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## Intercultural moments in translating and humanising the socio-legal system

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### ABSTRACT

This paper seeks to address the question how people go about intercultural differences in an institutional setting which aims to mediate between the socio-legal system and the ‘outsiders’ of the system, i.e. ordinary citizens, through an investigation of professional interactions between a legal advisor and her clients of Eastern European backgrounds in London. Drawing data from a linguistic ethnography, the analysis foregrounds the practice of resemiotisation and calibration. The second aim is to extend the notion of ‘intercultural moments’ and to explore its analytical benefits in understanding fleeting and seemingly mundane moments in encounters.



Arykuł ten bada, jak ludzie radzą sobie z różnicami międzykulturowymi w instytucji, która pośredniczy pomiędzy systemem społeczno-prawnym a osobami spoza systemu, zwykłymi obywatelami, poprzez analizę interakcji w sytuacjach zawodowych pomiędzy radcą prawnym a jej klientami w Londynie, pochodzącymi z Europy Środkowo-Wschodniej. Na podstawie socjolingwistycznych badań etnograficznych, analiza demonstruje praktyki resemiotyzacji oraz kalibracji. Drugim celem jest poszerzenie definicji pojęcia ‘momentów międzykulturowych’ oraz zbadanie ich analitycznych korzyści dla zrozumienia przelotnych i na pozór przyziemnych momentów podczas spotkań.

### KEYWORDS

Intercultural moments;  
institutional interaction;  
ethnography;  
resemiotisation; calibration;  
socio-legal advice

## Introduction

This article investigates intercultural moments in interactions between an advisor and her clients in a legal advice centre for Eastern Europeans in London. Using the concept of the intercultural moments, we explore the question of how people go about intercultural differences in an institutional setting which aims to mediate between the socio-legal system and the ‘outsiders’ of the system, i.e. ordinary citizens. Specifically, we are interested in the roles the advisor plays in managing intercultural differences and interactional strategies that they employ in achieving their goals. The article is structured as follows: we first discuss the analytical and theoretical significance of intercultural moments. We then provide an overview of institutional encounters. The main body of the article is devoted to an analysis of the advisor’s professional interactions with her clients with a focus on intercultural moments.

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## Intercultural moments

Although in the studies of social interaction, the idea of the moment being an important focal point for analysis has existed for some time (e.g. Conversation Analysis emphasises the moment by moment significance of utterances, Sidnell & Stivers, 2012; see also, Positioning theory, Harré, 2008), researchers have only begun to systematically explore the theoretical and methodological significance of ‘the moment’. Li (2011) made a case for ‘moment analysis’ as an approach that foregrounds ‘spontaneous, impromptu, and momentary actions and performances of the individual’ (p. 1224) in contrast with ‘frequency and regularity oriented, pattern-seeking approaches’ in understanding interactions, highlighting in particular the creativity and criticality multilingual language users demonstrate through innovative linguistic expressions. Informed and influenced by Lefebvre’s *rhythmanalysis* (2004), moment analysis emphasises human beings’ new noticings amongst the everyday routine social practices in late-modernity. These noticings of aspects of mundane practices trigger interpretations and reflections, which impact on subsequent actions and change the rhythm of social interaction including the trajectory of the talk and the relationship between the interlocutors. They are moments that worth analysing, not only for the technical aspects of how they are communicated to other people in social transactions, but also for ripple effects that impact on interpersonal relations and in turn higher-level social structures. We will discuss examples later in the paper to show how intercultural moments help to achieve these effects.

Bolden (2014) talked about ‘intercultural moments’ as noticeable points in encounters ‘during which cultural and linguistic differences between people become manifest’ (Bolden, 2014, p. 208). Through examining sequences of intercultural moments where different levels of expertise on the subject matter under discussion are negotiated turn by turn, Bolden made the case for an ‘interactionally sensitive, emic view’ of intercultural communication and argued that what makes an interaction intercultural is the way interactants orient to differences in their cultural and linguistic knowledges. These arguments are in agreement with the recent advances in interculturality research, a line of enquiry that departs from traditional views of seeing cultural memberships or cultural differences as *a priori* or static and seeks to understand how participants make (aspects of) cultural identities relevant or irrelevant to interactions (see Zhu, 2014/2019 for the main agenda and arguments of ‘interculturality’ and a summary of relevant research). The ‘intercultural moments’ are therefore moments of relevance making by participants of their cultural identities and memberships and they are noticeable and noticed as such.

Of particular relevance to the present study is the overarching arguments of interculturality research, i.e. cultural memberships are contingent on participants’ self-orientation and ascription-by-others and brought about in interactions as a situated, practical accomplishment (Higgins, 2007); and participants can use a range of interactional resources to align with each other, or resist cultural memberships ascribed by others (Zhu, 2014/2019). Importantly, this line of research is underpinned by a realism approach to culture (e.g. Reed, 2005). By accepting there are a variety of (cultural) memberships conversation or ‘axes of cultural differences’ (Bolden, 2014, p. 209) participants can orient to, they acknowledge both individuals’ agency in social life and limitations of choices due to constraints of social structures and historical conditions. They also make it feasible to view culture as multiple, plural and of different scales and degrees and therefore, offer a realistic conceptual stance to examine how different cultures intersect with each other while minimising the risk of circularity and reification. This is an important starting point of this paper in our investigation of institutional encounters in which different layers of cultures – institutional culture, professional culture, or ‘home’ culture – are constantly ‘brought along’ as well as ‘brought about’ in social interaction. We are particularly interested in the moments where these different kinds of cultures come into contention and the extent of negotiation by participants to align or dis-align with each other.

While studies in intercultural interactions tend to focus on ‘critical’ incidents in which non/mis-understanding or turbulences in communication occur, moment analysis offers additional analytical benefits in drawing analysts’ attention to ‘small’ and mundane moments that are fleeting and seemingly mundane, but similarly significant and consequential to social interaction. The inclusion of ‘small’ intercultural moments clearly benefits from the parallel discussion in narrative research in connection with ‘small stories’, i.e. the under-represented snippets of talks in comparison with the ‘grand’ narrative (e.g. Georgakopoulou, 2006). In this paper, we will draw a variety of data collected during a four-month linguistic ethnography, including interview, observation and interactional data, and focus on small moments in which people negotiate and orient to cultural differences in institutional settings.

### Institutional encounters and literacy

‘Characterised by rational, legitimate accounting practices which are authoritatively backed up by a set of rules and regulations governing an institution’ (Sarangi & Roberts, 1999, p. 15), institutional practices tend to be bureaucratic and impersonal in their nature (Sarangi & Slembrouck, 1996). They involve bureaucrats ‘dehumanising’ the encounters through distancing themselves from clients, fitting clients into boxes in forms and rendering the process as matter-of-fact. Institutional discourses are noted for grammatical complexity and jargon (Charrow, 1982; Redish, 1983) and are critiqued for being ‘abstract, analytic and euphemised’ (Roberts, 2012, p. 55). We will see examples later how the advisor in our study attempts to ‘humanise’ institutional discourses in her own way.

Moreover, institutional encounters are laden with power asymmetry and forms of control. For Sarangi and Slembrouck (1996), bureaucratic practices are one of the core techniques of modern power, which is orientated towards the production of regimented, isolated, and self-policing subjects (p. 5). The change of the label alters people’s perceptions and responsibility.<sup>1</sup> When ‘unemployment benefit’ becomes ‘jobseeker’s allowance’, for instance, the onus is on the benefit recipients to prove their eligibility by providing certified evidence of job seeking. Elsewhere, Iedema (2003) unpacks the linguistic-semiotic process of demodalisation, i.e. ways of de-emphasising the interpersonal nature of organisation communication and rendering the desired action non-contestable.

Given the inaccessible and bureaucratic nature of institutional discourses and practices including written documents, a high level of ‘institutional literacy’ is required in navigating the systems. However, the institutional literacy is a double-edged sword. As Iorio discussed (2016, citing Kaestle, 1985, p. 167),

the end goal of institutional literacy is not to maximise mutual intelligibility through creating a common and standardised set of reading and writing practices. Rather, the goal is often both to reinforce institutional power structures and to provide a means by which these structures can be challenged.

These literacy skills include, for example, form filling, record keeping, and deciphering assumptions of institutional documents. Hidden catches in incapacity application forms, welfare advertising leaflets and the UK inland revenue leaflets are also reported in Sarangi and Slembrouck (1996). The importance of documentation in institutional practices means that meetings between advisors and clients only involve working with texts. However, with limited familiarity with institutional discourses, clients tend to provide their narratives in formats that are different from those recognised in institutional discourses. Therefore, in terms of institutional practices, the advisors’ roles are to translate clients’ personal narratives into institutionally relevant facts, to fit people into numbers, categories and boxes in forms and ultimately, to turn spoken words into writing. This way of working is a process of resemiotisation, where different semiotics including talk, writing, technology, etc. are chained together (Iedema, 2003, p. 50). A related notion which has been researched in legal communication with a particular focus on regulatory text is ‘intertextuality’. Defined as the ‘the

relational process by which texts relate to each other' (Rock, 2013, p. 80), intertextuality shows how texts travel in institutional settings (Rock, 2013) and how texts operate as organisational tools and instruments of control (Smith, 2005, 2006).<sup>2</sup> In the context of the present paper, we are going to examine the advisor's practices through the lens of resemiotisation, i.e. how semiotics are chained together and translated from one into the other.

## Roles of advisors

Navigating clients through complex institutional systems requires a high level of competence and dexterity. It is one of the primary tasks facing organisations such as the Citizens Advice Bureaus (CAB) in the UK. However, the three-way relationship among advisors, clients and the system is not always clear-cut or transparent. There are many labels and metaphors which describe the roles played by advisors. A number of studies cited by Wadensjö (1998) scrutinise different roles and functions of *intermediaries*. For example, both Bailey (1969) and Paine (1971), cited in Wadensjö (1998), differentiate the roles of the *broker* from other intermediary roles such as *the middleman*, *pure messenger* and *go-between*, as it carries a stronger mandate and takes more initiatives. *Gatekeeper* is another term discussed in Wadensjö (1998). Several studies used this term to describe the encounters between counsellors and students in student counselling interviews (Erickson & Schultz, 1982), job interviews (Adelswärd, 1988), interviews between social workers and their clients (Cedersund, 1992; Sarangi & Slembrouck, 1996). In the above section, we also discussed the need to *humanise* the bureaucratic system.

What has transpired in various roles described here is the contradictions often reported in the literature on institutional communication. On the one hand, there is the element of control exercised by the intermediary, whether this is to do with the flow of information, topics, services, or resources and on the other hand, there is the expectation that the intermediary facilitates and offers support and service. Another contradiction is the myth of neutrality often associated with intermediaries. Gulliver (1979, cited in Wadensjö, 1998) states that the idea that mediators, by definition, act impartially is more of a stereotype than a fact. He argues that mediators' strategic roles and mandates exist and vary on a continuum, representing the range of strengths of intervention. The outcome of institutional encounters often depends on the intermediary's ability, time and willingness to see the perspective of the other. If roles can be discrepant and neutrality is merely an ideal, it remains to be investigated how advisors go about their roles and maintaining their neutrality. In this paper, we will focus on the roles of a legal advisor in working with clients, and her skills of translating and humanising the system.

## Research methodology

The overall research methodology for the present study is linguistic ethnography that allows researchers to develop a deep understanding of interactions embedded in observable (cultural) practices and beliefs of people in a specific time and context. What makes linguistic ethnography particularly appealing in our case is that it sees interactions as social actions, shaping the context while at the same time being shaped by the context, congruent to our epistemological realism stance on culture. In addition, ethnography provides a means to linking 'the micro to the macro, the small to the large, the varied to the routine, the individual to the social, the creative to the constraining, and the historical to the present and to the future (Copland & Creese, 2015, p. 8). It is, therefore, conducive to not only identifying but also understanding intercultural moments in encounters.

Specifically, a team of three researchers carried out the fieldwork and data analyses. One of the team members, DJP, is a Polish/English bilingual speaker who did most of the observation and transcription. The other two non-Polish speaking researchers also undertook observations in the same

setting and kept fieldnotes. The data in the present study were collected through observations (25 fieldnotes, a total of 56,315 words), audio and video recording (35h:36m:31s and 1h:58m:24s in length respectively), linguistic landscaping (199 photographs) and interviews (2h:8m:39s in length). In addition, social media data were collected through screenshots and archiving (Text message: 4 screen shots; Email: 3 sets of exchanges; WhatsApp message: 4; Facebook: 37 postings; Twitter: 52 tweets). The team then went through the data together and identified the ‘moments’ for analysis in an Interpretative Phenomenological Analysis (IPA) fashion (Smith, 2008). The essence of IPA is a double hermeneutic, i.e. ‘the participants are trying to make sense of their world; the researcher is trying to make sense of the participants trying to make sense of their world’ (Smith & Osborn, 2008, p. 53). The themes around which our discussion of the data below were generated through this process. A full report which provides an overview of the data, data analysis and interpretations is available in Zhu, Li, and Jankowicz-Pytel (2018).

### *The organisation*

Our main fieldwork was carried out in the East European Advice Centre (EEAC), which is located in Hammersmith, West London, an area well known for being a home to Polish communities since the Second World War (e.g. Garapich, 2012). As an organisation supporting migrants in the UK, EEAC is a product of changing political dynamics between the UK, Poland and Eastern Europe. It was initially set up as a charity to help Polish people who were stranded in Britain during the period of Martial Law in Poland in the 1980s and only became an organisation supporting Eastern Europeans in the UK several years later. It is currently repositioning itself as a resource centre, adding an educational dimension to its existing main areas of work in advice, advocacy and awareness raising concerning matters of Eastern Europeans in the UK.

In offering support to Eastern Europeans in the UK as their main areas of work, EEAC’s main service and public engagement activities include general advice sessions, free advice over telephone, face to face advice session by appointments (two hour slots), and community outreach sessions. The project team was given access to advice and outreach sessions. The interactional data between our key participant and the clients analysed below is from advice sessions. In relation to policy work, the organisation is active in raising awareness of discrimination against East European immigrants in the UK through speaking out in the media, campaigning through social media, and lobbying. Their work became very prominent after the EU Referendum in June 2016.

### *Key participant*

Our fieldwork followed a Key Participant, Renata, who is a senior advisor at EEAC and has been working there since 2009. She was born in Warsaw, Poland, in the 1950s and has lived in London since 1981. Renata had various jobs in London before her socio-legal career. In the interview, she explained that she learned about the UK socio-legal, welfare and housing systems through her own life experience. She managed the process of her divorce on her own, as she could not afford legal representations or support. She had to learn to deal with a single parent’s difficulties in life and to search for what support was available. Therefore, she decided to use her skills and began her career as an advisor. She completed the CAB professional training and gained the formal qualifications of an advisor, becoming a permanent member of staff in EEAC in 2013. Renata speaks Polish as her first language and is highly proficient in English. In addition, she learned Russian (a compulsory subject in schools in Poland in the 1970s and 1980s) and German in secondary school but, according to our observation, she seldom used any Russian and German in the workplace. The following data analysis includes an example (Example D) in which she signalled her limited knowledge of Russian.

Our interviews and conversations created a space for talking about cultural and linguistic differences and her intercultural and multilingual living. Her attitude towards languages and communication were explored in the interviews. Although Renata has lived in the UK for about 35 years and began learning English in her secondary school, her self-evaluation of her proficiency in English was modest, and contrasted vividly with her perception of her proficiency in Polish. She was very aware that ‘English here differs from English learned in Poland’, and that new English speakers are afraid to speak the language. But for Renata, the most important thing was to break this barrier and to face challenges by using the skills she already had, as she explained in the extract below with the analogy of *Kali Kill*, i.e. to make mistakes but achieve their goal. Kali is a character from the book *‘In Desert and Wilderness’* (Polish: *W pustyni i w puszczy*), by the Polish author and Nobel Prize-winning novelist Henryk Sienkiewicz, written in 1911. Kali is a good character who helped two kidnapped Polish children to run away across Africa. Kali speaks only some Polish and tends to use verbs in their infinitive forms. *Kali kill*, *Kali eat* (Kali zabić Kali jeść in Polish) is a phrase referring to someone’s low but functional language skills.

- R ... to co ja też wielokrotnie mówiłam tu przyjeżdżającym czy dzieciom znajomych którzy. wiadomo że jak tu człowiek z Polski przyjedzie to ten angielski jest inny. z nauczonym angielskim z Polski. (...) i przede wszystkim ludzie się boją mówić a ja mówię.. najważniejszym jest to. żeby przełamać tę barierę i mówić. mówić Kali zabić. robić błędy. ale mówić. bo jak ktoś się będzie koncentrował na tym jak ma powiedzieć poprawnie i zajmie mu to 10 minut to już jest nieraz po ptakach tak zwanych bo już się temat zmienił
- tylko to dla niektórych jest łatwiej przełamać tę barierę strachu czy wstydu czy jednego i drugiego .. a jednym trudniej
- Translation: ... *this is what I have told many times to those arriving here or my friends’ children who. obviously when someone comes from Poland then this English here differs. from the English learned in Poland. (...) and first of all people are scared to speak and I speak .. it is the most important thing. to break this barrier and speak. speak ‘Kali kill’. make mistakes. but speak. because if someone concentrates on trying to say something correctly and this takes them 10 minutes then sometimes it’s a day late and a dollar short because the subject has already changed ... but for some it is easier to break the barrier of fear or embarrassment or both.. and more difficult for others* (Interview transcript: IM2)

When we talked about communication at work, interestingly – but perhaps not surprisingly – Renata self-reported that she used untranslated, original English legal terminology or phrases to communicate with her Polish speaking colleagues at work, as it was ‘often much easier to express’ and it did not make sense to translate terms and names such as types of benefits into Polish. She pointed out that these terms had less to do with which language they appear in, but more to do with listeners’ familiarity with the subject matter. To illustrate this point, she gave an example when her children who are bilingual speakers of English and Polish might also find these kinds of English legal expressions or abbreviations incomprehensible. She added that she found herself in a similar situation with Polish legal terms. She did not know relevant Polish terminology nor formats of writing Polish legal documents. She had to get help with Polish legal language and formal writing in the Polish legal context. These comments by Renata pointed to further complexities and challenges of institutional encounters. Legal terminology requires depth of knowledge of the subject matter. Their definitions, references and applications are specific to the countries of the languages where they are used, and therefore translation is both impossible and pointless. When differences in language and systems are introduced to the mix, the ‘outsiders’ who are neither familiar with the system nor speak the language have an even greater challenge.

## Humanising the system

The clients at EEAC are predominantly of Polish backgrounds, and occasionally of Romanian, Russian, Lithuanian and Bulgarian origins. They come to the centre and seek advice on a range of matters such as benefits, housing and passports. Renata took up different intermediary roles between her

clients and other agencies and organisations, depending on her clients’ needs. Below in the left column are the fieldnotes of the drop-in session by the third author of the paper who worked as bilingual research assistant for the project with our commentaries in the right column. The client had been to the centre before and she came to see Renata again to follow up their cases.

Example A, Fieldnotes 21 March 2016 by DJP	Commentary
<b>Mrs CF and jobseeker’s allowance</b>	
<p>Mrs CF was here on Friday ... She is here alone today and brings some documents to Renata. They talk for a while to recap the story and Renata asks CF if her English is good enough to go through security questions. CF laughs and says yes. Renata asks whether CF’s request for mandatory consideration was sent by post or through the centre. CF says the first by post, Renata interrupts asking why the first as there should only be one. She checks dates again and explains to CF that CF couldn’t sent a request for a reconsideration before the decision was made<sup>1</sup>. It is the wrong document. Renata checks all dates and what happened when – then she looks at the client asking if the order of documents is chronological<sup>2</sup>. CF confirms.</p> <p>Renata phones the Job Centre on CF’s behalf to find out why the Jobseeker’s Allowance was stopped.</p> <p>Renata speaks to the advisor on behalf of CF whose payment was stopped and who hasn’t requested a mandatory reconsideration. Renata explains there is no written reply yet and CF wants to know the reason<sup>3</sup>. The recorder is paused again, door closed and the phone is being passed to CF for some questions<sup>4</sup>. Renata gets it back when CF gets through it and she learns that the office has received CF’s documents and they are being processed. She suggests she could chase it up and place a three-hour return call to update the client on her application<sup>5</sup>. Renata asks if it is possible to get a Polish interpreter for CF and the advisors confirms she will arrange it<sup>6</sup>.</p> <p>We sit in silence. CF is in her late 50s, wears military clothes and red lipstick. Renata asks for the name of the advisor for reference and notes it down<sup>7</sup>. When she finishes her phone conversation with the advisor, she retells what she heard to CF<sup>8</sup>. She also underlines to CF that the main focus at the moment is to get the written reply sent to CF’s home address so she could start changing her situation from there<sup>9</sup>. CF leaves cheerfully and wishes us a very happy Easter.</p>	<ol style="list-style-type: none"><li>1. Paying attention to details, active listening and thinking through the client’s replies</li><li>2. Being precise with the paperwork and the order of documents</li><li>3. Speaking to the job centre on the client’s behalf</li><li>4. Consideration for confidentiality</li><li>5. Offering a practical solution to speed up the process</li><li>6. Being attentive to the client’s language need and requiring a Polish interpreter for the client</li><li>7. Taking name down for accountability</li><li>8. Relaying the message</li><li>9. Reminding the client of the priority</li></ol>

In the fieldnotes above (Example A), Renata humanised the system through acting as a spokesperson for her clients and mediating with other agencies and key players (in this case, an unknown contact from a job centre). She was familiar and comfortable with how the system works. She took up more of an advocate role by pressing on the job centre to provide an update within three hours. She also requested an interpreter for the client and took down the name of the person from the job centre as a reference. Renata made effort to relay the messages or the key discussion point to her client and ensured that she understood what needed to be done and when.

In translating the system, Renata interpreted rules and regulations for her clients. There were occasions that Renata could not help her clients beyond what she has offered, because clients did not comply with rules and regulations. The client (referred to as Mr CM) in the drop-in session in the following fieldnotes (Example B), who was apparently ordered to make weekly repayment

for his debts, did not appeal against the decision within the required period and therefore, had little options but obeying the order. He came to the centre to seek help.

Example B, Fieldnotes 21 March 2016 by DJP

Commentary

### Mr CM and his repayment

Mr CM comes back to see Renata today. He was here on Friday explaining his situation about struggling with debts. He has very short hair, Puma bag, well ironed trousers and shirt. Renata asks for the documents; he gives her some documents which appear irrelevant. He has a bruise on his thumb, underneath his nail, which looks like it needs medical attention.

Renata has a delicate posture, looks elegant and professional. She gets through the documents and cannot find any details about the debts. She suggests she will call 'them'<sup>1</sup> to at least decrease his weekly repayment amount. Mr CM complains and tells Renata that in the first place 'they'<sup>1</sup> should deal with the landlord who was receiving the payment and ask on what bases they ask him to pay for it instead of the landlord.

Renata explains again that the only thing she could do at the moment is to decrease the amount of his repayment. He gets upset and says he doesn't want it, he doesn't care. He tells her it is not about the repayment and complains about injustice. He believes he should not be asked to pay for it at all. Renata kindly explains that this would be then a legal case and she couldn't help him with it<sup>2</sup>. She repeatedly comes back to explaining he should have appealed within 13 months from the first decision and she reminds him that trying to appeal two years later is too late<sup>3</sup>. He starts being angry and tells that 'they' are ruthless and rude bandits.

I don't understand what he has done and what he hasn't; whether he replied or he didn't; what benefits he applied for and what benefits he didn't. He says he has no answers from anyone and he knows nothing. Renata tries to find a letter with the decision as she seems to be helpless in this situation. They find one more letter showing the mentioned amount of money of about £1,500, which was then claimed back from CM. Renata explains again that there is no way she could appeal after such long time. When he calms down Renata tries to negotiate with him what she could do to help him and encourages him to try to reduce the weekly charge so that at least his life could become slightly easier<sup>4</sup>. He finally agrees but still shows disappointment. When Renata gets ready to make a phone call and to gather all necessary letters he looks at me and tells me about the bureaucracy and terrible administration in this country.

...

Renata phones the Job Centre and asks me to stop the recorder for the time of getting through the security questions<sup>5</sup>. She also closes the door. ... Renata speaks to the advisor and explains she phones on behalf of her client and that CM cannot speak English fluently therefore she would appreciate if the advisor spoke slowly and clearly when

1. Aligning with each other through positioning the system as 'they'

2. Clarifying her responsibilities and distinguishes advising from legal service
3. Explaining the situation to the client and crystal-clear about the actions that can be taken to help with the client

4. Negotiating the best way forward in the interests of the client

5. Attentive to privacy and confidentiality issues

(Continued)

Continued.

Example B, Fieldnotes 21 March 2016 by DJP	Commentary
<p>getting CM through security questions<sup>6</sup>. She passes the phone to CM and he tells the advisor his date of birth in English but he doesn't understand further questions. Renata takes over the phone and translates to CM he needs to tell the advisor what benefits he gets<sup>7</sup>. The phone comes back to CM, he answers. Renata listens, he looks at Renata who can also hear the advisor and shows CM the number on the letter as an answer to another question and he says the number.</p>	<p>6. Managing language issues 7. Interpreting for her client</p>
<p>The phone comes back to Renata<sup>8</sup>. She explains CM's situation and the advisor clarifies that the £22.00 are taken from him every other week. Renata changes the repayment plan for CM and from tomorrow 'they' will be taking £5.00 a week. CM thanks Renata but then he goes back to an article he says he read and tells her still doesn't understand why they take money from him and not from the other guy. Renata fills further forms<sup>9</sup> and again tells him that he should have done that two years ago, now it is too late. Renata knows that some letters must have been sent to him and probably missed but she tries to be gentle<sup>10</sup>. He gets his bag and leaves.</p>	<p>8. Becoming a spokesperson 9. Form-filling 10. Considerate and face-saving in her approach</p>

The advice session in this excerpt resembles Example A in the transactional goals and structure of interactions: Renata probed the problem with the client first and then spoke to other stakeholders on behalf of the client (these are recurring features of the advice sessions). Again she played the role of humanising the system, pinning down the client's failure in complying with the rules and speaking to the job centre on the client's behalf. She was clear about what she could do and operated within boundaries, as we see in the way she clarified her responsibilities, drew the line between a legal matter and advice service and explained the situation (Commentaries 2 and 3). At the same time, she was gentle and attentive to the client's face in interacting with him. Even if she realised that the client might have missed some written correspondence, she did not point it out to save his face. She found the best option and persuaded the client to agree to it. While speaking on the client's behalf during the phone call with the job centre, she took up the role of interpreting and tried to bring the client into the negotiation.

Working with an angry and disappointed client was not easy. Renata needed to stick to the rules and regulations to the client's disappointment and, at the same time, showing consideration to the client. She distanced herself from the system by referring to the job centre as 'they' (Commentary 1), and thus positioned herself as an intermediary. The client, being upset and angry, talked about 'they' (the system) being ruthless and rude bandits. He complained about bureaucracy and terrible administration in 'this country', hence positioning himself as a victim and an outsider. Renata chose not to respond to his complaints and instead, focused on factual matters and the practical solution, i.e. reducing the weekly payment for her client. Admittedly, people from the same linguistic and ethno-cultural background do experience similar frustrations with institutional cultures. The language and nationality differences do make the experience worse, for this person at least.

There are frequent examples in advice sessions in which Renata shows empathy to clients during intercultural moments, which in turn show how intercultural moments impact on interpersonal relations and possibly social structures. In the following transcription of an interaction in an advice session (Example C), a client (referred to as M) reflected on how her Polish practice of making the effort to dress decently did not fare well for her when she went and asked for help. In the end, she was given a statement describing her as 'well-presented' and thus suggesting she could look after herself and did not need any help. She complained that she would have to look scruffy like a tramp for others

to believe she needed help.<sup>3</sup> While talking about her health problem in Turn 1, M went off-topic and shared her intercultural experience of going to an appointment. The use of first person inclusive plural form ('naszego mniemania polskiego', meaning 'our Polish way') stood in contrast with the third person 'they' in her turn – she was clearly assuming and foregrounding the same (cultural) identity between her and Renata. Renata did not respond to the client's positioning. Instead, she went along and acknowledged the existence of the described cultural practices through an overlap in her turn. But she was careful not to evaluate these practices or to show her opinions. Here we see in Renata an attentive listener who was sympathetic to her client's dilemma and went along with her client's comments about cultural differences. Hence these cultural talks became a resource for showing empathy.<sup>4</sup>

### Example C: 'To trzeba być jakimś takim trampem (You should be like a tramp)'

(M: client; R: Renata, source: LonLawAud\_20160316)

TURN	WHO	TRANSCRIPT	TRANSLATION
1	M	I to tak jak mówię że że ten ból jest cały czas to nie jest tak że ja go nie mam. bo albo jest mały albo bardzo jest duży ale ja. no.no.no tak to to jest też można wziąć pod uwagę bo ja byłam na tabletkach jak pojechałam też ... Albo też to że uhm. był punkt że byłam ... uhm well presented czy coś takiego że byłam za- że byłam zadbana czy coś takiego no ale ja mówię według naszego mniemania polskiego na taką okazję się jedzie to trzeba jakoś wyglądać {laughing}	and as I say that that this pain is there constantly it's not that it disappears. cause I either have a little pain or the pain is huge but I. well yes. yes. you're right it's actually how it could be considered cause I was on pain killers when I went too ...  But also this uhm. there was a point that I was. well-presented or something that I was looking well or something but as I say in our Polish way of thinking when going for such an occasion you must look decent {laughing}
2	R	[no właśnie ja to często słyszę też	[well exactly I hear it quite often too
3	M	[według nich to trzeba być jakimś takim trampem niemytym przez miesiąc co najmniej. brudne włosy wszystko jakieś ... najlepiej obsikany żeby jeszcze było czuć że jest. że się. no o to jest takie tak u nich na to wychodzi według nich ...	[in their understanding you should be like a tramp not washed for a month at least. dirty hair or something ... ideally peed all over so it could also be smelled that. that one is. well and this is their reasoning how they make sense of it ...

(Transcription conventions in the [Appendix](#)).

Apart from these moments when topics of cultural differences become a means of showing empathy, discussion about languages also occurs in advice sessions. Example D records an extract of an advice session between Renata and a Russian born Lithuanian speaker. We learned later that the client was born in Russia and his father worked for the military and was posted to Lithuania when CL was young. When we asked him where he learned Polish, he said that he picked up his Polish while working on building sites in London. While booking an interpreting service for the client's hearing in a tribunal, Renata learned from him that he was equally fluent in Russian and Lithuanian (Turn 3). At the same time, she noticed some idiosyncrasies in his Polish speech (Turns 8–10), for example, the confusion between *wolno* and *dobrze*. After getting the client's reassurance that he was equally well in Russian and Lithuanian in Turns 11–12, Renata opted to speak a few Russian words she learned from the school back in Poland in Turn 13. The Russian words *всё равно* 'are translation equivalents of the English and Polish phrases *doesn't matter* / *nie ma* which she and the client were talking about in the previous turns. In this context, the rendition of the same phrases through alternation of differences became a kind of multilingual language play or a ceremonial, symbolical, and convivial act (Blackledge, Creese, & Hu, 2016) through which Renata oriented to their connection and thus showing empathy to the client. Her effort was well received by the client who repeated the phrase with a laughter in Turn 14.

**Example D: ‘Doesn’t matter’**

(R: Renata; CL: the client, source: LonLawAud\_20160322)

TURN	WHO	TRANSCRIPT	TRANSLATION
1	R	.. dobra. teraz. eer. interpreter. rozumiem że Pan będzie potrzebował . zamówię tłumacza.jaki język?	.. ok. now. eer. interpreter. I understand that you would need. I will book an interpreter. what language?
2	CL	ruski albo litewski	Russian or Lithuanian
3	R	so Litewski czyli <i>Lithuanian</i>	so Lithuanian that is <i>Lithuanian</i>
4	CL	<i>Lithuanian</i>	<i>Lithuanian</i>
5	R	or <i>Russian</i>	or <i>Russian</i>
6	CL	tak	yes
7	R	i obydwu Pan będzie tak samo rozumiał? bo musimy być tacy	and will you understand them both equally well? because we have to be
8	CL	[ja wolno rozumiem. ja wolno rozmawia na litewskim i na ruskim to samo	I speak slowly/freely. I speak slowly/freely in Lithuanian and in Russian the same thing
9	R	‘wolno’ to znaczy ‘dobrze’?	‘slowly/freely’ do you mean ‘well’?
10	CL	tak	yes
11	R	czyli. <i>it doesn’t</i> . to nie ma znaczenia dla Pana?	so. <i>it doesn’t</i> . it doesn’t matter to you?
12	CL	nie ma. może-	doesn’t matter. maybe -
13	R	<u>всё равно</u>	<u>doesn’t matter</u>
14	CL	<u>всё равно</u> {laughing}	<u>doesn’t matter</u> {laughing}
15	R	o. to mi ze szkoły zostało jeszcze ...?	see. this is what I still remember from

(Transcription conventions in the [Appendix](#)).**Resemiotisation as a way of working**

Working with documents or text and keeping records are important components of Renata’s work. As seen in the examples in Section 6, she checked paperwork brought in by clients thoroughly and kept files of clients’ cases where necessary. She relied on documents in assessing clients’ situations, produced and sent new documents through the system as outcomes of advisory sessions. As Iedema (2003) points out, records or documents are ‘boundary objects’, a term used by Wenger (1998). They cross boundaries and travel from offices of job centres to job seekers in the post, between landlords and tenants as emails, and from clients’ home to EEAC. They contain decisions, demands, forms, bills, appeals, doctors’ prognoses, etc. They are evidence of accountability, obligation and responsibility in the system.

In this section, we further examine how documents influence the way Renata interacted with her clients through an extract of recording from an advisory session with the client, referred to as CL who also appeared in Example E. The client came to follow up his previous meeting with Renata regarding his Personal Independent Payment (known as PIP, a benefit for people aged 16–64 with a long-term health condition or disability in the UK). In the meeting, Renata tried to

prepare an appeal for the client's PIP, which was previously denied. She needed to establish grounds for appeal and therefore probed the client's health according to the criteria and questions set for PIP.

The transcripts recorded what has been said and by/to whom and how Renata shaped interaction around the particular PIP form. It started off with Renata signposting in Turn 98 that (a) she was writing down grounds to appeal and (b) she was going to probe the client's problems with walking, a question on the PIP form where the applicant needs to declare their mobility issues. The related questions for the PIP form are given in the box on the right. She then broke down her problems into a number of specific questions. To make things easier for the client, she articulated her first question in the form of alternative questions, giving the client the option (Turn 100). When the client did not answer her question directly (Turn 101), Renata offered another option (lower back) in Turn 102. This time the client confirmed that it was spine and knees. Renata then confirmed that she understood where the pain was and narrowed down the problematic area. She then probed further and asked the client whether he could walk slowly (Turn 106). In the next turn, the client initiated a request for repair. Renata offered an explanation and then moved onto the next question on the form, i.e. whether someone could walk short distance of 50 or 20 metres (Turn 110). During the conversation, she was translating the questions on the PIP form from English into Polish and into words and specific probing questions that would make sense to the client. She then resemiotised CL's verbal replies, along with his responses through other semiotics such as pointing and intonation, into written answers on the form. Renata's frequent use of English words (e.g. 'lower back' in Turn 106, 'non-stop' in Turn 112, 'standing and sitting or combination of both' in Turn 114) was not a co-incidence. They are the very words used in the PIP form and Renata transferred them directly from the documents to her questions. They are features of resemiotisation.

Renata's resemiotisation is achieved not only by transferring information into the form, but also through translation and calibration. To calibrate, i.e. to determine the relevance and accuracy of clients' narratives against the system, Renata was adept at untangling the client's often vague responses where exactness is needed. She repeated after clients, double-checked what she heard and sought clarifications. Offering translation equivalents of the words in question seems to be one of her key strategies. For example, not knowing Russian well, she recast the client's Russian word, *постоянно*, in Turn 111 into English 'non-stop'. She also reformulated her question if the client's answer was not quite spot-on. She rephrased her questions several times between Turns 100–106 until she understood the location of the client's pain. However, Renata only carried out calibration when it was necessary. When uncertainty was not crucial to the tasks on hand (e.g. in Turn 101), she would 'let it pass', a term proposed by Firth (1996), to describe the practice of ignoring anomalies or ambiguities and focusing on content rather than form. There was an incident of interactive repair, when Renata offered an equivalent in Polish at the client's prompt. In Turn 107, the client asked what Renata meant by *wolno*, as in Polish, *wolny*, means both freely or slowly. Renata explained it with another Polish word, *powoli*, meaning 'slowly'.

**Example E Talking about and through the PIP form**

(CL: client; R: Renata. Source: LonLawAud\_20160322)

TURN	WHO	TRANSCRIPT	TRANSLATION
98	R	dobrze, ja tu dalej pisze w tych, erh. podstawach do apelacji. że ma Pan bardzo poważne kłopoty z chodzeniem.	well. I am writing down in these, erh. grounds to appeal that you have serious problems with walking.
99	CL	tak	yes
100	R	czy tylko w biodrach czy też kręgosłup?	is it only hips or your backbone too?
101	CL	u mnie teraz no ja <b>już nie znam</b>	I <b>don't know</b> with me anymore
102	R	w dolnym tym kręgosłupie?	in the lower back?
103	CL	no i <b>spina</b> boli i kolana bołą	well and <b>spina</b> {probably from 'спинной /spinnai/ хребет' in Russian} hurts and knees hurt
104	R	i kolana bołą, i biodra. rozumiem	and knees hurt. and hips. I understand
105	CL	tak tak	yes yes
106	R	.. <b>lower back</b> {she speaks to herself} ... i chodzi Pan wolno prawda?	.. <b>lower back</b> {she speaks to herself} ...and do you walk slowly?
107	CL	jak to 'wolno'?	what do you mean 'freely'?
108	R	wolno. powoli	'slow', 'slowly'
109	CL	tak	yes
110	R	... tak, co myśmy tu pisali .na co .odpowiadał mi Pan na to pytanie . ile Pan może przejść zanim Pan może, musi się zatrzymać 20 – 50 metrów.	... yes, so what did we write in here, what for, you were answering to this question, how far can you walk before you may, need to stop 20- 50 meters.
111	CL	tak, potem trochę poczekam ... i biodro u mnie <b>постоянно</b> boli. <b>постоянно</b> , to	yes, and then I'll wait a while ... and the hip <b>continuously</b> hurts. <b>continuously</b> , it -
112	R	non stop tak?	non stop right?
113	CL	tak i, jak <b>куда</b> idę to mnie też boli, no bo ja znam co mnie <b>potrzebna</b> tylko chodzić, ...	yes and, when I go <b>somewhere</b> it hurts too, because I know I only <b>need</b> (to) walk ...
114	R	ok a jak to było z tymi <b>standing and sitting or combination of both</b> ? .. też było że nie może Pan, że może pan najwyżej 10 do 15 minut. Tak, usiedzieć. Bez zmieniania pozycji. i tak dalej i tak dalej	ok and how was it with these <b>standing and sitting or combination of both</b> ? that you can sit like this without changing your position, etcetera etcetera

(Transcription conventions in the [Appendix](#)).

**Personal Independent Payment form (P.16)**

**About getting around**

Only answer these questions if you are claiming under the special rules for terminally ill people.

You may be able to get the mobility component of Personal Independence Payment if you have difficulty moving or need help getting around.

Do you need someone else to plan any journey for you that you wish to take? Yes ☐  
No ☐  
Sometimes ☐

Do you have difficulties following the route of a familiar journey? For example, do you need  
• another person with you  
• an assistance dog, or  
• aids, such as a white stick? Yes ☐  
No ☐  
Sometimes ☐

Do you have difficulty walking short distances of up to 50 metres? This is about the length of five buses. Yes ☐  
No ☐  
Sometimes ☐

Do you have difficulty walking short distances of up to 20 metres? This is about the length of two buses. Yes ☐  
No ☐  
Sometimes ☐

## Discussion and conclusion

The present study investigates intercultural moments in everyday multiculturalism in an institutional setting, specifically, how cultural and linguistic differences between people are made visible by the people themselves and how people live with, experience and negotiate these differences on the ground while achieving their transactional goals in institutional encounters. Cultural differences, however, are neither given nor static. They are ‘brought about’ as opposed to simply ‘brought along’ (Li, 1998). In the socio-legal advice centre EEAC in London that we studied, we see layers of cultures are brought about and brought along. We have demonstrated that, what makes interactions intercultural or not, is not whether participants are of the same or different heritage culture or language backgrounds, but what they do in interactions. Intercultural moments offer an analytical lens to examine how intercultural differences emerge and are constructed moment by moment in interactions and bring our attention to both noticeable stretches of interactions and ‘small’ moments in interactions. Our analysis shows how fleeting and seemingly mundane moments in interactions are significant and consequential to interactions, and in particular, in sharing empathy between the advisor and clients in advice sessions.

The social-legal advisor, Renata, played a range of discrepant roles in navigating clients through the system and making institutional discourse accessible. She translated the system and took on different intermediary roles between her clients and other agencies, depending on her clients’ needs. In contrast with the bureaucratic and dehumanised nature of institutional practice, she ‘humanised’ the system and often became a ratified participant in the conversation between her clients and other agencies. She gathered information from her clients, assessed the situation and made recommendations as to what to do next. She brought her professional skills and institutional literacy into advisory sessions. These include paying attention to detail, active listening, protecting clients’ confidentiality, addressing clients’ language needs, relaying messages, etc. She was considerate, attentive, clear, systematic, focused, empathetic and practical and at the same time, respectful of rules and regulations and firm about boundaries.

Above all, to humanise the system, Renata needed to resemiotise, to work with multiple semiotics, to translate clients’ intimate narratives into institutionally relevant facts, to turn spoken words into boundary objects, and to fit people into numbers, categories and boxes in forms. To resemiotise, calibration was needed to determine the relevance and accuracy of clients’ narratives against the system. As was evident in her interaction with a client, Renata used a variety of practices to calibrate, including disambiguating through recasting and repeating the client’s replies using translation equivalents in different languages, rephrasing ambiguous words, and breaking down the questions. Renata also knew when to let it pass, to ignore anomalies and ambiguities and to go with flow. These different practices were brought together in the process of resemiotisation in the institutional setting.

Returning to the point that we made at the beginning of this article, we hope to have demonstrated through our analysis the significance of focusing on the moment in the complex and dynamic processes of negotiating across and beyond linguistic and cultural boundaries in institutionalised settings. Whilst such a focus may stand out, and indeed stand against, the current trend of big data-driven pattern searching in research and practice, it has provided deeper insights into thick data to offer richer interpretations of what is going on in society and the meaning- and sense-making processes that all of us engage in.

## Notes

1. At the time of writing this paper, Page (2018) published a list of dehumanising phrases used by government officials in its operation of immigrant enforcement (<https://unlocked.org.uk/2018/12/07/your-pocket-home-office-phrasebook-a-dialect-of-dehumanisation/>). Examples are labelling people as ‘subject’ or ‘case’, not people, and describing life outside immigration detention as ‘in the community’, with the implicature that those in detention centre are not part of the community.
2. While the ‘texts’ in studies on intertextuality have been interpreted broadly as words that could be read, images that could be seen, or sounds that could be heard (Smith, 2006), most of the studies focused on written texts.

3. Her dilemma reminds us of the issue of 'double bind' of sexual logics in rape trials in which rape victims could be portrayed as either too emotional or rational by the defence lawyers and lose the case in either way (Matoesian, 1995; Conley & O'Barr, 2005).
4. Some studies, e.g. Hepburn and Potter (2007), have examined empathy in institutional interactions.

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## Appendix. Transcription conventions

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/.../	- omitted speech due to repetition and no adding data (natural restarts, repetitions, repeating a questions etc)
/unintel/	- unintelligible / inaudible speech
[	- overlap turns
.	- very short pause, usually when starting or finishing a thought or hesitation
..	- longer pause
...	- a long pause when stopping and thinking about an answer or collecting thought before answering etc
{text}	- added information to clarify the context of the speech, to describe a situation, to give further explanation so the input could be understood
<i>text</i>	English
<u>text</u>	Russian
text	Polish

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