

# “Nicole Slapped Michelle”. On Interpreters and Theories of Interpreting at the O. J. Simpson Trial

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*Darden said, and I hope it was in the record, “I object to anybody who starts off saying ‘I’m a scholar’”.*  
Johnnie Cochran at the sidebar, 3 March 1995.

I’m a scholar interested in the public perception of dialogue interpreters, in this case court interpreters. The 1995 criminal trial of O. J. Simpson provides suitable matter for this interest in that it was an international cultural event, indeed an occasion for considerable social debate. It helped air people’s ideas about the way courts operate, no matter how unfounded those ideas might be with respect to more run-of-the-mill justice. The trial also used interpreters in the week from 27 February to 3 March 1995, when Rosa López, a housekeeper from El Salvador, chose to testify in Spanish rather than English. The intense public attention on the trial thus fleetingly presented interpreting as a contentious object of knowledge. I am interested merely in how that object was constituted.

As such, I remain a relatively external scholar. I claim no special expertise in the practice of court interpreting. And given the fairly atypical nature of my material, I cannot pretend to speak here about what interpreters normally do or should be trained to do. I am merely a scholar trying to grasp the social sense of one particular object, in fact just one fairly brief dialogue from the trial in question. I take the phenomenological position that the object as noumenon is unknown; its sense is to be constructed through a series of epistemological precepts and processes. My tools for recovering and attributing those precepts and processes will partly be the loose metaphors of visibility and concealment—such are the terms currently dominant in interventionist translation studies—but will more seriously be ‘theories’, broadly in the sense of problem-solving ‘passing theories’ of the kind used in the dialogic construction of any meaning (cf. Davidson 1984). This means, first, that I personally do not pretend to know what this object is; I can only try to show sets of hypotheses or provisional models by which one might come to some kind of knowledge of the object. It also means that a whole range of social agents, including interpreters, can be seen doing the same thing, and from

similar positions of initial ignorance. I will attempt to locate the ‘theories’ of court interpreting operative in the court itself, in the social debates that surrounded the events, and in the solicited opinions of a linguist and an interpreter-teacher. All those theories are assumed to help constitute the rationalist content of public perceptions. I will close with a suggestion of how to distinguish good from bad theories, leading to a rather cautious plea for scholarly intervention in the general field of dialogue interpreting.

### **The Story So Far**

Just as great dramatic conflicts like Calderón’s *La vida es sueño* and Corneille’s *Le Cid* begin with a slap, so my account of this, the public drama of our own age, begins with something similar: Nicole slapped Michelle. You may remember that Nicole was O. J. Simpson’s former wife, whom Simpson was accused of murdering. Michelle was the Simpsons’ maid (Am. ‘housekeeper’), a friend of Rosa López, who was a maid in the same neighbourhood. These facts are of some importance because, at the stage of the trial that interests me, Rosa López is the only person prepared to provide Simpson with an alibi: she says she saw his car somewhere else at the time of the crime. If she is telling the truth, Simpson is probably innocent. So the prosecution, in the person of counsel Christopher Darden, is intent on showing that she is lying. She might be lying because she likes O. J. Simpson. And she might like him because she disliked Nicole Simpson, O.J.’s murdered wife. And she might have disliked Nicole because, argues the prosecution, Nicole slapped Rosa’s friend, the maid Michelle.

Such is the context of the following fragment of the court transcript (taken from Jack Walraven’s website). The questions (Q) are by prosecuting counsel Darden; the answers (A) are by witness Rosa López; objections are from Johnnie Cochran, one of the defence counsels; ‘the Court’ is Judge Lance Ito; the terms in italics are the ones that particularly interest me:

- 1 Q. Well, you do know that Nicole *slapped* Michelle one day, correct?
- 2 A. Because she told me that.
- 3 Q Okay. And Michelle was very upset when she told you that, correct?
- 4 A She was very sad.
- 5 Q Okay. And she told you that she hated Michelle or rather she hated Nicole, correct?
- 6 Mr Cochran: Objection. Hearsay. Also irrelevant and immaterial, your Honor.
- 7 The Court: Overruled.
- 8 The Witness: She didn’t tell me she hated her.
- 9 Q by Mr Darden: Pardon me? What was the answer?
- 10 A She didn’t tell me that she hated her.
- 11 Q Well, she was crying when she told you that she had been slapped, correct?
- 12 A Anyone would cry, sir.
- 13 Q Well, was she crying?

- 14 A Yes, sir. A lot.  
 15 Q And were you upset that Nicole had *slapped* Michelle?  
 16 A. No. I just try to console her.  
 17 Q Well, isn't it true that you didn't like Nicole?  
 18 A I only saw Nicole once. I can't say that I don't like her.  
 19 Q Well, didn't you tell someone that you did not like her because -  
 20 Mr Cochran: Objection, your Honor.  
 21 Q by Mr Darden: - because she *slapped* Michelle?  
 22 Mr Cochran: Vague, your Honor.  
 23 The Court: Sustained.  
 24 Q by Mr Darden: Did you ever tell anyone that you disliked Nicole because  
 Nicole had *slapped* Michelle?  
 25 Mr Cochran: Objection. Objection.  
 26 The Court: Overruled.  
 27 The witness: It's true. Nobody likes to get *slapped*, sir.  
 28 Q by Mr Darden: And so you were angry at Nicole for having *slapped* Michelle,  
 correct?  
 29 A No. She didn't *hit* me. Because if - I would have *hit* her back.

Darden's moderately successful strategy here is to push the witness into a more antagonistic frame, repeating questions so as to encourage her to express a more violent attitude toward Nicole, perhaps emblazoning the act in the mind of the jury. He mentions the verb *slapped* no less than four times, using every available occasion to do so before he finally gets the witness, through the interpreter, to use the same term. No matter how much defence counsel Johnnie Cochran intervenes to slow down the pace of the exchange, to protect his witness, Darden knows that if he can keep Rosa opening her mouth, she will eventually put her foot in it. And she does, in a way. Apart from the increasing rhythm and mounting intonation on both sides (the tension is released in public laughter after line 29), the main shift visible here is the final move from *slap* to *hit* (29), with the latter term being used in subsequent exchanges before moving briefly, at Darden's instigation, to *strike*. Tactically significant, this is one of a series of small shifts that raised serious doubts about Rosa's credibility and meant that her evidence, the potential alibi, would not be used later in the trial.

### **Where is the interpreter?**

The transcript shows no sign of interpreting occurring in this particular passage. The interpreters (there were at least three involved in Rosa López week) are nevertheless named elsewhere in the proceedings; they are frequently referred to; they often ask for questions to be repeated; on at least two occasions they interrupt proceedings to consult among themselves; on two further occasions they successfully ask for the speakers to be admonished for interrupting their renditions. In this particular case there can be no

immediate decrying of anonymity, passivity or invisibility. Of course, in the television version of the trial the interpreter of this fragment is excluded from view, although one senses she is seated somewhere between the witness and the jury, who are similarly protected by rigorous invisibility. The top of a blonde head does bob over the edge of the screen occasionally, and the interpreter's voice suggests a woman who speaks specifically Central American Spanish and has traces of this in her English (a few grammatical errors as in lines 16 and 18 above). But little more identity can be gleaned on the basis of this fragment.

The television version of the above passage gives us two-way consecutive renditions between English and Spanish for all the above interactions between Darden and the witness. It sounds like good professional interpreting; it makes sense; there are no visible deletions; and despite what has been found in other analyses of Spanish-English court interpreting (Berk-Seligson 1990; Hale 1997a, 1997b), there is no particular sign of register being shifted up into English or down into Spanish, no doubt thanks to the rather informal English used by both prosecution and defence. In fact, had I not used the video in class and seen my students struggle to find certain Spanish replacements, I would not be looking at this fragment at all. One of the best ways to locate problems is to try to do the interpreter's work over again. So, with thanks to my students, here is what we found.

### **What the interpreter does**

In order not to bore readers who have no Spanish, I will not transcribe the whole of the interpreting. It should be enough to reproduce the key renditions and tie them to the numbered English exchanges given above. This is also because my focus is really on just one semantic field: the range of variants used to describe the slap.

The most obvious kind of intervention here involves the creation of equivalents. When Darden repeats the verb *slapped*, the interpreter uses *una bofetada en la cara* (a relatively non-violent hit on the face) on the first occasion (1), switches to the alternative *una cachetada en la cara* (something similar, also explicitly on the face) on the second mention (11), then uses *cachetada* as the working equivalent for subsequent mentions (15, 21, 24). The shift is perhaps best understood as a move from an international Spanish term (*bofetada*) to a more locally acceptable variation (*cachetada* has more to do with American Spanish than with Iberian Spanish). Whatever the reasons, here and elsewhere the interpreter fishes around before proposing the equivalent and having it situationally accepted. This is not a question of drawing on any dictionary of pre-determined correspondences.

The interpreter then does something rather strange. Having established an equivalent, and having done so in terms of regional variation, she resists movement way from that equivalent, as we see here:

- 27 a nadie le gusta que le pegue [*nobody likes that people pegar them*]  
nobody likes to get slapped

The witness now volunteers the verb *pegar* (generally, to hit), saying in effect ‘nobody likes to be hit’, whereas the entire previous discussion has repeatedly used the verb *to slap* and its proposed equivalent. Why does the interpreter render *pegar* as *to slap*? The rendition would appear to involve a slight toning down of intensity. Something similar happens in the very next line, when Darden says:

- 28 And so you were angry at Nicole for having slapped Michelle, correct?  
...porque había pegadole a Michelle, ¿verdad? [*for having pegar+EN Michelle, correct?*]

Now the English *to slap* is rendered as the Spanish *pegar* (to hit) rather than the previously accepted equivalent. In effect, the Spanish version of the exchange has shifted to a new equivalent, from *dar una cachetada en la cara* to *pegar*, which is repeated twice, while the English discourse is allowed to remain with the one humdrum verb *to slap*. Is this just for the sake of a shorter term? Of course, in the very next line, the Spanish moves again, as the witness does indeed put her foot in it:

- 29 No. No me pegó a mí. Porque si... le daría pa atrás [or perhaps: patadas].  
[*No. She didn't hit me. Because if... I would give her the same back – or perhaps kick her*]  
No. She didn't hit me. Because if... I would have hit her back.

The sound is not clear here. I first understood Rosa López had moved to the even more violent register of kicking (*le daría patadas*, I would kick her repeatedly); the interpreter, however, hears “pa’trás”, a calque from English meaning “give [the same] back”, which is probably much more correct than my comprehension. So after at last allowing *pegar* to mean *hit*, the interpreter now renders it as the more general and distanced *to hit back*, deflecting away the present-tense conditional, and perhaps a possible kick as well. Again, why?

To give a more synoptic picture of what is happening here, consider the sequence of terms used in the English dialogue:

slap, slap, slap, slap, slap, slap, slap, hit, hit

If you were only following the Spanish, this sequence would be rather more varied and violent:

bofetada, cachetada, cachetada, cachetada, cachetada, pegar, pegar, pegar, pa'tras

which roughly means:

slap, slap, slap, slap, slap, hit, hit, hit, hit back [perhaps kick]

I suggest the interpreter has kept the English discourse at one degree of semantic intensity lower than the Spanish. She has worked to counter precisely the escalation that the prosecuting counsel was trying to impose. This looks like a rather subtle kind of intervention. But why should it have occurred? What theory can account for it?

This is the problem that interests me. We might all agree that interpreters help create equivalents, we might even agree that good interpreters play with variations, but here we find an interpreter using what might appear to be an outright non-equivalent: *pegar* (hit) as *slap*. What kind of intervention is this? While you are thinking of your answers, let me briefly discuss the institutional setting, which might offer a few motivational clues.

### **Again, where is the interpreter?**

It would be moderately unfair to criticize this interpreter in terms of a model that saw a Sender creating a Meaning that had to be delivered to a Receiver. Such models (they abound in the textbooks) are often embedded in unfortunately common assumptions like the following:

1. Interpreters belong to the target language and culture.
2. Interpreters work into their mother tongue.
3. Interpreters work for people who do not know the source language.
4. The purpose of interpreting is to enable one speech community to communicate with another.

In the case we are considering, none of these assumptions really apply. At best they could be rewritten as follows:

1. The interpreter is between numerous communication participants: a horizontal axis involving counsel and witness (as in the normal models of communication), but also a vertical axis including defence counsel and judge (who may block any question), the accused, the court clerk, the jury, and a television camera taking the interpreter's words to millions around the globe, even to the eyes of prying scholars. If the interpreter belongs anywhere, it is to all that, as an institution which, on this occasion, has placed her in a central overlap, an intercultural space. If we were to discuss her allegiance, it would be difficult to do so in terms of any absolute either/or binarism.

2. The interpreter is working both ways, in and out of two languages. Yet there are cotextual reasons to believe she is situated more one side than the other. On 27 February one of the interpreters has been named as 'Alicia Luper Gallant' (Hispanic given name and father's family name) and has been described as "the best Salvadorian-born interpreter we have available"; on 28 February another interpreter is named as 'Cecile Cerda' (Anglicized given name, Hispanic family name). Both, it seems, were brought in specifically to replace the previous interpreter, named as 'Doris Weitz' (nothing blatantly Hispanic there), who worked on 24 February and was much criticized, ostensibly because she did not speak Salvadorian Spanish. If we were to discuss the cultural belonging of our interpreter, this preference for birthright, and the assumptions it apparently conveys about dialect, would seem to have outweighed any strict analysis of two-way linguistic competence. The 'Salvadorian' interpreter is there precisely so that she can be culturally aligned with the witness.

3. The interpreter is not really working because of any primal linguistic opacity. Rosa López knows English (she has been in California for more than twenty years); at one point in the above exchange (line 14) she actually replies directly in English, and such occasions are common in the extended transcript. The interpreter is there because English is not the witness's *native* tongue (discussed at the sidebar on 27 February 1995) and interpreting should thus, ideally, help to redress a lingual power imbalance. To that extent, the very purpose of having an interpreter is to protect, to some degree, a witness in need of protection. In fact, if we pushed the logic a little further, we might say that the interpreter is paid by an ostensibly monolingual institution (the court, to which she belongs as a paid officer) to be symbolically aligned with a speaker of another language and another culture. Whether or not linguistic justice is done, it must appear to be done.

4. This relative transparency works both ways. Rosa López knows English, but much of California also knows Spanish (thanks in part to a Spanish presence of some 400 years, the formal lack of an official language, and a bilingual education policy revoked in 1998). Despite apparent invisibility, the interpreters are being checked on all sides. Here, for example, is prosecution counsel Marcia Clark theorizing about translation:

Ms. Clark: The problem, though, that we were aware of, is the translator was interpreting instead of translating what she [Rosa López] was saying and changing words and cleaning up her language, not even interpreting some of the things she was saying at all. (27 February 1995)

If this kind of awareness is possible (and we will soon see further ways in which courtroom theorists manipulated the verbs *to translate* and *to interpret*), the role of the interpreter would seem to be not to mediate *between* speech communities but to redress symbolic power relationships *within* the one multilingual community. Although this specific parameter certainly does not apply to the whole of dialogue interpreting, its basic features are common enough. Any understanding of what interpreters do should thus at least ask if such relative transparency is operative, if there is indeed an institutionally and symbolically functional visibility of intervention, before we condemn out of hand a few apparent non-equivalents smuggled in unseen.

### **Now, why did the interpreter do what she did?**

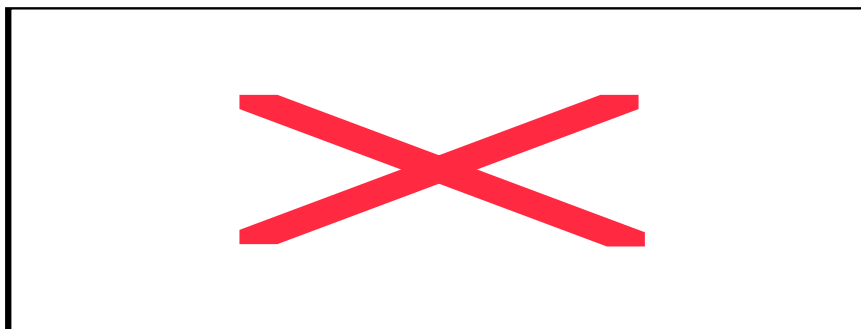
My account of the interpreter's situation might have led you to conclude that she toned down Rosa López's language so as to protect the witness from traps laid by the prosecuting counsel. She might well have done this out of solidarity: a Salvadorian representing the words of a Salvadorian; a woman protecting a woman (all the questioners in this scene are men); an intellectual skilled in communication protecting a worker not so skilled in communication; an institutional polyglot protecting a foreigner, and so on. But also, I suggest, she is paid to express such solidarity. The interpreter is there symbolically to cover over precisely the disadvantages of the foreign woman worker unskilled in communication. She is deploying a certain institutionalized advocacy, as sought in neighbouring fields by theorists such as Barsky (1993, 1996) This is not necessarily unethical behaviour. The interpreter was perhaps only doing what the institution was paying her to do.

That is one kind of explanation. We might call it something like critical sociology, although it would have to be developed further to merit that name. Yet there is more than sociology in this; more than one kind of theorizing. Let me sketch two further explanations that have been offered, the first by a linguist, the second by a researcher who is also a practising court interpreter.

For Juan Sager, who very correctly took linguistic umbrage at my sociology (specifically during a seminar at UMIST, Manchester, on 29 April 1996), the interpreter was quite justified in rendering *pegar* as *slap* and *patada* as *hit*, quite simply because the lexico-semantic fields are different in Spanish and English. This could involve Hjelmslev-like non-correspondences of terms, mainly allowing *pegar* to cover more



semantic space than *hit*. But research conducted in polite lunchtime conversations (practical demonstrations are not recommended, particularly with respect to the bodily location of slaps) suggests it could be more a question of superordinates, with *pegar* operating on levels that may indeed cover *cachetadas* and even metaphorical *patadas*. We might then get something like the following schema:



Without trying to defend the schema with heavy artillery from dictionaries and corpora, we might legitimately ask what this kind of linguistics is actually saying about the interpreting. It certainly describes something, but the descriptions are by no means neutral or value-free (for me, no description is value-free). Most obviously, this kind of schema helps to justify this particular interpreter, backing up her spontaneous decisions in terms of some kind of reasoned competence. In fact, it is saying there should be no real argument here, since there are no significant differences to argue about. The interpreter is essentially right.

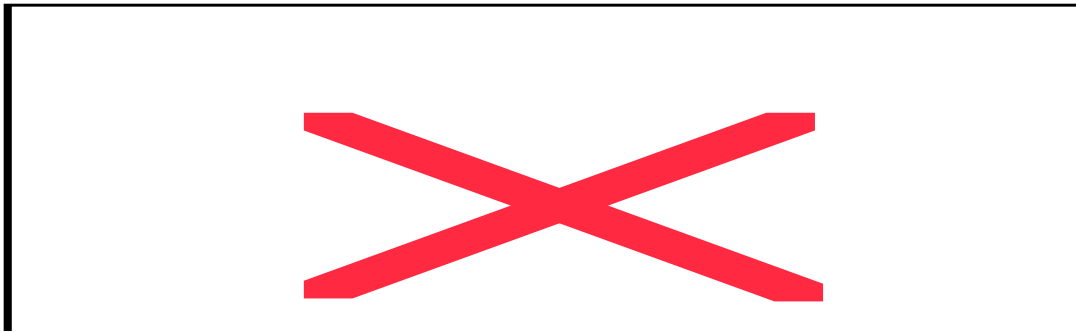
This is a good kind of theory. It is nevertheless static; it takes no account of the movement of discourse; it has not considered that the stuff to be represented might involve significant discursive shifts on the level of form (*slap* to *hit*, non-acceptance of *kick*) rather than semantic extensions; and it precariously assumes that the two language systems are entirely separate. Apart from that, the theory might be entirely for certain kinds of problems.

A further explanation was offered by Miriam Shlesinger in the same seminar. She pointed out that interpreters often seek to ensure cohesion within each language-discourse, such that what is said in Spanish should make sense in terms of what has previously been said in Spanish, with the same back-stitching process occurring for English. This would explain why the interpreter refuses at least one more obvious equivalent (*hit* for *pegar*), preferring instead to pick up the terms previously used in English. In that she thus attains greater cohesion for the listeners, the interpreter would once again appear to be quite justified. Indeed, this would be just one of a number of accommodation procedures that Shlesinger has described elsewhere (see Shlesinger 1991).

Once again, this is an appealing theory. It might only fall short if we take seriously the suggestion that there are significant degrees of mutual transparency between these languages, such that it is misleading to pretend there are two parallel discourses at work, one in English and the other in Spanish. In terms of the parameters I have proposed above, there is really only one discourse here, jumping across languages, with many people following many of the shifts, well beyond assumptions of simple monolingual senders and receivers. Nevertheless, Shlesinger's basic point sounds eminently practical; in terms of her theory, too, the interpreter could be quite right.

We thus have at least three theories able to offer some kind of explanation for the interpreter's apparent intervention. One might be described as relatively external with respect to the interpreter's linguistic work (sociological parameters), the second is relatively internal (lexico-semantics), and the third is eminently pragmatic in that it crosses the internal/external divide. Since I have no infallible reasons for excluding any of these levels of theorization, I am more interested in a way of bringing them into the one conceptual package.

Here, then, is a quick suggestion as to how one might get sociologists to look at language, lexico-semanticists to consider situational dynamics, and pragmatists to go beyond the precarious separation of language-discourses. It concerns the concept of discourse best suited to dialogue interpreting of the kind we are looking at. Of all the numerous definitions of *discourse*, the one I really like was put forward some time ago by Greimas and Courtès (1979: *s.v.* discours): (*dis-currere*): "a constant selection between possible alternatives, opening up a path through networks of constraints" (my translation of "une sélection continue des possibles, se frayant la voie à travers des réseaux de contraintes"). That, I suggest, is a very beautiful idea: *discurrere*, like a river meandering down to the sea, picking its way around rocks and high ground, except that people are not rivers, so the choosing of paths is a subjectively active process, and not all the constraints are stable and passive. If I were to apply that idea to dialogue interpreting, picking its way between constraints in two languages, between questions (Q), answers (A), lexico-semantics, cohesion, coherence, and all the situational participants with all their theories about interpreting, the picture might be something like the following (allowing that the arrows indicate the backward movement of representation, to avoid any suggestion of primal meaning transfer):



There is enough room in there for all the theories we have discussed so far, plus a few more as well. We can write in the superordinates and the formal shifts; a gradient scale could shade the overlap of languages. However, in refusing any *a priori* separation of language-discourses, this model should also curtail many presumptions of primal meanings, thus blocking the ‘conduit’ metaphor and potentially meeting up with the critical dialogics broadly espoused by Wadensjö (1992, and especially 1996).<sup>1</sup> It is a model that allows and relativizes many possible descriptions.

What I want to do now involves a slight change of gears. Instead of looking at the actual decisions and their dialogic path, I want to reconsider the ‘networks of constraints’ that help move this bilingual discourse in some directions rather than others. Further, I want to consider these constraints not immediately in terms of specific people, norms or institutions, but more consistently in terms of ‘theories’ as sets of passing explanatory hypotheses. Such theories would include both the hypotheses used by interpreters and a range of more public ideas about interpreting, including the ones we have just seen. More important, the theories can be seen as active constraints on discourse, since if they describe, justify or condemn certain behaviour (once again, I believe value-free description is an illusion), they are certainly helping discourse move some ways more easily than others. Minor passing theories help direct the particular discourse of slaps and hits; larger and more lasting theories help orient the general discourses of dialogue interpreting. We too are intervening, along with the interpreters. And perhaps happily, we are not the only people who think we know about interpreting.

### **Who knows about interpreting?**

Let me briefly evoke the theories of interpreting that can be found within the scene of the trial. There are many cases of what we might call practical translation criticism, in fact objective manifestations of constraint, from a range of external and internal positions.

First, although defence counsel Johnnie Cochran apparently has no Spanish and is thus relatively external, this does not stop him from questioning the interpreter in some cases. For example, he objects to ‘Mr Jones’ as a rendition of ‘Mr Johnnie’, upon which the interpreter duly corrects and apologizes (24 February). Proper names and discourse length being more or less accessible to all, even people in monolingual space can presume to evaluate interpreters. The basic theory in this case is that names and lengths should be about the same in the two languages, although Cochran’s assessments are also based on a rule of thumb that we might call users’ expectations: “I hadn’t noticed [the interpreter’s interventions]. But the answers seem to be about what we had expected” (27 February). The underlying theory says that if the interpreter’s words are what we expect, they are acceptable.

Second, prosecuting counsel Marcia Clark, whom we have already seen denouncing one interpreter’s interventions, feels bilingual enough (“essentially I also speak Spanish”) to distribute praise as well: “This [interpreter] is really translating and not interpreting as was occurring yesterday.” Note that ‘to interpret’ here apparently means to intervene in one way or another, so the theory says that good interpreters do not intervene. But this is not just her opinion: “Unlike yesterday, we haven’t received any complaints as far as accuracy” (27 February). And where would the complaints come from? Ms Clark continues, “I have someone present in the courtroom fluent in Spanish who has been listening for accuracy...” (27 February). This new theory proposes that what counts when ‘really translating’ is accuracy, and bilinguals can tell. Of course, the defence also has its experts at work. At one stage Johnnie Cochran reports a fax (“from Skip Taft’s office”) indicating “that the interpreter was terrible and she was interpreting everything instead of translating.” Same terms, same theory. And “some people who speak Spanish on the 12th floor had said we’re still having problems with—even though it’s a different interpreter.... Apparently it has to do with Salvadorean dialect or something” (27 February). So we have at least three peripheral experts whose theorizing is reported in the trial.

Third, the real expert here is Judge Ito, who apparently knows Spanish and likes to show it. At one point he himself asks Rosa López if she said *hot* or *hard*; she replies, in English, “Hard”; to which he replies, in Spanish, “Duro, ¿sí?” (27 February). So for a brief moment we actually have the Court speaking Spanish and the witness speaking English. This is indeed intercultural space. Judge Ito is also prepared to identify concealed problems and teach about certain arcane arts:

Mr Darden: Was Mr Cochran animated at all during the conversation that you had with him?

The Court: Remember we are using an interpreter.

The Witness: No.

The Court: Madam Interpreter, how is *animated* translated in Spanish?

The Interpreter: Not very clearly, your honor.

Mr Darden: Since I don't speak Spanish, your honor -

The Court: All right. Using an interpreter with a witness is an art.

Mr Darden: The 'art' word again, hum?

Ms Clark: Oh, no, not that one.

The Court: I'm just familiar, that particular verb in Spanish is very difficult—never mind. Forget I mentioned it. Proceed. (24 February)

Judge Ito apparently knows more about Spanish than he has time to reveal. Yet as far as I know, the English *animated* here is quite efficiently rendered by the Spanish *animado*, be it Salvadorian or otherwise.

More than this, Judge Ito is an expert in how to foresee interpretation problems. Right at the beginning of Rosa López's testimony he invites the non-Salvadorian interpreter to chat with the witness: "As you know, there are sixty major dialects within the Spanish language and I would like her to become acquainted with that" (24 February). But foreseeing the problem does not mean the interpreter can entirely solve it. A Salvadorian-born interpreter was still brought in, since 'dialect' was Ito's main theory for the difficulties observed. The judge then goes to some lengths to protect the Salvadorian-born interpreter from the criticisms of all those who know 'a little' Spanish (including himself?):

The Court: You know, knowing a little Spanish in this situation is dangerous. But as Chair of the Judicial Advisory Council of Court Interpreters, I'm very familiar with the problems. And the problem that we're dealing with, most people don't know there are sixty major dialects of the Spanish language... (27 February).

This could be read as an instance of Judge Ito protecting the interpreter from non-expert theories such as those of Johnnie Cochran and Marcia Clark. Then again, we might also see the judge arguing so as to protect his own theory. Since all problems are supposed to ensue from his 'sixty major dialects', anything else must be a relative non-problem. He can thus explain and rejoice in a certain creation of equivalents (his theory is very good for the move from *bofetada* to *cachetada*), and the rest are red-herrings raised by people with inadequate internal knowledge. Ito's theory not only cannot see things like *hit* as *slap*, but limits the range of people with sufficient authority to see such things. If the one major constraint is in place, if we have the correct equation of birthplace and variety, all else should flow. But the interpreting does not flow; the complaints continue; rival theories abound; and Ito's only real back-up theory is that the speed of the exchanges is too fast. On numerous occasions he asks Rosa López not to listen to the English questions but to wait for the Spanish renditions. As we have noted, the interpreters themselves are quite able to protect themselves in this way.

One final theory erupts right at the end of Rosa López week:

Mr Cochran: Your Honor, I have received a letter from a Vincent C. Gilliam, a Ph.D. [...] I would like to read a paragraph from that letter and I would ask the Court for permission to get an interpretation from the interpreters.

The Court: You mean a comment?

Mr Cochran: Yes, I'm sorry, a comment. This is from the letter. "First, a point that may easily be lost to Americans is the difference in cultures being manifested by Miss Lopez' responses. Not only does she display a tendency to defer somewhat meekly to people in authority, ([such as] Mr Darden) by saying, quote, 'If you say so, sir', as one might expect from someone from a humble background and from El Salvador at that, but Spanish-speaking cultures are much more subtle than one such as the U.S. Thus, when Miss Lopez says 'No' and then 'No, I don't remember having said that, sir', with further prodding, it is not an equivocal response, nor is it prevaricating that she change her response. It is simply that [she] comes from a more indirect and less confrontational type of culture. And moral [sic.] importantly, quote, 'No, I don't remember having said that,' end quote, does not mean 'Possibly yes' as Mr Darden was attempting to make it mean." (3 March)

The letter is first mentioned on Friday morning, then again late Friday afternoon. It seems the status of theories alters in accordance with how badly people want to go home (Ito: "Come on, guys. It's late. It's been a long week."). This particular theory, insultingly reduced to '*I don't know* means *No*', is simply not going to be accepted. Ito doubts its authority ("We don't know what this person's qualifications are"); Darden reportedly mistrusts "anybody who starts off saying 'I'm a scholar'", as Vincent C. Gilliam apparently did; and even Cochran, once he realizes Gilliam's theory will make his witness even less believable, calls it "the rankest kind of irrelevant, immaterial hearsay" (3 March). But even if it had not been read on a Friday, there are two basic problems with Gilliam's theory.

The first is that, if the theory is correct, a whole week of testimony has to be re-read and no one is quite sure to what effect (Darden: "She's only said 'I don't remember' 128 times, and each time she—I don't know if it's good, I don't know if 'no' is bad."). The theory is thus inapplicable in practical terms; it asks for enormous effort in exchange for unpredictable results.

Second, if the theory lacks authority as it stands, it must be corroborated by someone with authority. Judge Ito suggests calling in "an expert witness on linguistics", "somebody from UCLA School of Interpretation", "Dr Rheinhoff from UCLA or somebody from USC". Proper scholarship, from the right academic department, will decide the toss. Yet none is forthcoming, with the end of the week and all. Who should they ask instead? Why, a native speaker, Rosa López, of course! Despite Ito's doubts ("...but to ask this woman who doesn't speak English well, who doesn't read or write

Spanish or English, to ask her about, you know, semantics... of interpreting...”). But that is precisely what they do:

Mr Darden: Is there a phrase in Spanish that means ‘I do not remember’?

The Witness: That ‘No’.

Q. Can you say -

A. That’s the phrase, ‘No’.

Mr Cochran: Well, your Honor -

The Witness: I don’t remember in Spanish.

Mr Cochran: That’s irrelevant, what dialect -

The Court: Overruled. Overruled.

The Witness: It is the same in Spanish. I don’t remember that, no, sir. No, I don’t remember and I don’t remember, it’s the same thing, sir.

Mr Darden: Thank you. That’s all.

And half a minute later Rosa López was out of there and they were all going home. The ‘Don’t know’ theory would of course continue in comedian Jay Leno’s nightly jokes about Rosa *no sé* López, doing as much damage as possible to American awareness of cultural alterity. No one would attempt to go back and reinterpret the whole of Rosa López week.

I mention this farce for the sake of one quite obvious point. At the beginning of that Friday, Cochran asked for the *interpreters* to be consulted on the ‘Don’t know’ issue. In all the discussion that followed, through all the naming of authorities and the debunking of the witness, the transcript shows no sign of the interpreters actually being consulted. It was as if authoritative theories of interpreting were exclusively the stuff of academics and native speakers.

### **Conclusion: Good and bad interventions from theories**

Why not ask the interpreters? No doubt because, for the hands-on theories of the court, interpreters are not supposed to ‘interpret’. What this means, beyond the contradictory semantics and massive simplification of linguistic difficulties, is that interpreters should leave the ‘interpreting’ to the lawyers, in effect conforming to the fiction that interventionist interpretations are required intralingually but not interlingually (see Morris 1995: 42). As bad as this theory may appear, it does successfully draw a line between two professions: interpreters do one thing (‘verbatim translation’), lawyers do another (‘interpretation’). When Cochran asks for the interpreters to be consulted (for a ‘comment’, not an ‘interpretation’), he is effectively challenging this basic theory of professionalism; he is stirring up possible antagonism between interpreters and lawyers (see Berk-Seligson 1990: 195). That should not be done. If there are to be ‘comments’ on the problems of cross-lingual rendering, it seems they should ideally come from a

further profession, that of experts and scholars, whose theories need not directly challenge those of lawyers, since the latter can then ‘interpret’ them as well.

There is thus a significant degree of power play underlying the various levels of theorization, most prominently in the silencing of interpreters’ theories. Exclusivist types of interpretation are made to belong to institutionalized professions, which of course have every interest in maintaining that public image (cf. Weber 1987: 25). This professional demarcation might be slightly upset by approaches that run roughshod over traditional distinctions, as indeed I have tried to do in describing all opinions and verbalized norms as ‘theories’. Even more upsetting, however, is the position of experts and scholars who, although volunteering theories from beyond the court, openly take the side of interpreters, not only in justifying some of their decisions (as we have seen) but more importantly in calling for interpreters to be professionalized in a way that approaches the status of lawyers (cf. Morris 1995; Fenton 1997; Fowler 1997). This is a significant and potentially antagonistic intervention; it is the major input that scholars may yet make to the general field of dialogue interpreting; it no doubt owes its sociological basis to the fact that those experts and scholars are increasingly either practising interpreters or interpreter trainers. Let me now close with a few remarks on why this intervention is positive but should be undertaken with care.

A certain deconstructionist liberalism might suppose that the more theories we have, the better. After all, the more theories, the more can be seen from different perspectives, and the more alternatives and freedom we create. If I can point out or even create things like the shifts from *slap* to *hit*, or if a ‘scholar’ can claim that ‘I don’t know’ means ‘No’, whatever theory is used will thus be valid to the extent that it adds to the range of possible interpretations. And yet the various theories we have located remain highly unequal, and not just because of external politics. Some, like Rosa López’s final explanation, are ineloquent enough to be totally ineffective. Others, like the interpreter who just explains that *animated* is interpreted ‘not very clearly’, are merely unhelpful. And still others, like the judge who intervenes to explain *animado*, or the scholar who claims that a whole week of testimony has to be reinterpreted, are outweighed by a situation in which they remain without foreseeable value (“I don’t know if it’s good, I don’t know if ‘no’ is bad”). There is thus a set of theories that, for various reasons, are defeated because they can only add to a directionless diversity. The constraints are weakened; the discourse has more latitude; the meandering takes much longer to reach any kind of goal. In many situations, theories that blindly require that everything be made visible, or that interpreters be pushed towards other professions, stand to meet much the same fate.

An alternative perspective might look more carefully at the way different theories effectively work together so as to create degrees of consensus. Here I am thinking of things like the ‘user-expectation principle’ (‘the answers seemed to be more or less



what we expected', so the interpreting is acceptable), or the critique of non-experts ('knowing a little Spanish in this situation is dangerous'), or again, the various assessments of something as vague as 'accuracy' which then give no accurate details, or even Judge Ito's mega-theory of dialect, which does intervene to the extent that a new interpreter is brought in but which then is prepared to lie fairly quiet: Ito actually dismisses debate on this question by saying "If there's any dispute, we can solve it at the appropriate time if necessary" (27 February). In all these cases, what is being accorded to interpreters is a kind of default trust (cf. Chesterman 1997: 181), saying in effect that *their* theories, no matter how silent and unseen, are to prevail for as long as they do not run up against any major opposing theory. Let the discourse run free for as long as it does not meet a major constraint.

The problem of the Simpson trial, with its plethora of theories, was that it made far too many constraints visible, pushing issues well beyond any criterion of importance. Oppositional passing theories were allowed to prevail over stronger consensus-building approaches. If scholars are now to intervene in such processes, I suggest it should be within this second kind of frame, investing default trust in the work of interpreters and helping to solve problems only if and when they arise, rather than offering principles and advice that may stand to create antagonism.

Of course, renditions of *slap* in subaltern Spanish are still very difficult—never mind. Forget I mentioned it. Proceed.

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### Note

1. A few implications of the dialogic approach were brought out in the 1997/98 cominterp debate (comminterp@web.apc.org) on revising codes of ethics for community interpreters. As Wadensjö pointed out (11 December 1997) many of the proposed ethical principles were based on the notions of 'what is (to be) understood', without locating the people involved in the understanding. Here, since I am proposing that all understanding passes through theories, the scope of people involved is much larger than a simple ethics of direct participants might assume. Does this mean we should give up on neat principles altogether? I suspect part of the solution is to be found in Andrew Chesterman's negative ethics, drawn from Popper, where the translator's task is based not on understanding but on "the minimization of misunderstanding" (1997: 184). This would seem to comply with the general view that the court interpreter's task is "to remove any barriers which prevent understanding or

communication” (Judge Samuels, cit. Morris 1995: 41), although in many cases I feel we should also talk about ways of skirting around or avoiding barriers. The only further point I would add in the present context is that not all ‘misunderstanding’ really needs elimination. If the main aim is cooperation between the communication participants, ‘errors’ such as *hit* as *slap* require more effort to be eliminated than would be the potential gain from the ensuing cooperation (cf. Pym 1997: 123).

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