

The Interpreter as Intervener

Sanda Kaufman

Editors' Note: *You're about to start negotiating in a language where you can't even read the alphabet. What to do? This chapter is essential for anyone about to engage in an international negotiation involving multiple languages—which could include many “domestic” negotiations in New York or Chicago or London or Paris. Kaufman explores how translators are neither perfectly neutral third parties, nor part of a team (contrary to common assumptions); shows how they are often powerful and autonomous actors in the negotiation; and demonstrates how important it is to think about the use of interpreters before the day they are hired.*

The most dangerous of all falsehoods is a slightly distorted truth.
G.C. Lichtenberg, physicist (1742-1799)

Any translator who intends to render a work from one language to another merely by rendering word for word, and slavishly following the order of the chapters and sentences in the original, will come to grief.
 The product of his labor will be unintelligible and ludicrous.
Maimonides (1135-1204)*

Language Barriers to Negotiations

The word “*ceasefire*” carries critically different meanings in Arabic (*hudna*), in Hebrew (*hafsakat esh*) and English in which negotiations are often conducted in the Israeli-Palestinian conflict. The parties to this conflict also differ over the meaning of “*tahdiah*,” designating in Arabic the period of calm on which sides agreed informally in 2005, in Sharm el Sheik. The “*hudna*” example led M.D. Halperin to observe that:

One of the most significant obstacles to be overcome in the Israeli-Palestinian peace process is language. The cultural, conceptual and language barriers that separate the negotiating partners are greater than their negotiation over land and far more difficult to resolve.¹

UN Resolution 242 (1967) famously carries significantly different meanings in English, Russian, French, and Spanish, hinging on one word—“*the*”—whose absence in English and Russian leads to the interpretation that Israel should return

[some of the] occupied territories, while French and Spanish versions arguably call for a return of [all] *the* occupied territories.² Noticed from the outset and neatly lining up with the respective countries' political stands, this discrepancy is only partly intentional since to align up meanings with the English original would have required negotiating additional clarifying words which were not part of the English text.

Anecdotal examples from other places and times abound. For instance, due to a mistranslation, journalists interpreted Pope John Paul II's farewell words to his compatriots in 1999 as an endorsement of Poland's membership in the European Union, instead of the European community he really meant. In 2005, six-party talks regarding North Korea's nuclear program were bogged down by the need to translate to and from English, Russian, Korean, Chinese and Japanese.

Since interpreting is one of the oldest professions, we can find anecdotes going back to the Tower of Babel, itself a metaphor crying out for competent intervention. For example, translation diplomacy was exercised, as was apparently the norm, in rendering to Queen Elizabeth the meaning of a letter from the Sultan of Turkey, in the late 16th century.³ The Sultan's exhortation to the Queen to demonstrate loyalty and subservience to him was translated in Italian as "sincere friendship." While this may well have been the gist of the formal message, because the Sultan may only have addressed his "friends" in this manner, and while the world may have been well served by the liberty translators took with the original text, we are left to ponder what is preferable in such situations—a literal translation alone, one accompanied by a cultural interpretation, or the one actually favored by diplomats at that time.

Though of lesser global import than negotiations among disputing nations, business negotiations among parties speaking different languages are both increasingly frequent and difficult. For example, at the White House Conference on Trade and Investment in Central and Eastern Europe (held in Cleveland in 1995) I interpreted talks between an American businessman and another country's representatives refusing to pay for services he had delivered. In that situation, by no means uncommon, my choice of words and of what to translate may have affected the outcome. Recognizing a need, how-to negotiation texts⁴ have responded with advice to business negotiators on handling such situations. They have warned, for example, that as English is fast becoming lingua franca, English speakers may be at a disadvantage: their counterparts may well be fluent in English and still insist on speaking through interpreters, to gain precious time as they think about their responses.

Communication is the currency of negotiation.⁵ "You say what you want, I say what I want and we go back and forth until we find a way to resolve our differences."⁶ Evolutionary psychologists have even argued that language emerged in response to early humans' need to enter into non-aggression or cooperative agreements to avoid mutual destruction through violent acts.⁷ Negotiators should, therefore, wish to have full control over the clarity and precision of words they use to convey interests, make offers and promises, persuade, or threaten; for the same reasons, they should also seek to understand precisely what others are telling them.

Ideally, then, negotiations are best conducted in one shared language. Even then, subcultures—geographic, professional, experiential, education- or age-related—yield vocabulary differences that impede communication in obvious and easily correctable ways, as well as in more insidious ways that leave parties unaware of their differences. One consequence is confusion between substantive disagreements and mere vocabulary differences, which may also fool parties into believing they disagree less than in actuality.

However, increasingly negotiators do not even share a language. When they do, their mastery levels may differ, undermining the ability to distinguish nuances, decode metaphors, or decipher cultural subtleties key to understanding the full import of what is said, or avoiding misunderstandings.⁸ Getting across exactly what we mean engages our ability to express our ideas in words, but also entails the listener's ability to decode our messages, a challenge that increases as parties communicate across language barriers. What recourse then?

Until electronic devices reach adequate sophistication,⁹ interpreters remain the answer. I will discuss the need for interpreters, how they operate, and how they interact with their clients. I will propose that, far from being a passive, inconsequential service, interpreting is active intervention. So it is important for negotiators to recognize it as such and to become aware of all the ways it can affect process and outcomes. Specifically, all involved tend to perceive the interpreters as being partial to, and acting on behalf of, the party whose native language they share. That perception generates a strategic space for interpreters interested in exploiting it—a "dark side" of this service because it is difficult to detect or control. I will also argue that the relationship between negotiators and their interpreters shares some, but not all, the characteristics of principal-agent relationships. Therefore, though it is typically not negotiated, maybe it should be.

Who Needs Interpreters?

The language of negotiations may be English, but each partner in the process thinks in his mother tongue, translates for his citizens in his mother tongue and consciously and subconsciously negotiates through his own cultural bias.

M.D. Halperin, 2003, referring to the Israeli-Palestinian conflict

For simplicity, in what follows I will refer to two negotiators, although the arguments extend to multi-party situations. Even when they do not share a native language, parties may still negotiate directly in a third language, or one of them may negotiate in the other's native language, depending on levels of fluency and comprehension. For example, Indians speaking different languages conduct their affairs in English. So do Palestinians and Israelis. Portuguese negotiators can negotiate in Spanish with Spanish counterparts. Dutch and German negotiators occasionally interact in German.

Typically, people's understanding of a spoken or written foreign language is better than their ability to express themselves in that language (though some instruction methods and some regions of the world do yield better speakers than listeners). Therefore, even when the parties can understand each other in a shared language, they may request an interpreter's assistance especially if the stakes are high and/or if precision is important, as in business negotiations, exchanges among scientists and engineers, conversations across different cultures, or discussions involving legal issues. Note that people's assessment of their own skill level in another language does not necessarily correspond to reality, and is not easily corroborated. Only their responses to direct questions that require precision may reveal misunderstandings. If neither party can understand the other's language or share a third, interpretation is obviously no longer optional.

Language is suffused with metaphors, old and new sayings, and cultural references transparent to native speakers, especially in the absence of geographic, professional or class differences. Some metaphors have become part of the vernacular, while we craft and use others intentionally, to clarify and to persuade, and to enhance the sense of what is shared and induce cooperation. Should we be forced to communicate without these linguistic adornments, we would feel ham-

strung and less able to convey precisely what we mean. However, these rich devices are the most difficult to export to another language, and may require interpreter assistance, assuming the latter understands such subtleties. Cultural differences embedded in language may cause misunderstandings even among seasoned professionals. One example is the US-Chinese diplomatic fallout of 2001 surrounding the proper choice of words to express regret for the collision of an American plane with a Chinese one.¹⁰ Although career diplomats share a professional subculture that overrides cultural particularities, languages still trap them in misunderstandings avoidable to some extent through capable interpretation.

The English language has become special in the last decades. People around the world study it in schools and wherever we go we have come to expect that others will understand and respond in English. In one telling example, a ten year-old boy in North Uganda gave an interview in excellent English about the plight of the local population to an NBC journalist.¹¹ One consequence of the penetration of English in the world's furthest recesses is that native English speakers see little need to become skilled in other languages. As a result, they are possibly disadvantaged in multi-lingual negotiations, needing interpretation while being transparent to their counterparts. It is quite likely that in negotiations involving native English speakers, other negotiators, whether they acknowledge it or not, have weak to excellent understanding and exploit their advantage.

Given their effect on negotiation process and outcomes, it is important to examine how interpreters become messengers, agents, or interveners.

What Do Interpreters Do?

Translation can provide semantic meaning, but not pragmatic meaning. Pragmatic meaning, however, is extremely important in diplomacy. Not being competent in the language of other nations, therefore, severely limits diplomats' and national leaders' ability to understand other nations and accurately predict the behavior of representatives of those nations.

William Gudykunst¹²

Interpretation ranges from literal renditions, which may fail to capture the spirit of what is being said, to conveying the gist and spirit of exchanges, using words that express the sense even if not entirely equivalent to the source.¹³ At times, literal translations are explicitly requested, as in US court depositions or appearances of non-English speakers. Sometimes the choice on the continuum between literal and interpretive translation is left to the interpreters, whose preferences are rooted in their professional philosophies.

If they have speaking fluency in one (usually native or strong second) language, interpreters can engage in one-way interpretation, as when simultaneously translating a speech to an audience. For instance, a host of UN interpreters translate simultaneously speeches delivered in one of a small number of official languages. Speaking fluency in two languages allows interpreters to perform two-way, semi-simultaneous (by turns) interpretation among parties. As stakes increase, so does the professional level of interpreters, who have to be fluent in the requisite languages, adhere to interpretation codes of ethics, and have a good grasp of intercultural issues that might crop up during negotiations, to help the parties distinguish between substantive and language differences.

When interpreters are present, it is often unclear whether a negotiator actually understands the other directly, and to what extent. The higher the stakes, the more prudent it is for parties not to negotiate directly in a language not their own, to reduce the risk of misunderstandings. Just as negotiators are well-advised to assume their opponents are at least as smart as they are, they should also assume

their counterparts have a working understanding of the language for which they are using interpreters, and never say anything they do not mean others to hear.

Although some professionals and some of their clients believe any mediator is able to intervene in disputes ranging from interpersonal to international, in practice knowledge of content, rules, and practices in specific contexts is necessary. The same holds for interpreters, as language can become quite specialized. Using technically equivalent terms different from those employed in a specific context can detract from negotiations by unnecessarily increasing the time spent on establishing the equivalence. It can also add a layer of misunderstandings in situations that hardly need any more communication obstacles. As well, interpreters' hesitation around choice of words attracts attention to their presence as parties attempt to help clarify context-specific terms. Professional interpreters prepare for assignments by reading their clients' literature and by bringing themselves up-to-date on issues to be discussed, in order to enhance the smoothness of cross-language interactions. It is not uncommon, for the United Nations interpreters for example, to specialize, and be repeatedly assigned to organizations or agencies whose issues and vocabularies they have learned.

Another challenge interpreters encounter as they try to convey the sense, intensity, intent and depth of their clients' conversations is mapping words and expressions from one language into another, while minimizing interference with the process to preserve to the extent possible the feeling of direct communication. In that sense, the more invisible they make themselves to negotiating parties, the more successful they are, not unlike other interveners such as mediators. Many interpreters do succeed in their quest for invisibility, the hallmark of skill, all the more reason for negotiators not to forget their presence or the impact they may have on process and outcomes. The interpreters' "dark side" is their hard-to-control capability of becoming active interveners or agents on one side's behalf, with a point of view on the substance of issues discussed during negotiations.

Interpreters may have no initial stake in the process or outcome of a multilingual exchange. However, if they develop preferences during negotiations, they can exercise them, without necessarily infringing on interpretation ethics. Selecting their location on the literal-interpretive continuum, choosing to render various utterances that may or may not be intended for translation, and conveying at will emotional cues may all predictably affect process and outcomes.

In the business negotiation example mentioned earlier, what the three negotiators were saying to the American businessman and to each other indicated they had no intention to honor their commitment and were not taking his complaint seriously. To convey this to the businessman, I chose a literal extreme, translating flatly everything anyone said. Had they specifically asked me not to translate parts of their conversation not directed at the businessman, I would have had to honor the request. However, as happens in such situations, they wrongly assumed where my loyalties lay,¹⁴ while their lack of knowledge of English robbed them of any measure of control. While partial comprehension of the other's language affords some oversight, it can also mislead. It still leaves room for interpreter discretion, but may cause the negotiator to second-guess and mistrust the interpreter even when this is unwarranted. It is important to note that my choice, as long as uniformly applied, was consistent with interpreter duties, as would have been any other choice along the literal-interpretive continuum, since interpreting means legitimately processing the raw input to render it comprehensible.

My example illustrates one way for interpreters to alter the negotiation outcomes. In general, such actions can affect the tenor of negotiations, mutual trust, good will, and the readiness to share information. While in direct negotiations the parties have some control over their own messages and can interpret in unmedi-

ated fashion what they hear, interpreters add noise not unlike “hearsay,” whether by design or by the very nature of the activity. They can distort meaning, not translate everything, or explain meanings beyond what a party has actually said or intended to disclose. They can choose to translate side comments or not, to explain or ignore emotional outbursts, and to convey fully or partially the intensity of words (as diplomats did for the Sultan’s message to Queen Elizabeth). Importantly, interpreters are fully aware of their power, and often of the effects of their choice of words. They act on others’ behalf and reflect on the art, science and ethics of their choices, as suggested by their intense discussions on these subjects at interpreter conferences.

Although generally perceived as having no personal stake in outcomes, interpreters may occasionally feel they do, or they may have an ideologically or identity-driven point of view and inclination to “help” one side. They may feel compelled to put a light finger on the scales, to tip them toward what they perceive as fair, all the while persuading themselves that it is the right thing to do (as I did during the business negotiation), and even part of their job. The more specialized they are, as professional interpreters working in high stakes contexts are, the more knowledgeable of substantive issues they become, and the more able to intervene skillfully enough that their actions are difficult to detect. However, interpreters may also exercise their power when they can persuade themselves that stakes are low enough that their action only matters to their client with no sizeable consequences for others. Instead of regarding interpretation as a neutral service, negotiators should be aware of its “dark side.”

Beyond the lack of one-to-one correspondence between languages, interpreters vary in their outlook on their profession, in skill, and in experience in specific contexts, so they are apt to render the same conversation differently. Communicating through interpreters amounts to letting them choose your words, a realization that might, and should, produce anxiety, especially if stakes are high. Both one-way and two-way interpreters are agents whom we entrust with our words while lacking full consent, quality control and trust—typical challenges in principal-agent relationships.¹⁵ I discuss next some aspects and implications of this relationship.

How Do Interpreters Interact With Their Clients?

LANGUAGE, n. The music with which we charm the serpents guarding another’s treasure.

Ambrose Bierce, satirist (1842-1914)¹⁶

Context matters in the interpreter-client relationship. Even subtle context differences may result in different challenges for the effort to convey meaning. Several situational characteristics shape interpreters’ role, including whether each party has its own interpreter, whether power and professionalism are in balance among parties, whether the situation is governed by rules and precedents and defines interpreting tasks precisely, and whether the interpreter is a “natural” stakeholder. Accordingly, interpreters are at times most like advocates, agents or interveners.

Advocate Roles

In situations of power and skill imbalance, the interpreter may end up advocating for the party for whom being misunderstood carries heavy consequences. Non-English-speaking clients may need help in communicating with service providers, to establish entitlements to assistance that hinge on an accurate understanding of needs. Then cultural interpretation is explicitly added to translation, whether volunteered by the interpreter or invited by the parties. The intervener switches then occasionally from translation to advocacy, and adds information to one party that

does not come from the other, but is necessary for clarity. At such times, it helps to ask permission from each party, and explain what information is offered to the other. For example:

Physicians talking to non-English speaking patients must understand their cultural attitudes toward illness or mental and physical handicaps, or risk fatal misunderstandings or a communication shutdown. For instance, to receive medical help, mentally ill patients have to accept it by recognizing their mental illness. I have had to translate physicians' requests for such recognition from people in whose culture this subject is taboo. Unable to bear the shame, one woman preferred to become homeless for two years, rather than agree that she had been mentally ill for years and needed treatment.

In turn, social services providers need interpreters to help educate clients on institutional arrangements, entitlements, and privacy issues. Some business negotiators used to practicing in other environments may have limited understanding of the consequences of misrepresenting the truth. Plaintiffs and defendants have similar difficulties in courts.

Lawyers' clients need assistance to overcome anxieties rooted in past experience, such as fear of authorities or feeling ashamed to find themselves in certain circumstances. One witness to a break-in at her neighbors' house had to explain why she had not called the police. The woman turned to me speechless, hoping I would understand and explain that, where she came from, calling the police was dangerous to the caller, and being seen talking to the police would cover the family in shame.

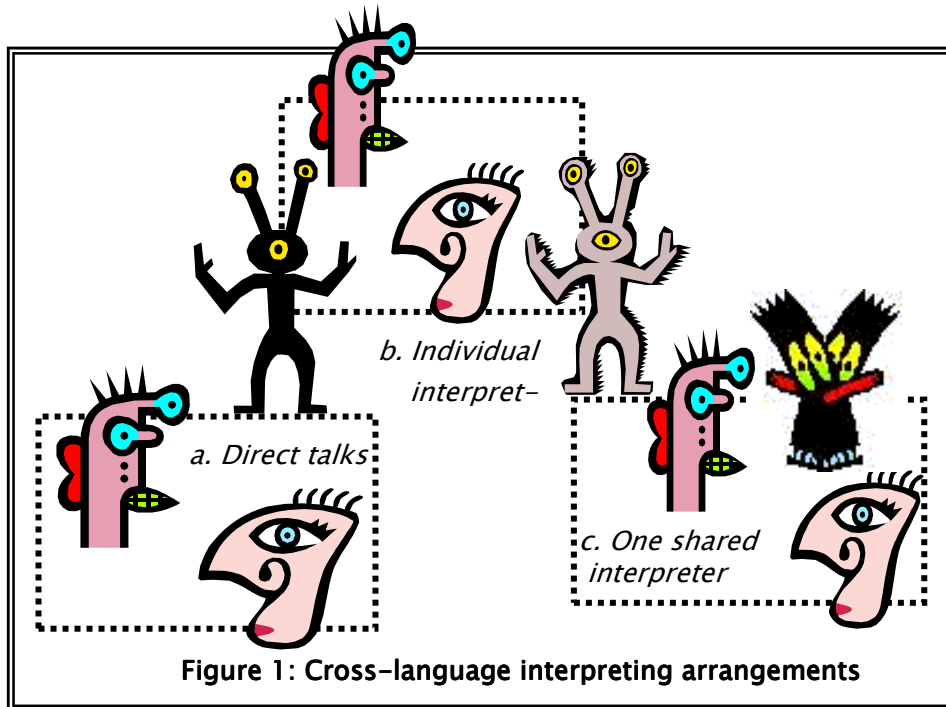
In many such asymmetrical power situations, interpreters mistakenly become the focus of attention of those with whom they share a native language. Assuming they share more than just language, clients seek and prize interpreters' understanding and approval, and any shame they feel is also relative to the interpreter. Misunderstandings about the interpreter role often crop up: during a deposition in a lawyer's office, a woman became annoyed with my asking her the clarification questions posed by the lawyer about a holiday custom, for which I clearly should have needed no explanation! In municipal court cases of drunk driving or spouse abuse, I am often treated to defendants' detailed disculpatory accounts, meant to improve my opinion of them. Despite my clarifications they often fail to register my role, my obligatory neutrality, the total lack of consequence of my opinions on the court, and the slim chance that we might ever meet again.

Agent and Intervener Roles

One-way interpreters (Figure 1) are comparable to agents, though formally at least, their representation of principals is limited to language and does not extend to interests. Jeswald Salacuse has captured the principal-agent relationship through four key elements:¹⁷ (1) A fiduciary relationship between agent and principal; (2) Control by the principal over the agent; (3) Action by the agent on behalf of the principal; and (4) Consent by both principal and agent to the agency relationship. While element 3 is relatively clear for interpreters and their clients, the fiduciary aspect, the degree of control over agents, and the recognition of agency are problematic.

Two-way interpreters (Figure 1) fit Rubin's definition of a third party: "an individual who is in some way external to a dispute between two other parties, and who interposes (or is interposed) between them."¹⁸ In principle, interpreters should be indifferent among outcomes in a multi-lingual negotiation, especially since evaluation of service quality does not (or should not) hinge on outcome content. This reinforces expectations (though not perceptions) of their neutrality. However, unlike other interveners, they do not participate in process design or

management. Their activities match closely those identified by Kaufman and Duncan as central to mediation: information (supply and) transfers.¹⁹



It is noteworthy that neither type of interpreter fits perfectly either the agent or the intervener role: each has both agency and intervention qualities. In general, the one-way interpreters may have no direct interest in outcomes, while the two-way interpreters may alternate as agents of each side.

Table 1 identifies some characteristics in which interpreters, agents, and interveners are comparable, since due to the interpreters' leeway in choosing words on behalf of others the impact of their activities exceeds their seemingly limited role in negotiations. The characteristics interact, so for example, interpreters exercise their power because they can become invisible to the parties, and lack of control over the quality of their work is the source of trust problems. All three modes of intervention operate through language and can exercise more or less directly some form of power over process and outcomes. The extent to which interveners and agents have responsibility for the outcomes of negotiation depends on the specific cases, whereas interpreters are never held responsible for agreements and their content. The "invisible" quality and the neutrality expectation are mostly intervention qualities, whereas the fiduciary responsibility, relationship recognition and client control are mostly agency issues.

Mediators are supposed to feel successful when parties believe they did everything themselves. Ingratitude is a compliment of sorts for the mediator's skill in getting the parties to own their decisions. Interpreters prefer invisibility for a different, though also skill-related reason—creating for the parties the impression of unmediated conversation. In contrast, as stakeholders themselves, agents are neither invisible nor do they seek to be. Invisibility, however, is the interpreters' ticket to their "dark side," as parties may forget they are not really hearing each other's words and are unable to control what the other hears.

Table 1: Comparison Between Interveners, Agents and Interpreters

	Mode	Interven- tion	Agency	Interpretation
Characteristic				
Language as key vehicle		Yes	Yes	Yes
Formal responsibility for outcome		Varies	Consid- erable	None
Power		Some (mainly over proc- ess)	Some (over process, content)	Some (over content)
Intervener-like	Premium on being "invisible"	Yes	No	Yes
	Parties' expectation of neutrality	Yes	No	Yes
	Input in process	Yes	Some	No
Agent-like	Input in outcome	Indirect	Yes	Indirect
	Fiduciary relationship	No	Yes	Partially
	Recognition of the relationship	Fully	Fully	Partially
	Client ability to control/supervise/evaluate	Strong	Variable	Very weak

Interpreters and interveners are expected to refrain from favoring a party through their actions. However, both negotiators perceive interpreters as having a special relationship with the party with whom they share a native language. Therefore, even in two-way interpretation, one party sees the interpreter as an agent of the other, who also perceives him or her to be “on their side” and to understand that side better. However, this relationship is assumed, rather than explicitly negotiated. The weaker the parties’ ability to verify the interpreter’s choices, the less wise is this assumption, as my business negotiation example illustrated. One-way situations stand in sharp contrast, because then interpreters can act like the agents they are perceived to be.

Unlike interveners and agents, interpreters do not typically have process input, beyond modest requests about the length of time a party can speak before the interpreter takes a turn. This does not mean their presence does not affect the process. On the contrary, the periodic pauses give the natural flow a choppy quality, but they add to each party’s time for reflection. Expression of emotions during negotiation is also impaired or somewhat misinterpreted. For instance, it is not

uncommon for English, Americans or Scandinavians to interpret the Mediterranean (rather louder) interaction style as angry and unruly when they do not directly understand the content of exchanges. As the meaning is delayed through interpretation, the impressions linger even after the absence of anger becomes clear.

Interveners' and agents' input in negotiated outcomes is purposeful even when indirect, and it is mostly legitimate and visible to parties who understand the nature of each. Interpretation, on the other hand, is not supposed to affect negotiated outcomes, having a different avowed purpose. Nevertheless, interpreters may affect outcomes by their word choices, either inadvertently, or purposefully, as the translators did for Queen Elizabeth. As in that case, such actions are all the more insidious when consistent with expectations: the Queen had little reason to doubt a sign of friendship she expected. She might have been surprised had she received the original exhortation to subservience.

The fiduciary relationship described by Salacuse²⁰ as a component of agency also characterizes interpretation. Negotiators do expect their words to be conveyed to the other side. Unlike with agents though, their ability to exert control and evaluate the quality of service received is rather limited, as are their means of inducing alignment of interpreters' interests with their own. More problematic still, perceptions are not necessarily aligned with this reality given both parties' tendency to assume interpreter partiality to the side sharing a native language. Interpreters thus operate in a more weakly controlled space than agents or interveners. They alone have a "dark side"—the capability to give free rein to biases or hidden agendas unless negotiators take steps to protect themselves, especially in high-stakes situations.

Conclusion

Between two beings there is always the barrier of words. Man has so many ears and speaks so many languages. Should it nevertheless be possible to understand one another? Is real communication possible if word and language betray us every time? Shall, in the end, only the language of tanks and guns prevail and not human reason and understanding?

Joost Merloo, psychiatrist (1903-1976)

Interpreters, with their mixture of agent and intervener attributes, can affect the dynamics and outcomes of cross-language negotiations through communication, the very vehicle through which they are conducted. They alter nuances, tone, emotions, and even content of arguments, adding to, or subtracting from, offers, threats and promises, in amounts and ways that hinge on skill, values, identities, and sometimes interests. Parties can exert only limited control over interpreters, who may be more responsive to their professional peers' evaluations and ethics codes than to the parties.

What is a negotiator to do? Awareness of the nature of interpretation, of its agency and intervention dimensions, of what can and cannot be expected from it, and of some dangers inherent in the activity should help mitigate some of the pitfalls. Rather than viewing interpreting as a neutral, mechanical service, negotiators need to recognize its centrality to negotiations and invest an amount of scrutiny in the selection of interpreters commensurate with their potential impact on process and outcomes. They should also seek to enhance their ability to control quality and neutrality. For example, in high-stakes situations, bi-lingual observers might provide a measure of control and even increased accuracy, given interpreters' sensitivity to peer opinions. Just as they prepare for negotiations, parties may consider preparing for the interpretation: meet with the interpreters before they

encounter their counterparts, discuss expectations, process, ways of enhancing precision and reducing ambiguities, and any concerns with the agency aspects of the relationship. Depending on their trust level, negotiators may or may not disclose to interpreters whether they understand the others' language and to what extent. For repeated encounters, negotiators should debrief each session to fine-tune the process and check for any misunderstandings that could not be ironed out in real time. If uncomfortable with service quality or unable to develop a relationship of trust in their agency, negotiators should not hesitate to seek other interpreters even in midstream.

Back to the ceasefire: in English, it means a total end of any act by one party that may be understood as aggressive toward the second party. In Hebrew, *hafsakat esh* means to Israelis that Palestinians must stop all attacks against them, but if Israelis have intelligence of a pending terror attack against them, they can and will act to prevent it. In Arabic, *hudna* means to Palestinians a temporary scaling down of hostilities against a true enemy until one can attack again. These differences are enough to torpedo any agreement after it is signed, and indeed we have already witnessed several rounds of just that. We learn the power and the weakness of words to be vehicles for understanding and barriers to it at the same time. We also learn that people pursue doggedly their own interests rather than the words that represent them, so no unifying words can bridge real and persistent differences. Interpreters can only do so much.

Endnotes

Translation of 1199 text of Maimonides to Shmuel ibn Tibbon, in LEO SCHWARTZ, MEMOIRS OF MY PEOPLE (1943).

¹ Micah D. Halperin, 2003.

² Shabtai Rosenne, *On Multilingual Interpretation*, 6 ISRAEL LAW REVIEW (1971), reprinted in THE ARAB-ISRAELI CONFLICT VOL. II: READINGS (J.N. Moore ed., 1974).

³ BERNARD LEWIS, FROM BABEL TO DRAGOMANS 28-29 (2004).

⁴ See, e.g., TRENHOLME GRIFFIN & W. RUSSELL DAGGATT, THE GLOBAL NEGOTIATOR: BUILDING STRONG BUSINESS RELATIONSHIPS ANYWHERE IN THE WORLD (1990); JEANNE BRETT, NEGOTIATING GLOBALLY: HOW TO NEGOTIATE DEALS, RESOLVE DISPUTES, AND MAKE DECISIONS ACROSS CULTURAL BOUNDARIES (2001).

⁵ See, e.g., COMMUNICATION AND NEGOTIATION (Linda Putnam & Michael Roloff eds. 1992); see also, Linda Putnam, *Communication and Interaction Patterns*, Chapter 44 in this volume.

⁶ ROY LEWICKI, ET AL., THINK BEFORE YOU SPEAK: A COMPLETE GUIDE TO STRATEGIC NEGOTIATION (1996).

⁷ STEPHEN PINKER, THE BLANK SLATE (2001).

⁸ BRETT, *supra* note 4, at 145-47.

⁹ State-of-the-art in machine translations (AltaVista's Babelfish) illustrate this point: The quote from Bismarck "When you say that you agree to a thing in principle, you mean that you have not the slightest intention of carrying it out." translated from English into French and back into English yields: "When you say that you agree in theory on a thing, you want to say that you stripped the lightest intention to carry it outside." Voltaire's "Better is the enemy of good" when translated from English into Russian, comes back into English as: "The more best enemy it is good."

¹⁰ Kevin Avruch, *Culture Apology and International Negotiation: The Case of the Sino-US "Spy Plane" Crisis*, 10 INTERNATIONAL NEGOTIATION 337, 339-41 (2004).

¹¹ *Dateline NBC: Keith Morrison's report on Northern Uganda*: (NBC television broadcast, Aug. 21, 2005).

¹² William Gudykunst, *Diplomacy: A Special Case for Intergroup Communication*, in *Communicating for Peace, Diplomacy and Negotiations*,¹⁴ INTERNATIONAL & INTERCULTURAL COMMUNICATION ANNUAL (1990).

¹³ The translations of UN Resolution 242 from English are close to the verbatim end of the range, since the wording had been negotiated. Rendering its sense would have necessitated introducing or eliminating words, requiring further negotiations. The parties chose to allow the ambiguity rather than renew negotiations, with consequences that still impact today's Middle East.

¹⁴ These negotiators perceived me as siding with them, on account of the shared native language. Therefore, they made comments they could not possibly have wanted understood by their American counterpart. For example, at one point they used a derogatory regionalism unfamiliar to me, to convey that their conversation with the American businessman was meant to accomplish nothing more than pass the time. After asking for clarification, I translated it. Having understood the futility of the negotiations, the businessman appealed to then-Secretary of Trade Ron Brown, present at the conference, who intervened successfully on his behalf.

¹⁵ See Jeswald Salacuse, *Law and Power in Agency Relationships*, in NEGOTIATING ON BEHALF OF OTHERS: ADVICE TO LAWYERS, BUSINESS EXECUTIVES, SPORTS AGENTS, DIPLOMATS, POLITICIANS, AND EVERYBODY ELSE (Robert Mnookin & Lawrence Susskind eds. 1999); see also Jacqueline Nolan-Haley, *Agents and Informed Consent*, Chapter 58 in this volume.

¹⁶ AMBROSE BIERCE, THE DEVIL'S DICTIONARY (1911).

¹⁷ Salacuse, *supra* note 15, at 158.

¹⁸ DYNAMICS OF THIRD PARTY INTERVENTION: KISSINGER IN THE MIDDLE EAST 5 (Jeffery Z. Rubin ed., 1981).

¹⁹ Sanda Kaufman & George T. Duncan, *The Role of Mandates in Third Party Intervention*, 4 NEGOTIATION JOURNAL 403 (1988).

²⁰ Salacuse, *supra* note 15, at 158.