her speech with gestures, potentially in anticipation of the injured party's difficulty in recognizing the defendant by his name.

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[5] Literally 'kick of foot'; the overlapping element of the compound is *pied* ('foot').

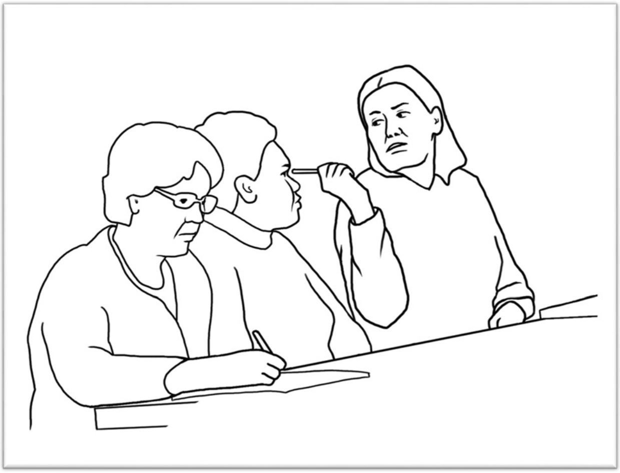

Figure 6: INT38 donc vous avez montré que c'était Karhunen qui est
so you showed that it was Karhunen who is
INT39 assis eh derri[ère (0.9)] qui eh vous a poussée ?
sitting er behind (0.9) who er pushed you

The injured party is observing the interpreter and in line 40, in a turn that partially overlaps the interpreter's turn, she checks which defendant the interpreter is talking about by turning her head toward the defendant sitting in the back and verbally

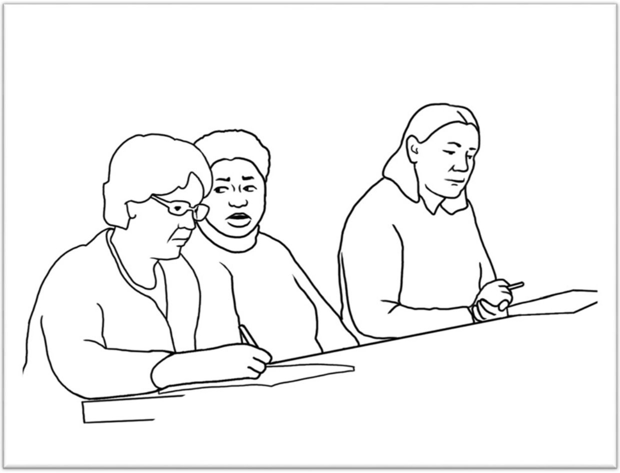

Figure 7: IP40 [mh derrière oui]
[um behind yes]

acknowledging that she has understood who that person is, repeating the adverb *derrière* ('behind') that was used by the interpreter in line 39 (Figure 7).
In line 41, the interpreter specifies that the person in question had kicked the injured party, to which the latter reacts with a candidate understanding (line 42). The interpreter continues her question immediately after this turn (line 43). The prosecutor, who has observed the injured party's consternation after the interpreter had pronounced the name of the defendant in question (line 43), intervenes in line 45. She verbally expresses that the other person is sitting in front, turning her gaze and extending her arm toward this defendant (Figure 8; see also Figure 1, Defendant 2).

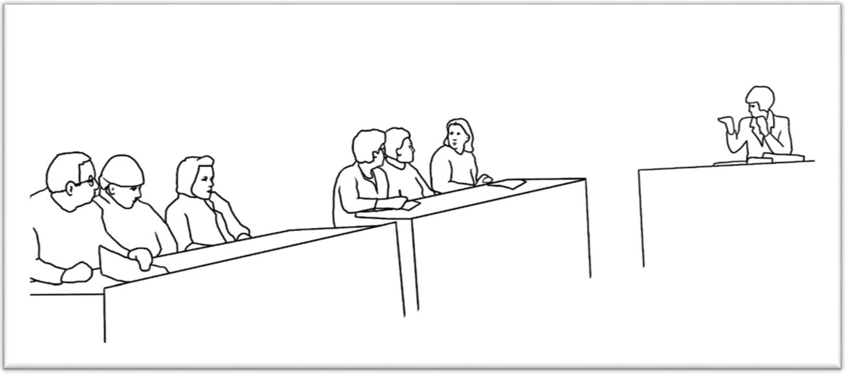

Figure 8: PR45 tää edessä
this here in front

The interpreter (line 46) mirrors this gesture with a slight modification by turning her gaze toward the defendant sitting in front and extending her hand toward him, with the back of her hand facing the injured party (Figure 9).

The injured party's uncompleted sentence in line 47 is presumably the beginning of the statement "who did not attack me," and in line 50, she inquires who this person is, in a turn that follows the interpreter's turn without a pause. As the interpreter explains that the person in question is sitting in front (line 51), the injured party leans forward and turns her gaze toward the defendant, who has also turned his gaze toward the injured party (Figure 10).

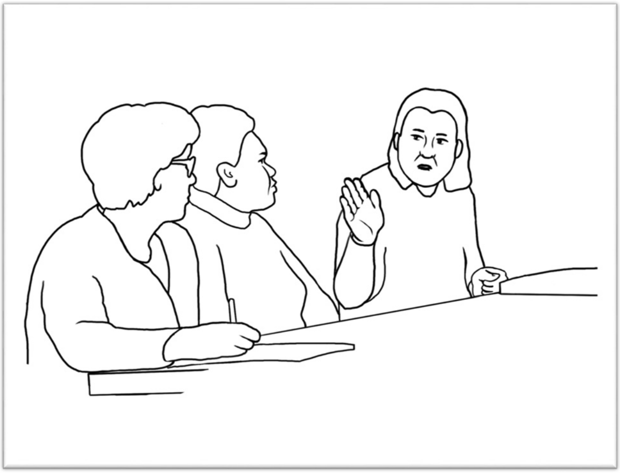

Figure 9: INT46 donc la personne qui est assise (.) devant.
so the person who is sitting (.) in front

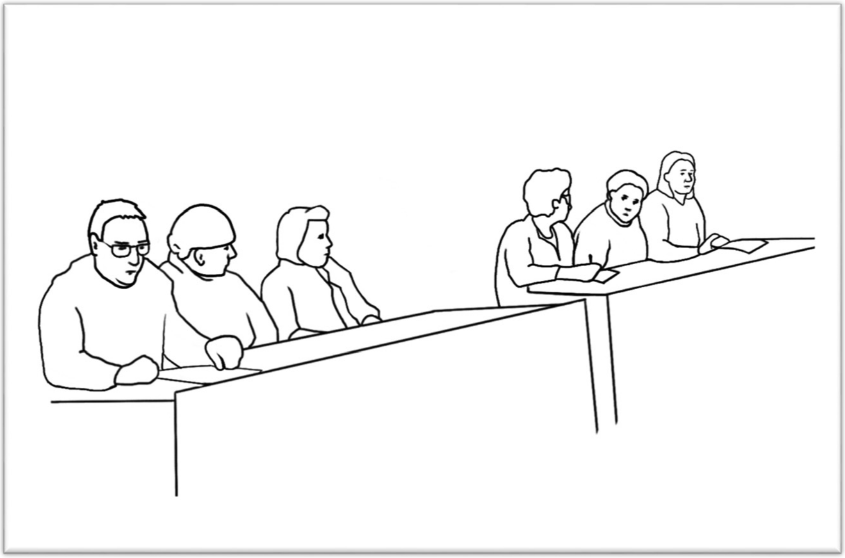

Figure 10: INT51 Korhonen qui est assis eh devant.
Korhonen who is sitting er in front

The problem is resolved in lines 52 and 53, where the injured party affirms that the second defendant attacked only her son. At this point, both the interpreter and the injured party are leaning forward, their gaze turned toward the defendant sitting in front, who gazes at them. The injured party points at him with her thumb (Figure 11).

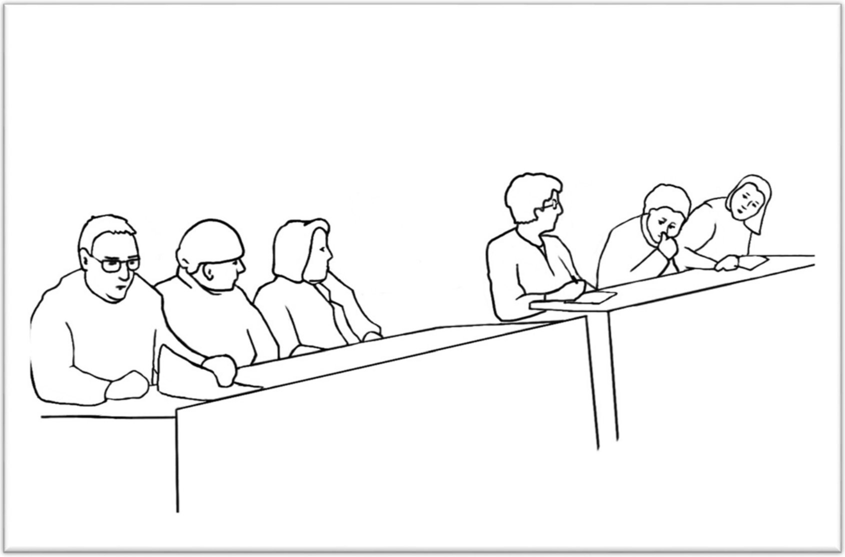

Figure 11: IP52 non (.) /lui l'é- /il /il avait il était
no (.) he wa- he he had he was
IP53 pour mon fils.
for my son

Subsequently, the interpreter produces her rendering (lines 54–55), and the injured party acknowledges this by using the token *mh* (lines 56 and 57).

INT54 että hän on (.) poikansa [(.) kimpussa ollut] (.)
that he is (.) her son [(.) being after] (.)
INT55 nuori mies
young man[6]
IP56 [mh? mh.]
um um

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[6] Namely, "That he is the young man who was after her son" (The translation in the transcript follows the free constituent order of the Finnish language).

IP57 mh
um
PR58 kiitos ei minulla o muuta kysyttävää
thank you I do not have any further questions

When the interpreter begins her rendering in line 54, she repeats the injured party's gesture, pointing at the defendant in front with her thumb while gazing at the prosecutor (Figure 12). In this context, the thumb pointing gesture has an essential role in allowing the correct identification of the defendant in question and does not appear to be impolite, as it may in certain cultures (Brown and Prieto 2017: 366–367).

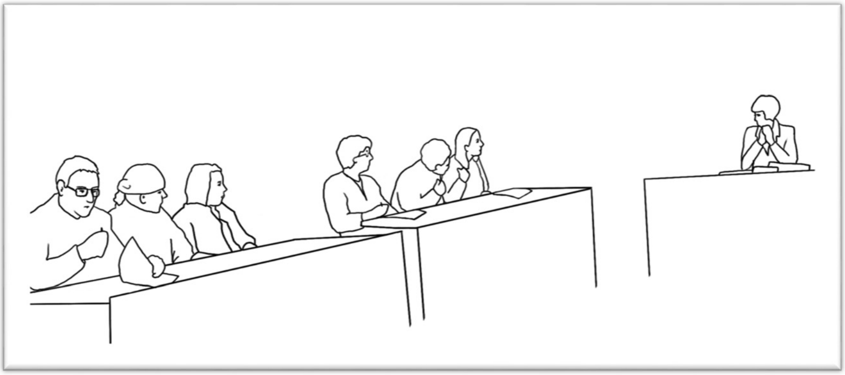

Figure 12: INT54 että hän on (.) poikansa [(.) kimpussa ollut] (.)
that he is (.) her son [(.) being after] (.)

4 Discussion

In this article, we analyzed a short excerpt of an interpreter-mediated hearing in a criminal matter at a court of first instance in Finland. The analysis combined turn organization, linguistic features, and non-verbal communication to reveal how all these layers were used simultaneously when the interpreter and the injured party co-constructed meanings and identified the defendants. In this section, we reflect on the potential explanations of the phenomena identified in the analysis, their consequences in the situation, and their theoretical and practical implications. We first discuss the most important findings in relation to dyadic interaction between the injured party and the interpreter, including the prominence of non-verbal communication, and the status of non-verbal communication in respect of the immediacy principle in legal proceedings. Second, we delve into the role of multiple sources and multimodality in the interpreter's translation strategies and examine the status of intermodal translation in interpreting norms and its vulnerability from a theoretical angle, including the translation of indexical meanings. To conclude, we reflect on the gap between the theory and practice of legal interpreting, pedagogical needs, limitations of the study, and pathways for future research.

The predominance of dyadic interaction between the interpreter and the injured party was mainly due to significant problems in verbal communication between the interpreter and the injured party, as shown by the injured party's abundant use of deictic expressions referring to space (Stukenbrock 2014: 86) and pronominal expressions whose exact reference could not be determined without simultaneously observing the verbal and non-verbal communication. These partly unclear expressions appeared to be related to her difficulty in finding the right words to express what had happened to her and her son during the assault. In other words, while the interpreter and the injured party both used French – the interpreter's B language and the injured party's second language – their linguistic resources were asymmetrical. However, in the passage analyzed in Section 3.3, the dyad formed by the interpreter and the injured party was merely verbal: both communicated with other participants through gaze and pointing gestures.

Since the verbal mode proved to be an insufficient medium of communication between the interpreter and the injured party, a potential motivation for the dyadic interaction between these two participants could reside in the interpreter's desire to save face as a language professional, as inadequate renderings could be regarded as a manifestation of the interpreter's incompetence (Gallez 2015: 36). However, as explained in the analysis, the dyadic interaction between the interpreter and the primary speaker also serves important coordination goals, enables the primary speaker's participation, and allows her voice to be heard (Bolden 2000; Davitti 2012; Licoppe et al. 2021; Wadensjö 1998). In these data, the interpreter's orientation toward the communicative goal of the prosecutor's question – namely, clear and precise answers – seems to be a particularly important motivating factor for her coordination activities. With her suspended rendition, the interpreter provided space for the injured party to give an answer to something that was difficult to express (Gavioli and Baraldi 2011: 228). Thus, through dyadic interaction with the injured party, the interpreter was able to receive all the relevant information and render it in Finnish in single, compact, and smoothly flowing turns (Davitti 2019: 17). By the same token, the other participants could follow the story and take notes (Bolden 2000; Defrancq and Verfliede 2018: 230).

Goldin-Meadow and Alibali (2013) have shown that hand gestures are often used to facilitate speech production and improve the understanding of equivocal verbal information. In the hearing analyzed here, non-verbal resources consisting mostly of hand gestures were mobilized to compensate for the shortcomings of the verbal mode. In addition, hand gestures were combined with previously acquired contextual information, shared visual context, other non-verbal resources such as gaze and posture, and verbal resources, thus forming a holistic repertoire of shared meaning potential (Ortega 2019: 31). In this sense, the gestures functioned as *environmentally coupled gestures*, interplaying with the environment and the linguistic mode that were available to the participants (Goodwin 2007).

As explained in the introduction, all human communication and people's semiotic repertoires are inherently multimodal (Goodwin 2000: 1489; Mondada 2014: 138; Streeck et al. 2011), and it is thus difficult to separate the different semiotic resources deployed situationally (Norris 2004: 51). In institutionalized settings, however, artificial boundaries between linguistic and other semiotic modes are established. Thus, in legal proceedings, verbality is strongly foregrounded, such that evidence presented orally (rather than in writing) and in front of the judge for the examination of the evidence is regarded as the primary source of information in the courtroom (e.g., Summers 2007: 47–49). Although non-verbal communication does not have an explicitly stated function when assessing a party's reliability, the procedural principles of orality and immediacy also involve the possibility of observing a party's communication in a holistic way when assessing the reliability of his or her testimony. For example, evidence from police interviews (Johnson 2020) suggests that disregarding multimodality can compromise the evidence, and non-linguistic cues are often used to assess the credibility of a person's testimony, although there is no consensus as to their heuristic value (Denault and Patterson 2021: 3).

In a growing number of hearings, some of the parties are present in a virtual mode, and many studies have analyzed the contested value of non-verbal communication as part of judicial reasoning in such settings (e.g., Barak 2021; Denault and Patterson 2021). Our data illustrate the fact that in a multilingual, interpreter-mediated hearing, non-verbal communication does not guarantee the achievement of immediacy either, even though all participants are physically present in the same room. In our face-to-face interpreting case, the participants could easily observe the interpreter's and the injured party's non-verbal communication. However, because the language of communication between the injured party and the interpreter was French – a language that is not widely used (or learned) in Finland – and because consecutive interpreting always involves a time gap between the primary speaker's utterance in the source language and the interpreter's renderings in the target language, the other participants could not simultaneously assess the injured party's speech, gestures, and gaze patterns and link them with each other.

Multi-source translation was another salient feature of these data. In one of the renderings that we analyzed, the interpreter used several sources: the injured party's speech, her gestures, and information obtained at earlier stages of the hearing. The interpreter was not necessarily aware of the different sources of information that she used to produce her rendering, as she concentrated on the referential meanings rather than on the semiotic resource categories from which they were extracted (see Gumperz 1972: 7). Nonetheless, in the rendering in which multiple sources could be identified, she verbally expressed a meaning that she had perceived in the injured party's gesture of touching her elbow, which triggered a rendering in which she added content that the injured party had not said, thereby producing an intermodal translation (accompanied by her reproducing the same gesture). The situation is somewhat similar to Gerwin's and Li's (2019) findings, according to which the interpreters who reproduced the primary speakers' gestures in clinical settings also maintained the meaning of the gesture, although in our data it is not certain whether the meaning was maintained as such.

In non-institutional settings characterized by non-professional interpreting, intermodal interpretation is a natural phenomenon (see, e.g., Harjunpää 2017: 233–234); in legal settings, however, its status is not clear. Thus, professional codes of conduct for legal interpreters often require the interpretation of non-propositional features, such as tone and register, but do not provide guidelines in relation to intermodal translation. For example, the EULITA (2013) code of conduct for legal interpreters does not mention non-verbal communication in relation to accuracy; rather, interpreting happens between a source and a target language. In this code, gestures are regarded as a cultural factor that interpreters should acknowledge and understand. Similar views are present in court interpreting guidebooks, which indicate that the interpreter must account for both linguistic and non-linguistic elements in his or her renditions, but only culture-specific gestures require a specific explanation on the part of the interpreter (Mikkelson 2017 [2000]: 77). The Finnish code of conduct for legal interpreters (SKTL 2016) does not mention non-verbal communication. On multi-source interpretation, which involves combining the primary speaker's speech (and gestures) with information obtained during previous stages of the hearing, the codes and guidebooks remain silent.

Intermodal translation may allow the verbal rendering of information that the primary speaker is not able to express orally. However, social semiotic theory highlights the vulnerability of intermodal translation, which is that a shared non-verbal meaning potential can be transposed from the primary speaker to the interpreter, but the meanings themselves are not necessarily interpreted in an accurate manner. Rather, they are reconstructed at the new site upon transposition, and a "perfect translation" across modes is impossible because all social activity is by default characterized by re-contextualization (Kress 2020: 28–38). That is, while there are conventions allowing for a sufficiently precise translation of denotational information between two (codified) languages, there are no universally accepted conventions for the translation of information conveyed between different semiotic modes. As well as some content always remaining untranslated in the passage from one mode to another (Poulsen 2017: 54), intermodal rendering easily becomes an *overinterpretation*, thus adding to the potential vulnerability of speakers using a lingua franca.

In fact, the precise translation of information conveyed through any mode appears to be an illusion if meaning is understood as containing not only denotation but also indexical meanings. In the data analyzed in this article, indexicality became particularly salient due to asymmetrical linguistic resources and the prominent role of non-verbal communication. The interpreter's mimicking of the injured party's gestures was an important feature in this respect. As language choice can have an indexical value that contributes to the creation of a specific image of the speaker (Angermeyer 2015: 10), one could argue that the choice of semiotic mode (linguistic or gestural) also participates in image making, such that the interpreter's reproducing of the injured party's gestures could be regarded as an attempt to convey some of the indexicalities of the source speech. In other words, the interpreter's attempt to reflect the primary speaker's turns as much as possible accentuated the quotative nature of the renderings (Vranjes and Brône 2021: 84).

However, the reproduction of the primary speaker's gestures remains problematic for at least two reasons. First, it can only be selective because of the cognitive limitations preventing the imitation of exactly the same gestures while simultaneously producing an oral translation of the primary speaker's speech. Second, on a micro-level, as gestures are environmentally coupled, their indexical value changes when they are detached from their original site of production and the person who produced them. In this sense, the selective repetition of the primary speaker's gestures by the interpreter bears some resemblance to the intermodal translation discussed above, as well as to attempts to translate or interpret uncodified linguistic features, such as dialects, accents, and vaguely expressed personal qualities such as demeanor, whose indexical values cannot be accurately translated (Blommaert 2006; Eades 2010; Lee 2009: 39). To put it another way, the interpreter's reproduction of the primary speaker's gesture constitutes a *recollection* of that gesture, rather than corresponding to a memory of a *subjective experience* as in the case of the primary speaker producing a gesture (Gerwin and Li 2019: 178).

As the analysis demonstrated, the injured party's gestures were linked to speech characteristics strongly indexing L2 speech, and the indexical meanings attached to the linguistic mode could not be translated. In fact, in the consecutive mode, the contexts of the primary speech and its rendering by an interpreter are inevitably different, although the repetition of the primary speaker's gestures can be seen as an attempt to restore the original context. Additionally, in a situation where the L2 primary speaker has difficulties finding the right words, the interpreter must make considerable effort to understand the referential meanings. In these circumstances, it is impossible to convey indexical meanings, even in the unlikely event that semantic equivalents carrying the same illocutionary force could be found (cf. Hale 2004: 86). If the possibility of conveying indexical meanings in interpreting is to be ruled out, more research is needed on the actual consequences of attempts to translate indexical meanings, whether conveyed by gestures, speech or a combination thereof.

The complexity of interpreted communication is often underestimated (Davitti 2019: 11). In domains of translatorial activity in which multimodality is evident, research typically aims to show the impact of different modes of expression on the participants and the outcome of the situation. Such is the case in, for example, analyses of multimodality in interpreting, which are usually inspired by multimodal conversation analysis (Mondada 2014, 2016). In more theory-oriented approaches, such as those inspired by social semiotic theory (e.g., Kress 2020: 28–38), there appears to be a search for the multimodal essence of all translation, and intermodal translation or transduction, i.e., "change from meaning expressed in one mode to meaning expressed in another mode" (Kress 2020: 43), is regarded as a proof of translation happening not only interlingually but also across different modes of expression.

Both multimodal conversation analysis and social semiotic theory often overlook the normative aspect of translatorial activity in domains such as legal translation and interpreting, where obedience to translation norms founded on the principle of accuracy constitutes a condition sine qua non for quality and is a cornerstone of the profession. In this respect, research on spoken language interpreting could benefit from more dialogue with sign language interpreting research, in which the interpretation is always intermodal, although both modes (spoken and signed) constitute fixed codes governed by norms. Research on situations in which deaf people communicate with each other, although they do not share the same sign language, could be particularly illustrative in this respect (see, e.g., Sivunen and Tapio 2020).

In addition, both interpreters and legal professionals would benefit from increased awareness of the sociolinguistic complexity involved in cases where a party must use a language in which he or she is not fully proficient. The complexity of multilingualism and interpreting with second-language speakers should be part of initial interpreter training, and interpreters working often with L2 clients would benefit from continuous interpreter training and multi-professional workshops focusing on the particularities of interpreter-mediated communication in such settings.

Sequence management or coordination of the flow of speech is a skill of utmost importance for a court interpreter, as it enables accurate renderings. This skill could also be supported by specific instructions in the code of conduct for cases in which a lingua franca is used. For example, the code could recommend concentrating on transferring the semantic content of the message and interpreting shorter stretches of talk rather than larger, expansive chunks (see, e.g., Licoppe and Veyrier 2020: 82). Such measures could enhance the accuracy of interpretation and enable all participants to connect linguistic messages with non-verbal messages.

To conclude, it is important to discuss the limitations of our study. The fact that our analysis focused on less than 3 min of a hearing that lasted for 100 min certainly limits the extrapolation of the results, although the phenomena analyzed in this article could be found in other sequences of the hearing in question as well. A detailed, multilayered analysis takes considerable space, which is why the analyzed dataset must be limited. A micro-level analysis connecting the non-verbal and linguistic levels can reveal important features that a less complex analysis of larger data would miss; but to test and extrapolate the findings, more research on larger datasets, in other language pairs, in different legal systems, and in other domains of interpreter-mediated communication is needed. In addition, the fact that the other participants were not aware of intermodal interpretation raises the question as to the extent to which interpreters themselves are aware of the multimodal meaning potential and the fact that their renderings may in fact be partly intermodal. This question calls for a triangulation of different methods; combining, for example, transcripts, observations, interviews, and interpreter diaries. Such triangulation could also narrow the gap between theory and practice (cf. Angelelli and Jacobson 2009).

Transcription key

?	Rising intonation at the end of a prosodic group (question mark)
qui ne.	Descending intonation at the end of a prosodic group (period)
/ça	Rising pitch in the following word (slash)
\sitten	Falling pitch in the following word (backslash)
aPRÈS	Increased intensity (capitalization)
Korhonen	Stress (underlined)
eh##	Laryngalisation (hashtag)
kaa-	False start (hyphen)
(.)	Micropause shorter than 0.2 s (period in parentheses)
(0.6)	Pause longer than 0.2 seconds
ou=NON	Elements merging without a clear distinction (equals sign)
kyynärpäihinkin /kipuja	Change in voice quality (asterisks)
.hhh	Inbreath
(me)	Hardly audible word (parentheses)
(–)	Non-audible (hyphens indicate approximate number of syllables)
[mais après eh]	Overlapping turn (square brackets)

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