(RE)THINKING PORTUGUESE - BRAZILIAN SIGN LANGUAGE FORENSIC INTERPRETING

(Re)pensando a interpretação forense Português – Libras

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RESUMO: Pautando-se no papel da interpretação forense para a garantia dos princípios da isonomia e do devido processo legal, este artigo visa (re)pensar a práxis a partir de um quase-experimento de interpretação simultânea envolvendo dois participantes (um com conhecimento de domínio em interpretação forense e outro sem esse conhecimento). Testou-se o impacto do conhecimento de domínio para o produto, do ponto de vista dos erros e estratégias/táticas de ordem linguística. Partiu-se da hipótese de que o conhecimento de domínio obtido via formação específica otimiza a "equivalência legal" entre a mensagem-alvo e a mensagem-fonte. Os resultados sugerem indícios para sustentar a hipótese e, ao mesmo tempo, apontam decisões interpretativas que comprometem os princípios. Destaca-se, assim, a interpretação forense como uma práxis altamente especializada que requer formação específica.
Palavras-chave: Interpretação Forense. Estratégias. Equivalência Legal. Libras.

ABSTRACT: Based on the role of forensic interpretation in ensuring both principles of isonomy and due process of law, this article aims to (re)think the praxis by reporting on a quasi-experiment of simultaneous interpreting involving two participants (one with and one without domain knowledge of forensic interpreting). The impact of domain knowledge on the interpreting product was tested with a focus on the interpreting errors and linguistic strategies/tactics. The starting point was the hypothesis that specific training optimizes the "legal equivalence" between target and source messages. The results seem to support the hypothesis and point to interpreting decisions that compromise the principles. As the article contends, forensic interpretation stands out as a highly specialized practice that requires specific training.
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Introduction

In the forensic context, the act of guaranteeing the linguistic participation of the deaf subject takes on contours that distinguish interpreting from various practices commonly

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associated with community interpreting (Hale, 2007). It is a praxis that requires understanding that the product of interpretation is taken, under oath, as evidence, testimony, judgment, defense and/or accusation, depending on what, when and from whom it is being interpreted (Dias, 2023). The result is that the forensic interpreter (InF), as a judicial expert with ethical duties (e.g. Brasil, 1940, 1941, 2016, 2020; CNJ, 2016; OAB, 1995), has to balance, on the one hand, the limitations of their cognitive resources (Gile, 1999, 2020) and, on the other, the ideal of legal equivalence - i. e., the interpretation is "precise and accurate". i.e. the interpretation is "precise and complete", with the target message (MA) having the 'same' information content and producing the "same" effects as the source message (MF) (Dueñas González, Vásquez And Mikkelson, 2012; Nordin, 2018).

Following European conceptions, forensic interpreting[2] (FI) is not community interpreting (in the sense that it can be carried out by any bilingual speaker to assist a linguistic minority), but interpreting for public service, understood as a praxis carried out only by duly qualified professionals (Corsellius, 2008; Valero-Garcés, 2023). This practice directly affects linguistic rights, i.e. the rights of minorities to use their language of communication in public and private spaces as an inherent part of their human rights (Extra and Yagmur, 2004; De Varennes, 2001). However, as the registers of the Courts of Justice show, the Brazilian reality is marked by the strong presence of interpreters without specialization in the forensic context - and therefore without knowledge of the implications of their actions - and by the very ignorance of legal operators about the (im)possibilities of interpreting (e.g., TJBA, 2022; PJER, 2021).

This reality compromises two important principles: isonomy and due process of law. According to the principle of isonomy, "everyone is equal before the law" (Brasil, 1988: art. 5), which implies, along Aristotelian lines, equal treatment for the equal and unequal treatment for the unequal to the extent that they are unequal (Mello, 1999). In turn, according to the principle of due process of law, "no one shall be deprived of their liberty or property without due process of law" (Brazil, 1988: art. 8, inc. LIV) and "litigants in judicial and

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[2] There are other issues linked to the working conditions themselves. For example, it is common for there to be only one interpreter appointed to a case, who mediates the confidential conversation between lawyer and client and who, under oath, has to interpret the truth, which, without clarity, moves between what is factual (concerning the facts narrated in confidence) and what is linguistic (concerning the propositional content of the MFs uttered by the parties in court).

administrative proceedings, and accused persons in general, shall be guaranteed the right to a fair hearing and a full defense, with the means of appeal inherent to it" (Brazil, 1988: art. 8, inc. LV). Now, if, as a supposed guarantee of linguistic rights, a deaf person is assigned an interpreter in court without the necessary expertise and competence, they will necessarily be deprived of being able to communicate in the same way as a hearing person and of effectively guaranteeing their right to a fair hearing and a broad defense.

As a result, the process is bound to be flawed, no matter how much the parties believe they are eliminating the "language barrier" and contributing to "accessibility" (Brasil, 2015: art. 3). Among the countless examples, there are those of a lack of legal equivalence: (i) the deaf person receives only part of what has been said as if it were in its entirety; (ii) the interpreter, when managing the feedback received from the deaf person in the immediate interaction (cf. Pointurier-Pournin, 2014), strives to optimize the MA and then (a) presents as an adequate representation of the MF something that was the result of their inferences and/or (b) provides explanations of the MF in disregard or subversion of the polysemy and ambiguity that are part of the game in court; (iii) the interpreter attenuates or embellishes the MA in the belief that they are helping the deaf person to be better seen by the jury. As a result, legal operators, based on the MA's "deviations" from the MF, can refute what has been provided as evidence or testimony, seeking to have the case declared null and void[1].

In this context, this article aims to (re)think the Portuguese-Libras FI, drawing the attention of Brazilian communities of linguists, interpreters and legal operators to the high level of specialization required for this activity. To this end, it reports the results of a quasi-experimental study with two participants - one without and one with specific training for the forensic context, here taken as a *proxy*[3] for domain knowledge (CoD), i.e. knowledge about a given content or specific field of interest or activity (Scardamalia and Bereiter, 1991).

In order to unveil the "prescriptive" particularities of the FI and the "real" behaviors of the interpreters, these two individuals were asked to perform, under controlled conditions in a virtual environment, two simultaneous interpreting tasks involving routine textual types of criminal judicial proceedings: (i) filing of charges and (ii) custody hearing. Each text had a

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[3] A proxy variable is one that, due to its relevance, replaces another variable that is difficult to measure.

specific register (Halliday and Hasan, 1985) and a different proportion of lexemes/phrases (LeFras) (Mel'cuk, 2006, 2012) from the legal language of specialty (LE) (Cabré, 1998).

The impact of CoD on performance was thus tested, analyzed from the perspective of errors and linguistic problem-solving strategies/tactics (EsTaL). The hypothesis was that CoD optimizes legal equivalence between MA and MF, resulting in fewer errors and EsTaLs, both of which imply "deviations" from legal equivalence. Although the use of EsTaLs serves to deal with the immediacy of the task (Pöchhacker, 2022) and the limitations of cognitive resources (Gile, 1999, 2020), the nature of FI requires sparing use and, as far as possible, the goal of greater proximity between "textual equivalence" and "formal correspondence" (Catford, 1965; cf. section 1) with a view to "legal equivalence" (Dueñas González, Vásquez and Mikkelson, 2012).

This article consists of three sections, in addition to this Introduction. Section 1 presents the theoretical framework. Section 2 describes the methodology. Section 3 analyzes the data and discusses the results. Finally, concluding remarks are provided, including the limitations of this study and suggestions for future research.

1.Literature Review

According to the Effort Model (Gile, 1999, 2009, 2020), the oral language interpreter performs several operations to deal with successive speech segments. The individual, in this order, (i) listens to and analyzes each segment, (ii) stores it in working memory and (iii) reformulates it in the target language (TL), while (iv) coordinating demands (i) to (iii) in order to properly allocate their attention resources. In addition, the interpreter who works simultaneously with an oral language and a sign language also needs to (iv) coordinate the demands of (a) self-managing the space and (b) interacting immediately with the deaf person. As cognitive processing capacity is limited, one works close to the level of cognitive saturation (i.e. at the threshold of this capacity) when making efforts to perform (i) to (iv) and (a) and (b) (Gile, 1999, 2020; Machado, 2017).

In turn, according to the Gravitational Model (Gile, 2009, 2020), the closer the linguistic knowledge units required by a task (whether in terms of production, comprehension or correspondences between languages) are to the center (in terms of frequency of use), the

greater their linguistic availability to the interpreter. This availability fluctuates according to the circumstances, with: (i) centripetal migration (towards the center) the more the linguistic knowledge units are stimulated or (b) centrifugal migration (away from the center) if they are not stimulated and (ii) the possibility that the linguistic availability for comprehension and production do not coincide (i.e. comprehension does not guarantee production).

To avoid or circumvent problems of cognitive saturation - which can be triggered, for example, by a lack of linguistic availability, knowledge gaps or typological differences between languages and which can result in errors, unintentional omissions and/or improprieties (inadequate language, but not necessarily incorrect language) (Gile, 2009, 2020) - it is common for interpreters to resort to strategies (intentional, planned procedures) or tactics (unintentional procedures) (cf. Li, 2015). There are more than 30 strategies, with different names and categorizations in the literature (Li, 2015), whereas, as far as we can see, there is no typology for tactics. However, Morais and Da Silva (2022, 2023), based on data from Morais (2021), suggest that it would be possible to establish a parallel between the two procedures (Table 1).

Table 1 - Interpretation strategies/tactics and their definitions

Strategies/Tactics	Definitions
1) Addition	Insert in the MA information not given in the MF
2) Approaching	Express elements of the MF in a generic or concise way; reduce the complexity of the MF in lexical or stylistic terms; replace an element of the MF with a synonym, a less precise or semantically related term
3) Omission	Delete MF content in MA
4) Paraphrase	Paraphrase or explain the meaning of an MF element
5) Reconstruction	Restore unheard, misunderstood or forgotten elements in the MA; carry out a self-correction after identifying an error in the MA
6) Restructuring	Change the sequence of the MF segments in the MA; change the syntactic construction of the MF when uttering the MA

7) Reformulation	Expressing something not said in the MF, but plausible in the context; expressing a concept that does not exist in the target language, whether cultural, technical or linguistic.
8) Repetition	Re-expressing elements already expressed in the MA using synonyms
9) Reproduction	Use the word or expression spoken in LF in MA, including typing
10) Transcoding	Interpreting the MF word for word

MA = target message; MF = source message
Source: adapted from Da Silva and Morais (2023, p. 5) and Barbosa (2022, p. 73).

Table 1 is restricted to the strategies/tactics identifiable via the product (due to their linguistic/meaning focus) and, for the purposes of simplification, unifies some close categories among the 18 listed by Morais and Da Silva (2023). It also adapts the category of "reformulation" to fit the notion presented by Barbosa (2020).

In the English-Portuguese pair, Morais and Da Silva (2022, 2023) identified that students use more tactics than strategies, reaching cognitive saturation at various times, even though they have CoD of the source text. The authors found that the most common practice was omission (30.9%).

In the Portuguese-Libras pair, Barbosa (2014) found that omissions are often beyond the interpreter's control and Barbosa (2020) observed that EsTaLs, while they can resolve specific issues, can also trigger new problems. Barbosa (2020) also points out that, in order to deal with negative feedback from receivers in immediate interaction (Pointurier-Pournin, 2014) in cases of concepts that do not exist in the TL, the professional is pressured to resort to reformulation.

Despite the fact that EsTaLs are inherent to any act of interpretation - in which the interpreter, with their limited cognitive resources, has to deal with the immediacy of the task (Pöchhacker, 2022) - they need, argues Dias (2023), to be used sparingly in FI (Berk-Seligson, 1990; Dueñas González, Vásquez and Mikkelson 2012; Hale 2004; Morris 1993; Nordin 2018; Zambrano-Paff, 2009, 2011).   In ideal/theoretical/prescriptive terms, an "accurate and complete" interpretive product should be delivered in relation to the MF, "without editing,

summarizing, deleting or adding, while retaining the level of language, style, tone and intention of the MF[4]" (Dueñas González, Vásquez and Mikkelson, 2012, p. 14).

In the context of linguistic theory, the idea of "legal equivalent" refers, in Catford's (1965) terms, to a proximity between "textual equivalence" (TE) and "formal correspondence" (FCO), within the limits of the typological differences between languages. EqT consists of an empirical phenomenon identifiable from the social attribution that a text (or portion of a text) is in a relationship of translation - or, in this case, interpretation - with one another (Catford, 1965). In turn, the CoF consists of "any LA category (unit, class, structure, element of structure, etc.) which can be said to occupy, as far as possible, in the LA 'economy', the 'same' place as the category occupied in the source language (LF)" (Catford, 1965, p. 27).

The term "economy" in this definition implies that the formal correspondence can only be approximated due to the specificities of the lexico-grammar of each language. The term "category" points out that EqT can "go up" or "go down", from LF to LA, between the lexico-grammatical units in which each language operates (e.g. in the order of the phrase to the morpheme; in the class of adjectives, verbs, etc.). Considering these issues, the lower the CoF despite the existence of EqT, the greater the typological difference between the languages and the greater the occurrence of shifts (Catford, 1965). Steiner (2004) adds that these shifts are generally due to typological or register differences between the languages or to issues of professional comprehension.

Considering syntagmatic aspects, translation can be complete (i.e. any and all parts of the source text are replaced by textual material in the TL) or partial (i.e. some part of the text in the TL is "implanted" in the TL without any changes in the TL) (CATFORD, 1965). Considering the grammatical or phonological hierarchy, the translation can be restricted to order (rank) - i.e., the textual equivalents occur in the same order (of the morpheme, word, group, sentence, etc.) - or unrestricted - i.e., the textual equivalents "move up" or "move down" the order scale freely (Catford, 1965).

Dias (2023), appropriating Catford (1965), suggests that the FI would initially start from an attempt at a complete interpretation restricted to order (in the common sense, a "word-

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[4] Authors' translation for: "without editing, summarizing, deleting or adding; preserving the level of language, the style, the tone and the intention of the speaker".

for-word translation"), but with the possibility of making changes, within the "economy" of the TL and the interpreter's cognitive resources, changes according to the grammar of the TL (such as incorporating additional words and altering structures on any scale of order) and according to the specificity of the LF (such as introducing neologisms and typos), which would refer, in common sense, to an idea of "literal translation".

Catford (1965) also distinguishes between "normal" translation and "transfer" processes. In "normal" translation, the target text realizes the meanings of the TL, i.e. the "values" of the TL items are those established by the formal and contextual relations in the TL itself. In "transfer" translation, however, the values of the items are transferred from one language to another. This is what happens, for example, in typing, which involves the transfer of lexicon, grammatical translation (e.g., noun for noun) and phonological translation (e.g., the sounds of Portuguese are represented in Libras). The transfer would be observed by the EsTaLs of reproduction and transcoding (Chart 1).

Dias (2023) applies Catford's (1965) framework to evaluate legal LeFras, which, ideally, should give rise to CoFs or even "transfers" in the FI, i.e., a legal lexeme or phraseme in the LF is expected to be interpreted as a legal lexeme or phraseme in the LA, given its relevance to the constitution of the LE of the courts (Cabré, 1998). A lexeme is a lexical unit, while a phraseme is a non-free expression made up of at least two syntactically related lexemes (Mel'cuk, 2006, 2012; Iriarte Sanromán, 2001).

Legal EL is a subcode that is pragmatically characterized by the area of knowledge (which requires specific learning), the types of interlocutors (legal operators) and situations of use (generally formal and determined by ethical and professional criteria) (Cabré, 1998). It consists of "a category of language specific to the profession, relatively old-fashioned and anomalous" (Dueñas González, Vásquez and Mikkelson, 2012, p. 253). It is characterized by several distinctive features, such as a complex grammatical structure, its own vocabulary and the use of intentional ambiguities (Stern, 2011), its terminology being "linked to the legal system and not to language" (Pommer, 2008, p. 18).

This characteristic of the terminology of the area being linked to the legal system implies additional difficulties for the interpreter. Added to this difficulty is the fact that legal environments are not institutionalized as spaces where Libras occurs naturally and

extensively, which implies a lack of pre-existing LeFras and the possible use of EsTaLs that can lead to "manipulation" (Dias, 2023; Dueñas González, Vásquez and Mikkelson, 2012).

This leads to the need to establish minimum criteria for training and hiring professionals in the field (Dias, 2023). It is a question of identifying development paths for certain skills (Lajoie, 2003) with the long-term goal of expertise, i.e. consistent superior performance (Ericsson, 2000) in FI. Expertise depends on experience, but is not equivalent to it or a necessary result of it. It is the result of deliberate practice (i.e. engaging in specific training activities with progressive degrees of difficulty and opportunities for feedback) (Ericsson, 2000).

In interpreting, expertise involves better semantic processing and better selection of the most important design units (Liu, 2008). When a sign language is involved, it involves better intermodal processing, allowing better adjustment of the overlap of linguistic codes and body performance from both a visual and cognitive and kinetic point of view (Rodrigues, 2018).

Interpreting is a task in which language plays a central role in expertise (Da Silva, 2021; Da Silva and Silveira, 2017). In order to produce a coherent text[5] (Da Silva, 2007), it is up to the interpreter to deal with rhetorical problems and problems of content (Scardamalia and Bereiter, 1991), many of which depend on specialized tacit knowledge (i.e., knowledge of "rules" that cannot be expressed, but rather acquired in practice) (COLLINS and EVANS, 2010). Evidence of this is reported by Da Silva (2007) and Da Silva and Silveira (2017), whose participants with LE CoD performed better in both the product and the process.

Specialized tacit knowledge is found among those who are the usual practitioners of a domain (e.g., legal operators about the tacit rules of the courts), who develop "contributory expertise". It can also be developed, in linguistic terms, by individuals who, in the exercise of their profession, need to appropriate, through socialization, the discourse, the language, of the community of contributory experts (Collins and Evans, 2010).

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[5] Coherence here is thought of within the framework of the Theory of Rhetorical Structures (cf. Da Silva, 2007): each part of a text performs a function in relation to the other parts of the text, and there is some plausible reason for its presence. Coherence is created through two related mechanisms: (i) entities that form chains throughout a discourse; and implicit or explicit relationships between the parts that make up a text.

In this case, "expertise by interaction" is achieved, which consists of a linguistic ability to move between members of an area of expertise, so as not only to master their language, but above all to integrate into their discursive community (Da Silva and Silveira, 2017). In other words, in interpreting, the ability to speak, signal and behave almost like an effective member of a discourse community is relevant to the individual's performance (Alves and Da Silva, 2021). The next section describes the methodology used in this research.

2 Methodology

This research is exploratory in nature (as it aims to understand a phenomenon of which little is known) and comprises a quasi-experiment, understood here as the investigation of a controlled situation in which authentic practices are emulated, without establishing a control group or pre- or post-test stages. The aim is to explore the impact of specific training for FI (as a proxy for CoD) on errors and EsTaLs (as a proxy for interpreting performance). This is a common aspect of the Brazilian legal reality, which does not establish specialization in FI as a prerequisite for the appointment of court interpreters (e.g., TJBA, 2022; PJER, 2021).

Two audio-texts in Portuguese with different CoD requirements were produced as input: A1) "offering of charges" (2min19) and A2) "custody hearing" (5min19)[6]. The written versions of the audio-texts were produced on the basis of a real case by the second author in collaboration with InF Prof. Jaqueline Neves Nordin. Audio-texts A1 and A2 were recorded by the second author, who, in both cases, tried to emulate the rhythm and speed of speech in similar situations: 5.05 and 5.15 words per second, respectively.[7]

A1 consists of a monologue text with a high register, with the judge as the sender, contains 305 words - several of which refer to LeFras from the area of specialty - and has a Flesch index (1948)[8] of 38.8, making it, in its written version, a difficult text to understand. A2 consists of a dialogical text between the judge and the accused, of which the passages spoken

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[6]The audio-texts are available at: https://drive.google.com/file/d/12laSNwtKTLM_eaRJufgCk1x5SClYV0xY/view and https://drive.google.com/file/d/13e-Hlxnz5IkJV0gA0YKxlXMNqOvrVCjn/view. The written versions are available at Dias (2023)

[7] For comparison, see Borges (2008) and Nascimento (2008).

[8]The indices were calculated based on the written text using the functionality developed by Souza et al. (n.d.) and described in Moreno et al. (2022). The measure ranges from 0 to 100, where 0 would be the maximum difficulty and 100 the maximum ease of reading.

orally by the judge were focused on; it contains 819 words, 480 of which refer to the judge, who, when using LeFras from the area of specialty, generally uses those that are also in common use in general language; and it has a Flesch index of 63.3, which corresponds, in its written version, to a text that is easy to read. In other words, A1 is more formal and technical than A2.

The quasi-experiment was carried out in 2022, in a virtual environment, using the Google Meet platform. In a single session for each participant, the second author, the only researcher present, requested simultaneous interpretation, in that order, from A1 and A2. Each session was audio and video recorded.

The participants (P1, without specific training in a forensic context; and P2, with specific training) were recruited by convenience from the second author's contacts, with the following inclusion criteria: to be an interpreter; to have at least five years' experience in simultaneous interpreting in a community context (working in the legal field); and to have completed a degree in Literature-Libras or equivalent.   Both were asked to complete a prospective online questionnaire to obtain demographic data.   Both signed an informed consent form approved by the ethics committee (CAAE: 65306322.6.0000.5152).

The recordings were imported into the ELAN (Eudico Language Annotator)[9] program, where tracks were created containing glosses of the Libras interpretations, the errors and the EsTaLs shown in Table 1.[10] Focusing on each unit of meaning relevant to the propositional content of the message, an EsTaL[11] was considered to be any portion of the MF and MA in which there was no formal correspondence in the economy of the language (except for cases of changes in syntactic order and lexical-grammatical differences between the languages) and, at the same time, did not imply semantic or pragmatic misunderstandings in relation to the

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[9]Available at: https://archive.mpi.nl/tla/elan.

[10]Restructuring and reconstruction were not analyzed due to, respectively, (1) the great typological difference between Libras and Portuguese and (2) the focus only on linguistic elements observable from a direct comparison between MF and MA at a given point (i.e., if something from the MF was recovered later, this recovery would be treated as an addition).

[11]Strategy was not distinguished from tactics in this research for the sake of simplification, considering the different experiences and backgrounds of the participants.

meanings of the MF. When the interpretative choices implied a "deviation"[12] of meanings, the category "error" was assigned.

We tried to observe the impact of the interpreters' choices on the final product, from the perspective that the MA should be, in terms of language economy and CoF (Catford, 1965), as close as possible to the MF in order to guarantee the deaf person's linguistic participation in court. At the same time, it was considered that for interpreting, contrary to what is more often observed in translation, it is practically impossible to make equivalences in smaller orders, given the limitations of cognitive resources for comprehension, production, attention and memory (Gile, 1999).

Both errors and EsTaLs were counted per participant (P1 and P2) and per audio-text (A1 and A2). The results were then compared in the light of the literature and the hypothesis that the participant with a legal/forensic background (P2) performs better than the other participant (P1) in both tasks (and most notably in the task involving A1, a more complex audio-text) in terms of the number of errors made and the EsTaLs adopted.

It should be noted that this analysis methodology only involved the analysis of written or signaled material. As a result, relevant oral discourse variables were neglected, such as prosody (cf. Ahrens, 2005) and disfluencies (cf. Gomul, 2021), and cognitive effort variables such as pauses and segment durations (e.g., Morais and Da Silva, 2023).

The next section presents the results obtained. Due to space limitations, the overall quantitative data and some qualitative examples, selected for convenience, are presented. It should also be noted that, due to the sampling, the results are indicative but cannot be generalized.

3. Analysis and Discussion

The analysis begins with some information about participants P1 and P2, the latter having less CoD (Da Silva 2007; Scardamalia and Bereiter, 1991) than the former. This information was collected in the prospective questionnaire.

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[12]The word "deviation" is used here in simplistic and reductionist terms. It only serves to indicate that - in the context of forensic expectations - there has been no "precise and complete" transmission of the MF (Dueñas González, Vásquez and Mikkelson, 2012). This in no way implies that the authors of this article conceive of translation and interpretation in general as transportation or transfer of meaning.

P1 is 27 years old, female, works in Espírito Santo, has a Training Course for Translators and Interpreters, has experience in community interpreting in the areas of health, education and law (the latter for two to three years), but does not have specialized training to work in the legal/forensic context. For his part, P2 is 31 years old, male, works in Santa Catarina, has experience in community interpreting in the educational and legal/forensic areas (the latter, from three to five years) and has taken a General Forensics Course offered by the Regional Labor Court of the 12th Region (here considered as evidence of his CoD). According to his account, he

> *interpretations in the context of the regional labor court. In short, I am an expert summoned by the judge himself to act independently of the parties.*

Table 1 shows the quantitative results of the participants' EsTaLs and errors in the two interpreting tasks.

Table 1: Comparison between P1 and P2 in the two audio-texts

EsTaL/Erro	P1		P2		Total
	A1	A2	A1	A2	
1) Adição	4	2	1	8*	15
2) Aproximação	15	8	13	10	46
3) Omissão	32	11	23	6	72
4) Paráfrase	-	-	-	-	
5) Reformulação	-	4	6	5	15
6) Repetição	-	-	-	-	
7) Reprodução	-	-*	-	-*	-
8) Transcodificação	-	-	-	-	-
9) Erro	17	8	7	7	39
Total	68	33	50	35	186

* Notes on these classifications are provided below.
EsTaL = strategy and tactic for solving linguistic problems.
P1 = participant 1 (without training); P2 = participant 2 (with specific training).
A1 = filing of charges; A2 = custody hearing.
Source: the authors.

Table 1 shows that four EsTaLs were not adopted: paraphrase, repetition, reproduction and transcoding. Subject to future research, this result may be related to the uninterrupted pace of MF production, the experience of the interpreters and an intention to produce comprehensible MA, even though there was no immediate contact with the deaf person (cf. Pointurier-Pournin, 2014). It should also be noted that both interpreters resorted to typing in "<B-A-R-R-A D-A S-E-R-R-A>", which would be a reproduction, but was not counted in this work due to the absence of a sign for the fictitious location of "Barra da Serra".

Considering the characteristics of the participants, it was expected that P2 (due to having CoD) would perform better (in this case, translated into fewer errors and EsTaLs) than P1 in both tasks; and, considering the characteristics of the inputs, it was expected that A1 would impose greater difficulties on the participants' performance (in this case, translated into a greater number of errors and EsTaLs), despite being smaller than A2. Table 1 shows that the first expectation came true, but not the second: P2's performance was higher than P1's only in the task with A1.

Overall, as shown in the last line of Table 1, A1, despite being 36% shorter than A2 in terms of number of words, resulted in 106% and 43% more EsTaLs and errors for P1 and P2 respectively. This result is probably linked to the level of difficulty of the text offering a hearing, above all because of the greater number of LeFras exclusive to Law (A2 contains LeFras from Law, but most of them are already in common use in general language).

In the last column of Table 1, the EsTaLs of omission, approximation, reformulation and addition stand out quantitatively, in this order, along with the number of errors. Omission and approximation, in this order, were more recurrent in A1 for both participants, but with a higher incidence in P1 than P2 in each task. This result for omission exceeds, in three cases, the 30.9% reported by Morais and Da Silva (2022, 2023) among students, but an even higher percentage is observed: 63% (A1) and 44% (A2) of P1 EsTaLs; and 53% (A1) of P2 EsTaLs. Similarly to Barbosa (2020), the strategy of omission was beyond P1's control.

Rephrasing was used more often by P2 than P1 in both tasks (for A1, P1 didn't even rephrase, probably because, in the absence of CoD, he resorted to omissions). Addition was implemented more often by P1 than by P2 for A1 (probably to deal with the lack of CoD and avoid periods of silence), but the opposite was observed in the second task, which will be

commented on later. Finally, the error was more frequent in P1's A1, probably due to the lack of CoD, but there were similar numbers for P2 in both tasks and between P1 and P2 in A2.

Therefore, in both tasks and between both participants, presumed legal equivalence was far from legal equivalence in fact (e.g., Table 1), with a smaller gap in the case of P2, a participant with more CoD. In other words, the "precise and complete" communication necessary for the accused/defendant to be linguistically present was not established (Dueñas González, Vásquez and Mikkelson, 2012). However, P2, by presenting fewer "deviations" in A1, managed, in the eyes of the law, to contribute more so that, in fact, under oath, MA was telling "the truth and nothing but the truth" (Dueñas González, Vásquez and Mikkelson, 2012). Table 1 is an example of the impact of "deviations".

Table 1: Excerpt from the audio-text of the complaint

MESSAGE-SOURCE	TARGET-MESSAGE	ANALYSIS
The accused was caught for omitting to state in the Checked Baggage Declaration that she was carrying cash in excess of R$10,000.00 (ten thousand reais) or equivalent, with the aim of changing the truth about a legally relevant fact.	<PODE> <MEU> <TER> <PESSOA> <LEVAR> <MALA> <LOCAL> <MALA> <OBSERVAR> <PESSOA> <10.000> <MAIS-OU-MENOS> <COMO> <FAZER> <SABER> <VARIOS> <INFORMAÇÃO> <NÃO-TER>· Back-translation - Maybe, there was a person who took a suitcase to a place and observed it. The person had 10,000 reais, how to find out, a lot of information they didn't have	**Error:** 1. "took a suitcase to a location"; 2. "Observed" **Approximation:** 1. "person"; 2. "had 10,000 reais"; 3. "how to find out, various information did not have" **Omission:** 1. "was surprised"; 2. 'omit'; 3. "in the Accompanied Baggage Declaration"; 4. "or equivalent"; 5. "with the purpose of altering the truth about a legally relevant fact". **Addition:** 1. "Can mine"

| | <MULHER> <SAIR> <ACONTECER> <PROBLEMA> <DOCUMENTOS> <FALTA> <INFORMAÇÃO> <PORQUE> <TER> <VALOR> <DENTRO-BOLSA> <MAIS> <10MIL-REAIS>. <PORQUE> <VERDADE> <TRABALHAVA> <OUTRAS-COISAS> Back-translation - On leaving, there was a problem with the passenger's documents and she failed to declare the amount of money she was carrying, more than 10,000 reais. In fact, she worked with other things that she didn't declare. | **Error:** 1.“worked” **Omission:** 1.“was surprised”; 2.“or equivalent”; 3.“with the intention of altering the truth about a legally relevant fact”. **Approximation:** 1. denounced; 2."statement ... money she was carrying“; 3.”lack of declaration" |

Source: the author.

The MAs of both participants distanced themselves from the facts narrated in the MF. P1 - who, at various times during the task, expressed himself in the first person, rather than the third person as in the MF - was the participant with the most errors and EsTaLs: he was unable to deal with any of the legal LeFras (which seems to justify his omissions and approximations), as well as making an addition in the first person.

P2, on the other hand, although he didn't manage to deal with all the legal LeFras, produced an apparently more coherent message (Da Silva, 2007), which had fewer omissions and fewer errors and whose approximations, although they established equivalences in the MA in orders below those of the MF (Catford, 1965), avoided the omission of relevant elements of the legal LE. The only LeFra omitted by P2 was the last one, “with the purpose of altering the truth about a legally relevant fact”, which is partly explained by the absence of a consolidated equivalent lexeme in Libras and by the cognitive overload of processing several pieces of previous information and, at the same time, listening to the next portion of the MF (Gile, 1999).

Although future studies are needed to investigate the qualitative impacts of the different EsTaLs (and, consequently, “ups” and “downs” on the order scale) for isonomy and due process of law (e.g., to what extent it would be less problematic to use any EsTaL other than omission), P2's performance stands out, as he avoids omission and, probably because of

his CoD, resorts to approximation and reformulation with plausible information in the context. Example 1 illustrates this.

> **Example 1 -** MF A1: He asked the accused how much money she was carrying and whether she had declared it to the IRS, and she replied that she was carrying US$10,000.00 (ten thousand dollars) and that she had not declared anything.
>
> MA P1: <EU> <TAMBÉM> <PERCEBER> <RECLAMAR> <ATÉ> <DENTRO><R-E-C-E-I-T-A–F-E-D-E-R-A-L-> <CONHECER> · <ATÉ> <10.000> <EU><VÁRIOS> <FALAR> <AVISAR-NADA>.
>
> Back-translation P1 -I realized and complained to the Receita Federal. I did. Up to 10,000 I said nothing.
>
> MA P2: <PEGOU> <SOMOU> <PERGUNTOU> <PORQUE> <INFORMAÇÃO> <EXPLICAR> <CONSEGUIR> <DINHEIRO>. <MULHER> <OK> <ACEITOU> <INFORMOU> <DOCUMENTAÇÃO> <NÃO-TER>
>
> Back-translation P2 - Seized, added up and asked for an explanation of where the money came from. The woman agreed, but said she didn't have the documentation.

In Example 1, P2 points out that the police officer seized, added up and asked for explanations about where the money came from (instances of reformulation, i.e. of plausible information inferred from the context) and points out that the "<WOMAN>" (approximation for "denounced") didn't have the 'DOCUMENTATION' (approximation for "had declared nothing"). Obviously, P2 does not utter what would be the legal equivalent of MF, which is evidenced by the absence of formal correspondents (Catford, 1965) - for example, legal phrases are translated as general language lexemes (Mel'cuk, 2012), which implies a lower register (Halliday and Hasan, 1985). However, P2, compared to P1, manages to provide more coherent information than is actually present in the MF and, when he reformulates or approximates to solve specific problems (Barbosa, 2020), he does not trigger new problems from the point of view of process (i.e. his performance is consistent throughout the task, without hesitations or silences) and the coherence of the product (i.e. the parts of the text match and are admissible for the context), although this does not redeem the lack of legal equivalence. In other words, their MA, in comparison, seems to allow the deaf to have a more truthful apprehension of the facts presented and of the court as a body with a language distinct from that of everyday life.

On the other hand, P1 makes several mistakes, starting with the lower register and the use of the first person (cf. Steiner, 2004). In an MA that subverts the facts and finds it difficult to establish coherence (Da Silva, 2007), there is the mistaken suggestion that the accused did not remain silent and somehow resisted or questioned the approach made by the police.

Corroborating Barbosa (2020), the EsTaLs adopted by P1, more than those of P2, helped her deal with difficulties by solving specific problems, but at the same time they also triggered broader problems, such as truth.

Finally, P2's performance in the task involving the audio-text offering a complaint (A2) is noteworthy. Given its expected lower level of difficulty, this task should have led to fewer errors and fewer EsTaLs. What we see, however, is a greater number of EsTaLs (Table 1), two more than A1, explained by the occurrences of addition. Example 2 illustrates these occurrences.

Example 2 - MF A2: You will have the opportunity to talk to your lawyer at the right time.

MA P2: CALMA> <VOCÊ> <OPORTUNIDADE> <CONVERSAR> <SEU> <ADVOGADO> <MOMENTO> <CERTO> <OK>.

Back-translation P2 -Calm down, you'll have the opportunity to talk to your lawyer at the right time, okay?

In Example (2), P2 adds two interpersonal elements (Halliday and Hasan, 1985), "<CALMA>" and "<OK>", to what would be the judge's speech. Although they don't contribute, at first glance, to the propositional content of the message, these elements were recorded as additions because they compromise "legal equivalence" in that they suggest a reduction in the hierarchical distance between the defendant and the judge, who would be more informal by using "<OK>" and, instead of being impartial, would have greater empathy for the deaf person by verbalizing "<CALMA>". According to the benchmark of expertise (Ericsson, 2000; Da Silva, 2007, 2020), P2's performance in the tasks is therefore not consistent: in the first task (A1), he tends to be close to the MF register, but in the second, partly due to possible interpreter fatigue, but more likely due to the dialogic nature of the audio-text, which requires an effort to assume reception in an immediate interaction (cf. Pointurier-Pournin, 2014; Barbosa, 2020), P2 establishes a lower register in the interpersonal sphere (Halliday and Hasan, 1985). In this case, there is, more specifically, an "impropriety", in the terms of Gile (2009, 2020).

In this effort to presume immediate interaction, there seems to be, in Catford's (1965) terms, a constant attempt at "normal" interpretation to produce an MA with the values of the formal and contextual relations of Libras itself. Contributing to this is the very absence (except for the typing of the fictional town of "Barra da Serra") of resources for reproduction and transcoding EsTaLs (Chart 1). These EsTaLs would be viable transfer cases for cases in which

Libras is lacking (because it doesn't occur naturally, without the aid of interpreting, in court environments), or the interpreter's knowledge of Libras is lacking, values such as LeFras from legal LE.

Consolidating the reported data, we found evidence that the presence or absence of the CoD interferes with the participants' performance when the input is monologic and presents LeFras from the legal LE. For example, compared to P2, P1 (without a CoD) made more decisions in A1 which impaired not only legal equivalence, but also his performance in the task (Barbosa, 2020; Da Silva And Morais, 2022, 2023). In this case, it seems that, in general, "tactics" (Gile, 1999) occurred due to the participant's lack of awareness of the impacts of his decisions and ability to manage and monitor the task.

These tactics can also be explained by the gravitational model (Gile, 2009,2020). In the absence of CoD and frequency of use of LeFras, the units of linguistic knowledge tended to be further away from the center of linguistic availability for the interpreter.

Furthermore, in addition to the CoD, the data suggests an intervening variable: an effort at immediate interaction (cf. Pointurier-Pournin, 2014; Barbosa, 2020) presumed to involve the use of EsTaLs that accommodate MA to LA values (Catford, 1965). Consequently, the participants avoided transfers (via reproduction and transcoding), resorted to generalizing EsTaLs and, as shown in Example 2, conveyed informality and empathy in a dialogical context. This behavior refers to instances that are consistent with at least one of the three factors of change pointed out by Steiner (2004): typological and register differences between languages and issues of professional comprehension. However, it should be emphasized that transfers (Catford, 1965) would be expected given the reality that Libras does not occur naturally in Brazilian legal institutions, always depending on the intermediation of Portuguese (Dias, 2023).

As Gile (1999) points out, the interpreter deals with relevant cognitive restrictions, which prevent them from establishing large proportions of CoFs as they do in translations (Catford, 1965). Even so, in the forensic context, "literalness" should be established as a goal that, although unattainable, guides the interpreter's decisions, so that omissions, additions, omissions, reformulations and errors of interpretation are avoided as much as possible (Dueñas González, Vásquez and Mikkelson 2012; Nordin, 2018).

In a reading of Catford (1965), the interpreters in this study carried out total interpretation, without any implementation of the message in LF into LA. As a result, in the absence of "formal correspondents" or available cognitive resources, they resorted to omissions, reformulations, approximations and additions, bringing less "precision and completeness" to the reports - in some cases, acting on the basis of their (meager or abundant) knowledge of the subject and the speaker. Furthermore, if it were possible to adopt the idea of "order" (rank), we see in the examples that the textual equivalents "move up" or "down" freely on the order scale, with, for example, syntagms and phrases being interpreted as a single word. In this sense, the EsTaLs adopted are evidence of shifts. Finally, it can be seen that the participants strove for a "normal" interpretation, i.e. an interpretation with the "values" of Libras, established by the formal and contextual relationships in the TL itself, probably in an effort to presume reception in an immediate interaction (cf. Pointurier-Pournin, 2014; Barbosa, 2020).As a result, much of the TL did not integrate the MAs of A1 and, when it did in A2, it was due to the overlap between the TL and the general language (cf. Pommer, 2008).

Having reported the results of this research, the next section deals with the final considerations.

Considerations

The general objective of this article was to discuss, based on a quasi-experiment, the impact of the interpreter's choices on guaranteeing the principles of isonomy and due process of law. The results pointed to the limitations of interpreters with different CoDs in FI in terms of using EsTaLs and making mistakes. Therefore, just having a BA in Languages seems to be insufficient to guarantee adequate interpreting from the Libras point of view rights and the principles of equality and due process of law.

It was observed that the participant with specialized training performed better in interpreting the audio-text offering a complaint, which is denser and contains a higher concentration of LeFras that are not part of the general language. The results therefore provide evidence that seems to support the hypothesis of this study.

This points to the highly specialized nature of the InF's work in the context of interpreting for the public service (Corsellius, 2008; Valero-Garcés, 2023), which requires appropriate specialized training and, in the Brazilian legal context, a greater understanding on the part of all the parties involved of their status as experts and the respective ethical and legal issues. It follows that it is not possible to treat FI as a form of assistance to overcome the "language barrier" and the "lack of access" (Brasil, 2015).

Studies are needed, however, to identify whether specialized training in FI should take place within the courts themselves, in extension courses or in lato sensu postgraduate courses. In any case, given the relevance of expertise through interaction for this praxis (Da Silva, 2021; Da Silva and Silveira, 2017) and the link between legal terminology and the legal system (Pommer, 2008), rather than language, the ideal would be for any proposal to involve the participation of legal operators, especially in the context of the court.

P1 and P2 showed similar performance for the audio-text in which the general language and the legal language overlapped, but P2's performance was clearly superior to P1's in the task marked by legal LeFras. In this respect, considering expertise studies, it is suggested that, on the path to expertise (Lajoie, 2003), deliberate practice activities (Ericsson, 2000) could be pertinent to improving the participants' performance, with feedback from a more experienced professional or a supervisor in an interpreting team, as well as from a legal operator with regard to the legal language.

Among the possibilities for advancing interpreting expertise, as proposed by Alves and Da Silva (2021), is the socialization of interpreters with the court's discourse communities, so that they acquire expertise in the language of legal operators, i.e. so that they acquire expertise through interaction (Collins And Evans, 2010). Apparently, P2 obtained this socialization partly through the expert training course he took and through his greater experience in the field. Considering the gravitational model, these two factors seem to have exerted a centripetal force on her linguistic availability (Gile, 2009, 2020).

Furthermore, from a pedagogical perspective (Alves and Da Silva, 2021), the development of a specific competency for FI would require learning the behaviors, postures, languages, norms and ethics of professional practice. This may involve declarative knowledge,

but it also implies acquiring tacit knowledge (Collins and Evans, 2010), given that many rules are not even made explicit in the legal environment, especially due to confidentiality.

In short, the role of the INF has a major impact on guaranteeing linguistic rights (Extra and Yagmur, 2004; De Varennes, 2001) in general and the constitutional principles of isonomy and due process of law (Brasil, 1998) in particular. This is a process in which two opposing forces are constantly at work: on the one hand, the limitations of cognitive resources; on the other, the need or expectation for the interpreter to act as an expert (Brasil, 1940,1941) who says "precisely and completely" what has been said by the person being assisted. This situation makes the "tightrope walk" (Gile, 1999, 2020) more difficult.

It is worth pointing out that this research has some limitations. One of these is its sample size, which was restricted to two participants working on two tasks with different audio texts. However, given its exploratory nature, it may point to future studies that expand the sample and to longitudinal studies that monitor and assess the effect of training on the professional performance of forensic interpreters. These studies could include relevant oral discourse variables, such as prosody (cf. Ahrens, 2005) and disfluencies (cf. Gomul, 2021). They could also aim at protocols that allow future NFIs to understand the reality of the courts and, at the same time, better match their efforts to cross the tightrope between the demand for literalness and limited cognitive resources.

This research also opens up the possibility of reflecting on EsTaLs in Libras in a comparative way to those in oral languages, since training in IF would not necessarily be specific to one language or language pair. Furthermore, as suggested in section 3, studies are needed to establish hierarchies between EsTaLs for forensic purposes. It is even possible that omissions, the most frequently encountered EsTaL, are subcategorized for didactic purposes (e.g. omission due to lack of legal knowledge, lack of geographical knowledge, lack of available time, too much information from the MF, etc.). In some of these cases, a retrospective protocol of the task would help to identify possible reasons for the omission.

It is hoped that the comments made here can contribute to reflections by those interested in this issue and promote progress in terms of guaranteeing a quality interpreting service that is in line with the linguistic rights of users of the Brazilian justice system. In this sense, we advocate the need to control and restrict the appointment of forensic interpreters

to those with proven training, in order to guarantee professionalism. It is not up to the InF - not even in an effort to guarantee the reception of immediate interaction (cf. Pointurier-Pournin, 2014) - to align themselves with the person to whom they provide services or to help them with EsTaLs such as additions, omissions, approximations and reformulations. Nor can they afford to make mistakes in interpretation (although this requirement is recognized as almost unattainable from a cognitive perspective) or to take a critical stance on the content or the way the discourse is conducted (Berk-Seligson, 1990).

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