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Communication through translation

David Bowen et Margareta Bowen

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THE NUREMBERG TRIALS (COMMUNICATION THROUGH TRANSLATION)

DAVID AND MARGARETA BOWEN

The trials of the Nazi war-time criminals were seen by Lieutenant Colonel Murray C. Bernays, the moving spirit during the preparatory phase, as "the educational and therapeutic opportunity of our lifetime" ; Norman Birkett, one of the two British judges, called the proceedings "the greatest trial in history" and the American prosecutor, Supreme Court Justice Robert Jackson, stated that "... (bringing) within the scope of a single litigation the developments of a decade, covering a whole continent, and involving a score of nations ... this trial has a scope that is utterly beyond anything that has ever been attempted ... in judicial history."

The legal, historical and political aspects of the trials have been studied extensively. An attempt at giving a complete bibliography would go beyond the scope of this article. Broadly speaking, there are two categories of material : official records, personal accounts and scholarly comments published under the immediate impact of the events, and a new series of publications starting 1980 as a result of access to more government documents and personal papers, such as the papers of Lawrence Egbert, editor of the trial record, at Georgetown University.

Translation in its broader sense, *e.g.* as inter-lingual and inter-cultural communication in both written and oral form, has not been given much attention in these studies. Historians, lawyers and journalists tend to mention only incidents and anecdotes.

Members of the language professions themselves, however, have recently begun researching the history of translation and conference interpreting and submitting presentations at meetings of professional organizations and for publication by university presses. As a contribution to this vast undertaking, we propose to show some of the aspects of working conditions at Nuremberg and the participation of speakers and listeners in the communication process. While using the published background information and *viva voce* comments from colleagues who worked at the trials, we shall mainly base ourselves on original newsreels in the Austrian Film Archives and the trial record of March 20, 1946, *e.g.* the continuation of Justice Jackson's cross-examination of Hermann Göring.

Language services at Nuremberg were provided not only for communication between the accused and the courts, as is normally the case in court interpreting today, but also for communication between the judges, none of whom understood and spoke the languages of all their colleagues, and, last but not least, for the benefit of the press and the general audience. The eyes and the ears of the world were expected to be on this international tribunal and all appropriate preparations had been made, given the means available at the time. The courtroom had a press section and a V.I.P. Gallery ; high-powered lights had been installed for the film crews. The tasks were formidable : Con-

secutive interpretation for the pre-trial interrogations and for emergency situations, simultaneous interpretation for the court-room proceedings, and written translation to be supplied for thousands of documents : two thousand five hundred alone made up the core of the prosecution's case. Work had to be done under severe time constraints and photostatic copying was a major bottleneck.

The "IBM system for multilingual interpretation" is mentioned more prominently than any other aspects of language services. Justice Jackson had it brought from Geneva to Nuremberg. Colonel Dostert, Eisenhower's interpreter, assembled a group of linguists to provide simultaneous interpretation. Although the system had been used before in Geneva and in the United States, it was still in its experimental stages. The equipment was what we call today a "wired" one, but the cables were exposed in the courtroom and got periodically disconnected, whenever someone stumbled over them. The true breakthrough, incidentally, for such multiple wire connections has only been made as a result of space exploration : modern equipment of this type, now mainly used for language laboratories, comprises ribbons of very thin, colour-coded cables offering far greater ease of installation and reliability for the user. The equipment had a floor channel and four language channels, headphones for all participants in the trial for listening to any one of the channels, and six microphones in the courtroom (one for each judge, one for the witness box and one at the speaker's podium. One extra feature, which is hardly ever provided today, was the warning light by which the interpreters could request the speaker to slow down or to repeat what he said.

The booths for the interpreters were placed in such a way that the accused were sitting directly in front of them (in profile) ; the speaker's lectern and the prosecutor's tables were also in their direct field of vision ; the judges were at the far end, at right angles from the row of booths, and the screen and the witness box could not be seen at all.

The working schedule for the interpreters provided for fewer hours in the booth than does the Charter for Permanent Interpreters today, and each interpreter was expected to interpret from one language into his own only. The most striking feature is the concern for speed : an all-out effort was made to hold the speakers to almost dictation speed, approximately 60 words per minute. The record shows that interpreters were given copies of the documents even if the distribution to all participants was limited.

The cross-examination of Göring by Justice Jackson was chosen as an example of the Tribunal's work because it has been mentioned most often in general studies. The story grew with the telling that Justice Jackson was tripped up by Göring over mistranslations. On March 19 the most often mentioned "translation mistake" had occurred and at the beginning of the session on March 20, after a discussion of the accused's uncooperative attitude, Justice Jackson officially corrected the record (p. 512) :

> MR. JUSTICE JACKSON : I shall bow to the ruling, of course.
> I wish to make a statement to the Tribunal about one of the documents. At the conclusion of the session yesterday we were considering Document Number EC-405. The Defendant Göring challenged the use of a word which he said should have been translated "clearance" rather than "liberation." We have since had the translation checked and find that the defendant is correct. This document was introduced under Exhibit Number GB-160 on the 9th of January, at Page 2396 of the Tribunal's records (Volume V, Page 28), and since it has already been received on evidence and it is before the Tribunal, we think it incumbent upon the Prosecution to make that correction now for the record.

The cross-examination then turned to the persecution of the Jewish population and the prosecution's document 710-PS, a short letter from Göring to Heydrich. Göring challenges the translation on two counts : *"In Ergänzung der Aufgabe"* should be "comple-

menting", not "completing" and, Göring maintains, the whole letter refers to the "total solution" of the Jewish question (p. 519, Göring speaking) :

> Now comes the decisive word which has been mistranslated : "for a total solution", not "for a final solution".
> "... for a total solution of the Jewish question within the area of German influence in Europe. Should these come within the competence of other governmental departments, then such departments are to co-operate.
> "I charge you further to submit to me as soon as possible a general plan showing the organizational and material measures for reaching the desired total solution of the Jewish question..."

The original letter contains *"Gesamtlösung"* in the first paragraph and *"angestrebten Endlösung"* in the third paragraph. The translation read by Jackson has "complete solution" in the first paragraph and, after Göring's reference to "final solution" in the wrong place of the translation, Jackson uses "desired solution" when going over the third paragraph once more.

The next "translation problem" according to Göring concerns document 3063-PS, the party's follow-up of the Kristallnacht (p. 524) :

> MR. JUSTICE JACKSON : I call your attention to the language in regard to Cases 3 to 16.
> GÖRING : Which page, please ?
> MR. JUSTICE JACKSON : Nine, I believe it is. The Supreme Party Court asks the Führer to quash the proceedings in the State criminal courts :
> GÖRING : To quash them, to beat them down, that does not mean suppress. A penal proceeding can be *"niedergeschlagen."* In Germany that is a different thing from "suppress."
> MR. JUSTICE JACKSON : Well, you give us your version of it and tell us what it is. What does beating down a proceeding mean ? Does it mean that is has ended ?
> GÖRING : That is what it means, but it can only be ordered by an office which has authority to do it ; that is to say, the Führer can at any time "beat down" a proceeding by way of an amnesty. The Cabinet could at any time pass a resolution to "beat down" a proceeding — suppressing it would have been illegal. In Germany, *"niedergeschlagen"* is a legal term meaning "to suspend."

Justice Jackson drops the matter after this comment. Göring's interpretation is based on laws from 1934 and 1935 which do, in fact, legalize abolition of a pending trial in individual cases. Such abolition is in contrast to amnesty, a general measure benefiting an indetermined number of cases. In the Federal Republic of Germany abolition is unconstitutional.

A passage of Rebecca West's comes to mind : "All of us had our earphones, there was not a person in court who did not understand the literal meaning of every word that was said. Yet there was this welter of misunderstanding, this frustration, this incapacity to demonstrate the Rule of Law anything like as clearly been hoped." (*A Train of Powder*, 1955, p. 244.)

The documents and the record show that in the instance given the ideas at issue were rendered correctly, Göring did ask Heydrich to prepare the final solution and the party officials did want to squash criminal proceedings against their peers. Even the famous "clearance of the Rhine", as interpreted by Göring, is a very shaky matter ; if, indeed, *"Freimachung"* in the original document had been meant literally, why is it the only item among eleven to appear in quotation marks ? Göring's objections to the term "final solution" show that he was aware of the impact this term has, and this is why he wanted to avoid it, as if any other term in its place would not have acquired the same impact. Göring's concern was not translation, it was evasive and delaying strategies.

Dr. Stefan F. Horn, one of the translators, quotes him as saying to the simultaneous interpreters "You are shortening my life by several years."

How could the accused get away with his tactics ? Because the participants felt insecure in this multilingual situation and were ready to accept Göring as an expert in translation. The court had two interpreters sitting in the courtroom, behind the judges, and it had a full staff of translators, some of whom had legal training. One can only conclude that it did not make full use of this staff and misdirected its attention to slowing down the speakers.

If there is one major lesson to be drawn from this first large-scale use of simultaneous interpretation it is this : the user does not remain passive in the communication process : he can further it or he can hinder it.

All quotations are from volume IX, *Trial of Major War Criminals* before *The International Military Tribunal,* published at Nuremberg, Germany, 1946.