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# Translating Legal Crime Fiction

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John Grisham's *A Time to Kill*



## ABSTRACT

This thesis identifies the translation difficulties that arise when translating legal crime fiction in general, and John Grisham's *A Time to Kill* in particular, namely legal terminology, dialect and sentence structure, and it examines the effect the possible solutions to these problems have on the target text. By analyzing the existing translation, published in 1993, it argues that the translator has been inconsistent, which suggests the use of a linear translation method. Overall, she has stayed exceptionally close to the source text, which at times has caused the target text to sound rather unnatural. Furthermore, because the different dialects are not maintained in the target text and because the domesticating strategy used for translating legal terminology has caused a number of semantic shifts, part of the setting and sense of the novel as a whole are lost. The choices of the translator can most likely be explained by her choice of target audience, which differs significantly from a modern target audience. The contrastive analysis between source text and published translation is followed by a fresh translation of one chapter from the novel, for which a contemporary target audience is created, and a translation strategy is formulated accordingly.

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## INTRODUCTION

When the time has come to start writing your master's thesis, most people already have a fairly good idea of the subject they want to explore. For me, this was most certainly not the case. When I started the Translation Studies program, I was convinced that I wanted to become a translator specialized in the translation of legal texts. As time went on, however, to my own surprise, I found myself becoming more and more interested in the translation of literature. As a result, coming up with a subject for my thesis was hard: my interests were all over the place, and narrowing those interests down to a single text seemed like a hopeless task. Finding the perfect book happened completely unexpected when after a simple internet search of a friend of mine, John Grisham popped up. Out of nowhere, I had found everything I wanted: a novel, a legal aspect, and to top it all off, an American writer and setting. Obsessed as I am with everything that has anything to do with the United States, it seemed meant to be.

A quick search revealed that the first and only translation of John Grisham's *A Time to Kill*, created by Maaïke Bijnsdorp, dates from 1993. Given the current craze surrounding the legal genre, as shown by the immense popularity of series such as *Suits*, it is not hard to imagine why a new translation might be needed. After all, the modern, globally-oriented target audience of today likely has different demands and needs than the target audience of twenty-four years ago. In this thesis, I will therefore analyze the existing translation and ultimately create a fresh translation myself. In doing so, the issue of legal terminology will be the main focus. However, since the novel also poses a significant number of other translation problems, these will be explored as well. I will be guided by the following question:

what translation problems with regard to legal terminology occur in John Grisham's *A Time to Kill*, what other translation problems does the novel pose, how did the translator of the existing translation solve these

problems, what are the effects of the choices she made, and how could these problems be dealt with in the new translation?

The first chapter of this thesis will focus on identifying the characteristics of the legal crime fiction genre. In the second chapter, *A Time to Kill* in particular will be looked at in more detail by means of a translation-oriented analysis. Chapter three will then discuss the issue of translating legal terminology as well as other translation problems and will provide possible solutions to these problems. In the fourth chapter, the existing translation will be compared to the source text to see how the problems identified are dealt with by the translator and what effect those choices have had. After a discussion of the findings in an overall conclusion, a fresh, revised translation of one chapter of *A Time to Kill* will be provided.

## CHAPTER 1: LEGAL CRIME FICTION

Before anything can be said about the translation of legal crime fiction, or legal thrillers, one must decide what a legal thriller actually is. The first chapter of this thesis will therefore investigate the definition of the legal thriller and identify its stylistic characteristics. After these characteristics have been identified, a few general comments are made on the specific challenges that arise when translating legal crime fiction with regard to legal terminology. The position of the genre in the literary world will also briefly be discussed.

### DEFINING CRIME FICTION

Defining the legal thriller proves to be a challenging task, since disagreement exists among critics even when it comes to defining the much broader genre of the thriller itself. Whereas some believe thrillers should be regarded as a subcategory of crime fiction and therefore a genre of its own, others believe it should be seen as an umbrella term for several different kinds of crime fiction, such as detective, spy and legal fiction (Pringle 9). Regardless of what definition one believes is right, legal thrillers are undoubtedly part of the crime fiction genre, a genre that has been popular for decades.

Starting in the 16<sup>th</sup> century, European writers used real, existing criminals and trials as inspiration for their non-fictional stories (Robinson 1). In the 18<sup>th</sup> century, French lawyer Francois Richer paved the way for the modern crime story when he added suspense to his works (Robinson 2). Furthermore, in the same century, inspired by the famous Edgar Allen Poe, writers also started adding fiction to their stories (Robinson 2). The increasing crime rates and rapidly developing police forces that were a direct result of quickly growing cities led to more important changes: criminal heroes were replaced by detective heroes and settings were changed from small-town America to big-town America (Robinson 3, Pringle 16). All these developments ultimately resulted in works that were known as detective

fiction.

While the modern crime story did indeed develop from this earlier detective fiction, the genre has changed over time and differs from its predecessor in various ways. In his article "The Thriller", published in *the Cambridge Companion to Crime Fiction*, David Glover elaborates on the most important differences between the early detective story and the modern thriller:

[T]he thriller was and still is marked by the way it persistently seeks to raise the stakes of the narrative, heightening or exaggerating the experience of events by transforming them into a rising curve of danger, violence or shock.  
(137)

In other words, it is the significant buildup of suspense that defines modern crime fiction and clearly sets it apart from earlier forms of detective fiction.

Still, there is more to be said about crime fiction. In order to further characterize the genre, the following three elements will be discussed: theme and setting, plot, and style.

### THEME AND SETTING

In their article "Familievete?", crime writers René Appel and Charles den Tex provide a general overview of the differences as well as similarities between crime fiction and literary fiction by describing the way theme, plot and style are characterized in both genres. They state that there is a major difference in the way literary fiction and crime fiction go about their theme: in literary fiction, the theme is critically important to the story and leads to almost philosophical reflection on the world, human beings, life, and the self (15). In crime fiction, on the other hand, the theme is less important: it is explored in a more superficial way and merely serves a background role and as such, is not important to the story itself (15, 16). Interestingly enough, Appel and Den Tex also note that crime novels often use contemporary



events and social problems as the core subjects of their stories (25). While these two statements may seem contradictory at first, it is entirely possible for a novel to meet both rules. After all, even if a plot revolves around a contemporary social problem, this does not automatically mean it explores that issue in depth.

While theme is completely independent from the plot, the reverse can be said about setting. Explaining the difference between crime thrillers and detective novels, the late crime writer and poet Julian Symons argues that “setting [...] is often central to the atmosphere and tone of the story, and frequently is inextricably bound up with the nature of the crime itself” (Scaggs 107). In other words, setting not only serves an important role as a tone setter, but also frequently determines the very plot itself.

## PLOT

According to Appel and Den Tex, while literary writers generally see the presence of an obvious plot as a sign of weakness, for crime writers, the reverse is true: the plot *is* the story (17, 18). There simply cannot be a story without a plot. As far as plot details go, perhaps unsurprisingly, works of crime fiction “are always about criminal activity, and focus around a single hero: it is this combination that is their defining feature” (Pringle 10). As discussed before, in the case of legal crime fiction, this hero comes in the form of a lawyer. The Wikipedia definition of the legal thriller gives a more detailed characterization:

The legal thriller is a subgenre of thriller and crime fiction in which the major characters are lawyers and their employees. The system of justice itself is always a major part of these works, at times almost functioning as one of the characters. In this way, the legal system provides the framework for the legal thriller much as the system of modern police work does for the police procedural. [...] Usually, a lawyer or someone associated with the

law takes on the legal system, often putting their own lives at risk. John Grisham and David Baldacci are well-known in this category.

Thus, the judicial system plays a major role in works of legal crime fiction. Novels in this genre, including those written by Grisham, therefore naturally contain a significant amount of legal terminology. This legal terminology can be regarded as culture-specific elements where conventions are concerned, or pragmatic elements when the readers' foreknowledge is challenged, and is therefore a characteristic that generally poses challenges for translators of these works.

As discussed before, another characteristic of the legal thriller is the buildup of suspense. David Glover claims that there are two major ways in which this is realized:

On the one hand, the scale of the threat may appear to be vast, its ramifications immeasurable and boundless. Thus, the thriller trades in international conspiracies, invasions, wholesale corruption, serial killers who threaten entire cities or even nations and this remains the case even where the tone is relatively lighthearted or facetious. [...] On the other, the thriller unsettles the reader less by the magnitude of the terrors it imagines than by the intensity of the experience it delivers: assaults upon the fictional body [...], the inner world of the psychopath or monster. (138)

In other words: works of crime fiction are about great threats, and make the reader experience these threats intensely. Surprisingly, then, Grisham's books are generally considered suitable for younger readers. In fact, Mary-Beth Pringle goes as far as to say that in a Grisham novel, "violence isn't particularly bloody" (7). These contradicting statements will be explored further in chapter two, where *A Time to Kill* will be examined in more detail.

## STYLE

Regarding style, Appel and Den Tex state that crime fiction is usually characterized by a simple, direct style containing few metaphors, yet many dialogues (19). The next chapter will examine to which extent this simple style is applied in *A Time to Kill*. Another characteristic is the occurrence of direct transfer of emotions from the character to the reader, with important (parts of) sentences that deal with emotions often italicized (19). There are many examples of this type of direct transfer in *A Time to Kill*, such as on page 254, where the reader is given a rare look inside Tonya's paranoid head: "She knew they were up there, waiting for everyone to go to sleep so they could come down and take her back to the woods." Another example is found in a passage where Jake feels guilty for the attack on his secretary's husband: "Yes, they seemed to say, it was all his fault" (314).

### LEGAL CRIME FICTION IN TRANSLATION: THE ISSUE OF LEGAL TERMINOLOGY

Although research has been conducted on the translation of literary fiction, there seem to be few academic sources regarding the translation of crime fiction or legal crime fiction. What is more, the few scholarly articles that have been written on the topic focus on issues that arise in different types of crime fiction than that written by Grisham and similar authors. The problem lies in exactly that: the enormous variety within the genre makes it hard to make general statements, so critics narrow their research down to a specific type of crime fiction. K. Seago recognizes this variety in his article "Introduction and Overview: Crime Fiction in Translation", in which he identifies the key features of various kinds of crime fiction and explores how these genre-specific characteristics and resulting challenges impact and shape translation strategies. Although his focus ultimately is not on the translation of legal crime fiction, he does identify the most important challenges posed by translating police procedurals, saying that:

Police procedurals work in the realistic setting [...] with a focus on institutional procedures, team dynamics and the requirements of the professional context, foregrounding legal terminology, institutional phraseology and in-depth understanding of the country's law enforcement frameworks from police ranks to the criminal justice system as highly culturally-specific translation challenges. (5)

Since the genre-specific characteristics of police procedurals closely resemble those of legal thrillers, this statement can be directly applied to the genre of legal crime fiction. With that observation, legal terminology could be considered one of the most important challenges of translating legal crime fiction. Speaking about the broader genre of crime fiction, Seago then elaborates more specifically on the role of the translator:

So, to a greater or lesser degree, depending on sub-genre, the crime translator needs to create a believable and nuanced cultural and professional setting, handle a range of voices, register, dialect, slang and swearing to evoke distinct characters within their social context, location and interaction with each other, convey a sense of social norms and any deviation from conventions or what would be expected, and achieve verisimilitude with credible experts, professionals, suspects, witnesses, criminals and incidental characters. (5)

Depending on whether or not the specific characteristics mentioned play a role in the sub-genre at hand, Seago thus claims that these are the goals translators should aim for when translating crime fiction. In chapter three of this thesis, a critical investigation will determine which of these goals are relevant for *A Time to Kill*.

## POSITION OF THE LEGAL THRILLER IN THE LITERARY WORLD

Before moving on to the next chapter, the position of the legal thriller in the *literary world* will be briefly discussed. In the book *Thriller versus roman*, a selection of essays by different authors and critics is presented discussing the position of crime fiction as opposed to that of literary fiction. In his article "The Pecking Order", American mystery writer J. Madison Davis talks about the way novels are labeled and consequently judged by both the public and publishers. He states that although labeling novels is predominantly a marketing strategy that does not necessarily say anything about the quality of writing, many literature fanatics do claim that labels are about quality and that the writing in literary novels is simply better than that in other novels (108). Any genre other than literary fiction is therefore seen as inferior by a part of the public as well as a significant number of literary writers (106). Davis elaborates: "Crime and mystery novels [...] are regarded as acceptable guilty pleasures, the kind of thing you are allowed to do when you are not up to doing anything substantial" (107).

This idea is shared by Dutch crime writers René Appel and Charles den Tex. In their article "Familievete?", they argue that writers of crime fiction feel that their genre does not receive the same respect and is not valued as highly as literary fiction (13). They take it even further by saying this actually goes both ways. According to them, some crime writers think literary fiction generally contains too much "hoopedoodle", or unnecessarily difficult sentences and descriptions (13, 14). Literary writers, in turn, often criticize crime fiction for its purely entertaining function and argue that crime novels are primarily meant for younger, immature readers (14). These sources demonstrate the idea that crime fiction does not hold the same respectable position as literary fiction. Nevertheless, crime fiction is in fact one of the most popular genres. There are many possible explanations for this popularity, but the most plausible one is that the genre is easily accessible, a characteristic that is also responsible for its low-class reputation; the simple style, purely entertaining

function and light subject matter that cause people to criticize the genre, at the same time make it easily accessible to the public. This is an important observation to keep in mind in the translation process, as this easy accessibility has to be maintained for the target audience.

## CHAPTER 2: JOHN GRISHAM AND *A TIME TO KILL*

According to Christiane Nord, every translation process should begin with an analysis of the source text, which will ultimately highlight the translation difficulties that may arise during the translation process (146). Since this thesis focuses not only on the issue of legal terminology, but also explores other possible translation problems, this chapter therefore takes the form of a translation-oriented analysis of the source text, in which its most important characteristics are identified and it is determined whether or not these are in agreement with the general characteristics discussed in the previous chapter. For the analysis, the same three elements that were explored in chapter one are discussed, namely plot, theme and setting, and style. To make sure the analysis makes sense, background information on John Grisham and a short plot summary of *A Time to Kill* are provided.

### JOHN GRISHAM

John Grisham was born in 1955 in Jonesboro, Arkansas and spent his early childhood moving from place to place through the South with his family, consisting of himself, his parents and four siblings.<sup>1</sup> After graduating from Mississippi State University with a major in accounting, Grisham attended law school at the University of Mississippi, graduating in 1981. He proceeded to have a successful career as a lawyer, opening his own practice and winning a few impressive cases, first in criminal and later in civil law. Aside from his legal profession, out of a desire to help improve education in the state of Mississippi, Grisham also decided to go into politics and subsequently served as a member of the Mississippi state senate for six years. While still continuing his legal and political careers, Grisham started writing novels while on secret trips he made with a friend. The first book he ever wrote was *A Time To Kill* in 1989, which will be discussed in more detail later in this chapter.

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<sup>1</sup> The following information about the life and career of John Grisham is drawn entirely from the book *John Grisham: A Critical Companion* by Mary Beth Pringle.

Perhaps surprisingly, this first novel was actually not a great success. His second book, *The Firm*, on the other hand, certainly was. It was made into a movie and was translated into twenty-seven different languages. Because of this success, Grisham could finally say farewell, for the most part, to his legal career, which he had not been able to get much enjoyment or satisfaction out of. It did not take long until his third novel, *The Pelican Brief*, came out, which paralleled the success of its predecessor, selling millions of copies. Because of the popularity of these two novels, *A Time To Kill* was republished, this time significantly more successful than originally. Grisham went on to write many more legal thrillers, most of which immensely popular. Although he still occasionally practices law, it was his radical career switch to writing that has made Grisham a wealthy man. Even still, although his financial success has allowed him to purchase a spacious Victorian farmhouse, including “a swimming pool, tennis and croquet courts”, Grisham and his family continue to live an otherwise relatively *normal* life, rarely leaving their beloved South. (1-4)

#### PLOT SUMMARY

*A Time to Kill* is set in the fictional town of Clanton, Ford County, Mississippi. After two drunken young white men violently rape and attempt to kill ten year old African American girl Tonya Hailey, her father Carl Lee shoots and murders the two men before they can even face trial, accidentally also shooting, though not killing, the deputy sheriff. Carl Lee is charged with capital murder, which carries the death penalty, and calls in the help of family friend and young *street lawyer* Jake Brigance, who decides to take on the case in the hopes of receiving good publicity. As the news of a black man killing two white men travels, the press sets camp in Clanton and the town turns into a media circus. While Jake prepares for the trial, working on his defense of insanity, racial tension grows in the town of Clanton, the state of Mississippi, and even nationwide. The NAACP takes an interest in the case and the KKK makes an appearance, developments that slowly turn the town into a battle



field, with Jake even surviving two assassination attempts. The National Guard are eventually called in to protect the town. After a hard and tiring trial, in which Jake successfully discredits the state's psychiatrist and delivers an incredible closing statement, after long deliberation, the primarily white jury returns the verdict: not guilty.

#### *A TIME TO KILL – PLOT*

In the previous chapter, it was found that legal crime fiction is always about criminal activity and focuses around a hero in the form of a lawyer. This statement proves true for *A Time to Kill*, in which the criminal activity is both shaped by the two men raping a young girl and, perhaps more importantly, by the girl's father shooting and killing the two men. The single hero comes in the form of lawyer Jake Brigance, who fights for justice to prevail. It was also determined that the judicial system plays a major role. This system indeed without a doubt forms an important part of the novel, as the reader *experiences* the system step by step in exceptional detail as the story goes on: docket call – preliminary hearing – arraignment – pre-trial preparations and motions – the trial itself. This results in an abundance of legal terminology and, consequently, a significant number of culture-specific elements. These culture-specific elements are terms that refer and are specific to parts of the United States legal system. Examples include the earlier mentioned docket call and preliminary hearing, specific crimes, and different types of courts and juries, such as Supreme Court and Circuit Court, and grand jury and trial jury. These culture-specific elements will be dealt with further in chapter three of this thesis.

Another characteristic of crime fiction is that it contains a strong buildup of suspense, which is established in two ways: a great threat that has significant consequences, and an intense experience of the terrors it describes. In *A Time to Kill*, these two ways of adding suspense are definitely present. While there may be no "threat" per se, the issues at hand in the story do seem to have implications that go beyond just local consequences. The story is not just about a guy killing his

daughter's rapist; it is about racial inequality and about justice for people of color not just in Clanton, but nationwide. The story implies that whatever the verdict is, it will impact the struggle for racial equality everywhere. The novel even literally mentions this: "The trial would be a battle cry for black and oppressed folk everywhere" (232). As for the "intensity of the experience", it is clear that this element, too, is present in *A Time to Kill*. The violent acts in the novel are described in great length and with great precision, not leaving out a single of the most gruesome details. To answer the question posed in chapter one regarding whether or not the novel is suited for younger readers, although it is hard to make such statements, it would seem that this is certainly less the case than Mary-Beth Pringle suggested. In any case, her idea that "violence isn't particularly bloody" (7) without a doubt proves false.

#### *A TIME TO KILL – THEME AND SETTING*

Racial inequality seems to be the major theme in *A Time to Kill*. While the novel, like most other crime novels, is primarily plot-driven, its theme is still heavily intertwined with said plot, as racial inequality is at the core of any and all parts of it. This contradicts the assumption that in crime fiction, theme serves a background role and is not important to the story itself. This importance of the racial theme extends to the issue of setting. *A Time to Kill* is set in a fictional town in Mississippi, a setting that is critically important since it is at the core of the racial problems that the story revolves around. After all, the racial inequality and other racism issues that form the center of the novel are stereotypical for the kind of small, Southern town the fictional Clanton represents. Had the story been set in a more progressive or more contemporary place, the theme and plot of the novel would have hardly made sense. This is in correspondence with the words of Julian Symons as quoted in the previous chapter, who said that "setting [...] is often central to the atmosphere and tone of the story, and frequently is inextricably bound up with the nature of the crime itself" (Scaggs 107).

## *A TIME TO KILL – STYLE*

To be able to say something about Grisham's style in *A Time to Kill* in an organized way, a stylistic analysis will be performed using a checklist found in the textbook *Style in Fiction* by Geoffrey Leech and Mick Short. In chapter three of their book, Leech and Short provide a list of questions that can be used when analyzing the style of a text. The questions are organized into four main groups: lexical categories, grammatical categories, figures of speech, and context and cohesion, which are then subdivided into several different categories. Every category, in turn, contains a number of questions. Because a discussion of every single question would take too long, the findings will be summarized per main category. Furthermore, only the first two out of the four categories will be discussed, since most of the findings in those two already covered the questions asked in the last two categories. A complete version of the questions can be found in the appendix. The chapter that will be analyzed is chapter thirty-five.

### LEXICON

While the vocabulary used in this chapter at times is relatively simple, sentences are mostly relatively short, and the language is quite *standard*, all of which concurs with the information in chapter one of this thesis, where it was determined that crime fiction is usually characterized by a simple style, there are actually numerous noticeable exceptions. Most importantly, the vocabulary used in the dialogues differs significantly from that used outside of the dialogues. As lawyers, Rufus Buckley and Jake Brigance use a specific register when they talk inside the courtroom. The language they use is formal, to the point and can sometimes be considered jargon. The same can be said about Judge Noose. Witness Cora Cobb, on the other hand, is an uneducated redneck who uses a completely different kind of vocabulary. Furthermore, her clearly deviating speech contains incorrect spelling, an example of which is her use of the word "kilt" instead of "killed" on page 404. Different registers

can actually be found throughout the entire book, with lawyers using conventional jargon associated with the law, Ford County locals using a Southern dialect, and black people speaking in a Black Southern dialect. This way, different characters are characterized by different dialects.

While these dialects are most noticeable when looking at the dialogues, differences in language are also present outside of the dialogues. On page 399, the reader indirectly learns, through Jake, what Buckley says in his opening statement. In this statement, Buckley tries to make the case seem even bigger than it already is by using exaggerated language:

He started by thanking the jurors for their sacrifices, for their citizenship [...]. He was proud of them and honored to be associated with them in this most important case. [...] He expressed fear at this awesome responsibility that they, the people, had given to him, Rufus Buckley, [...].

He later also addresses the jury as “The Twelve Chosen Ones”. These intentional exaggerations are established by the vocabulary he uses, amongst others, which also gives the passage a rather sarcastic tone. The narrator ever so deliberately refers to it as “refined and polished garbage” (399). Right after this passage, the focus of the narrator shifts to a more serious issue and, consequently, the vocabulary and tone become more formal.

To summarize these findings, throughout the book, vocabulary and tone constantly change, influenced by both the subject at hand and the character talking or being addressed.

#### GRAMMAR

Generally, sentences in this chapter are short, simple, and predictable in terms of their syntax, namely subject – verb – indirect object – adverbial clause. Whenever sentence structure is more unpredictable or sentences are longer, it seems like this is

done deliberately in order to establish a certain effect, e.g.:

Buckley was master at convincing the jury, right off the mark, during the opening statement, that it was up to them, He and The Twelve Chosen Ones, to search diligently for the truth, together as a team, united against evil. (399-400)

This sentence is longer than most other sentences and does not follow the same, simple structure. It is made up of multiple small clauses, linked together through an astonishing number of seven commas. This abundance of commas makes the sentence seem even more complicated. This way, it serves as a metaphor for Buckley's opening statement, which Jake seems to think is also unnecessarily complicated and stretched. This is just one example of many instances where sentence length, structure and content seem to be intertwined.

Another notable feature in this chapter as well as in the entire book, is the use of what one could refer to as *semi-quotes*. In this particular chapter, they appear when Jake repeats, as it were, the words Buckley uses in the courtroom, two examples of which are "Again, he was their lawyer" (399) and "There's no excuse, ladies and gentlemen, for any of this violence. The verdict must be guilty" (401). These are not quotes, but they are not statements, either. The reader hears the exact words Buckley uses, as if they were said by himself, except through the eyes of Jake.

Grisham has a tendency to omit subjects and verbs from coordinating conjunctions. Two examples are "She finished the article and walked to the bay windows in the breakfast room overlooking the beach, and then the ocean" (397) and "It was refined and polished garbage, and objectionable" (399). In both cases, there is no distinct mention of the subject, which has to be traced back all the way to the beginning of the main clause, and there is also no verb, which has to be assumed by the reader. This happens multiple times throughout the text and can therefore be seen as a clear characteristic of the style in this chapter and this novel.

As mentioned in the lexicon section, the language used in the dialogues differs from that used outside of the dialogues because of different registers and dialects. This obviously also has implications on the grammar level. In the dialogues outside of the courtroom, characters sometimes talk with a (Black) Southern dialect and do not always follow the conventional rules of grammar. This leads to the use of contractions such as “what’d” (405), “dammit” (407) and “ain’t” (408), the use of exclamation marks and to condensed sentences, like “Cardinals are three games out” (407), in which the article “the” is left out. In the dialogues inside of the courtroom, on the other hand, the rules of grammar are always followed. In fact, the language used is so formal that it often even seems grammatically archaic. An example can be found on page 410: “I ask that the question be stricken from the record and the jury be instructed to disregard it.”

To summarize these findings, sentence length, structure and content appear to be intertwined, *semi-quotes* are a recurring characteristic, coordinating conjunctions are often condensed by leaving out subject and/or verb, and grammar differs greatly between dialogues, determined by the dialect or jargon used by the participants: dialogues outside of the courtroom are sometimes ungrammatical and contain contractions, exclamation marks and shortened sentences, while dialogues inside of the courtroom are characterized by overly correct, perhaps even archaic grammar.

## DIALECT

The issue of dialect deserves a short separate mention, as it plays such a big role in this novel. As pointed out in the stylistic analysis, different registers and dialects are present throughout the entire book, deviating both lexically and grammatically from the standardized language. These dialects reflect the racial and social differences between the characters, which, as discussed earlier, are critically important to the theme, setting and plot of the novel, three elements that are heavily intertwined in *A Time to Kill*. The next chapter will focus more on the challenges these dialects pose in regard to the translation process.

### CHAPTER 3: TRANSLATION PROBLEMS AND SOLUTIONS

Based on the analysis carried out in the previous chapter, this chapter will focus on the translation of legal terminology as well as discuss other translation problems that may arise when translating *A Time to Kill*. In addition to legal terminology, the two categories of translation difficulties that will be discussed are difficulties caused by the presence of different dialects, and those caused by sentence structure. Besides explaining how these elements can cause problems in the translation process, it will also provide possible solutions to these problems as well as reflect on which of the solutions would best be used in the revised translation later on. In order to do this, the new target audience will briefly be reflected on and it will be decided what general goals should be set for the revised translation. Subsequently, the goals set by K. Seago discussed in chapter one will be reflected back on to see if and how they correspond to the new goals.

#### TARGET AUDIENCE AND TRANSLATION GOALS

Although it is difficult to make general statements about the target audience since it is expected to be diverse, what *can* be said with a certain degree of certainty, is that a contemporary audience is generally globally-oriented and has easy and quick access to information on the web. This could prove important if the question of prior knowledge comes up.

When translating legal crime fiction, it is important to realize that novels written by actual lawyers are particularly popular, for one because readers think stories written by an expert in the field have a more authentic feel (Pringle 20). Readers apparently love the ingeniousness and appreciate the detailed, expert knowledge that lawyers put into their works. This means preserving this authenticity in the translation should be one of the main goals when translating legal crime fiction.

In chapter two of this thesis, it was shown that racism or racial inequality in

(the legal system of) the United States is the most important theme of this novel. It was also shown that this theme heavily relies on the specific setting of the book since the setting is at the core of the racial problems that the story revolves around. In order to preserve the theme and the sense of the plot, it is therefore critically important to maintain the original setting. Preserving the American setting is therefore the second main goal when translating *A Time to Kill*.

Based on the previous information, in which accuracy and setting have been determined as the most important factors that have to be preserved in a translation of *A Time to Kill*, and keeping a contemporary target audience in mind, a general strategy for the translation of the novel can be determined: the overall strategy that would best be used is a foreignizing strategy, in which elements that are foreign in the target language ideally remain foreign instead of domesticating them to *blend in* with the target language. Although such a strategy ensures accuracy as well as a preservation of the original American setting, it carries the risk of creating a text that is too complicated for readers to understand. In order to avoid this, it is important to determine to what degree the semantic meanings of terms are known to the target audience and how important those meanings are to the plot of the novel. The next subchapter on legal terminology will explore this approach in more detail.

In chapter one of this thesis, K. Seago's goals for the translation of crime fiction were discussed. It can now be said that these goals indeed do partly resemble the goals set here, as they, too, place an emphasis on believability and authenticity. Geographical setting is not mentioned as such, but considering that is a highly text-specific problem, this is not unsurprising.

Now that the goals and strategy for the translation have been set, the issue of legal terminology as well as other expected translation problems and their possible solutions can be discussed. For every translation problem, it will be indicated which option would best be used in the revised translation by determining the effects of the possible solutions.



## LEGAL TERMINOLOGY

In the previous chapters, it was demonstrated that *A Time to Kill*, like all legal crime fiction, contains an abundance of legal terminology and that this forms one of the most important challenges of translating legal crime fiction. In his article “Juridisch vertalen: het overbruggen van verschillen tussen rechtsculturen en rechtssystemen”, expert in law and translation Gerard-René de Groot talks about the difficulty of translating legal terminology, something he refers to as legal language. According to De Groot, there are several different kinds of legal jargon even within a single language (16, 17). This means that translating a legal text is not just about translating one language into another language, but more importantly about translating one legal language into another legal language (17). Building on this knowledge, De Groot argues that the difficulty of translating a legal text increases when the judicial system of the target language differs from that of the source language, claiming that finding matching terms for the translation can be hard and sometimes even impossible (17). Although it has to be noted that De Groot in his article specifically talks about the translation of legal documents while this thesis deals with the translation of a legal thriller, his statement holds true nonetheless and remains important to consider. After all, the American judicial system differs significantly from the Dutch judicial system and as a result there are many terms in *A Time to Kill* that describe or refer to elements that are exclusive to the system of the source language. These culture-specific elements, or CSEs, pose challenges in the translation process and should therefore be thoroughly discussed before starting the actual translating.

In his article “De vertaling van realia”, Diederik Grit presents an overview of translation strategies that can be used when translating CSEs, or realia, as he refers to them. He states that choosing the best strategy depends on a few factors, including text type and target audience (190). Although a general strategy for the translation of *A Time to Kill* was already decided on, in order to be as thorough as possible, these

factors mentioned by Grit will still be briefly discussed. Regarding text type, while novels according to Grit do not ask for a semantically perfect translation, saying that a reference to a legal article code, for example, would typically disappear in the translation of a novel (190), legal thrillers such as *A Time to Kill* ask for a somewhat different approach. In the beginning of this chapter, it was decided that one of the main goals for the translation of this novel is to preserve its authentic details. The only way to preserve these, is to make sure the translations of the legal terms are completely accurate. Funnily enough, the two main goals a text can have according to Grit are *either* to convey accurate information, *or* to realize a certain setting (190). In *A Time to Kill*, both of these goals are actually equally important. After all, maintaining the original setting and creating a completely accurate, authentic translation have been determined as the two main translation goals.

When it comes to target audience, prior knowledge seems to be the key consideration. Grit distinguishes between readers without any prior knowledge, interested readers with (some) prior knowledge, and experts (191). It is reasonable to assume that people who choose to read American legal fiction are at least somewhat interested in the American legal system. Predicting their level of prior knowledge, on the other hand, is difficult. It is safe to assume, however, that a contemporary, globally-oriented audience would likely be glad to investigate those terms that they are not familiar with or do not recognize. At the same time, it was discussed earlier that crime fiction is popular because of its easy accessibility. Continuously having to look up unfamiliar terms will likely have a negative effect on this accessibility and should therefore be avoided.

Given these considerations, although it appears the earlier chosen general strategy of foreignization is indeed the right way to go and this general strategy should be kept in mind when translating CSEs, the most desirable translation option should always be carefully determined for every case individually. For doing so, Grit presents eight possible solutions:

- maintain the original term
- use a loan translation
- use a close-to equivalent
- describe or give a definition of the term in the target language
- use a core translation
- use an adaptation
- omit the term
- a combination of the above

(192-93)

To show that deciding on the best option is case-specific, a few examples are provided below:

To start with, using a foreignizing strategy means that many terms without a Dutch equivalent or close-to equivalent might best be left untranslated, if such a decision does not lead to a loss of vital information for the target audience. An example is the translation of the term “Circuit Court” in the following passage on page 88:

A fat pitch, one Jake was hoping for. The grand jury would either indict him or not, and the grand jurors would not be selected until Circuit Court convened on Monday, May 27.

In this case, the CSE “Circuit Court” could very well be left untranslated; there is no Dutch equivalent and the information is in no way critically important to the main story. While adding a description or definition of the term would make it more understandable for the target audience, it would also make the target text sound unnatural. Maintaining the original English term, on the other hand, leads to a better preservation of the original American setting as well as a more natural target text. Furthermore, the assumed interested, modern target audience is expected to

recognize the term “court” and to know its meaning. Although this still does not mean that the target audience knows the *exact* meaning of the term, in this case, that term is not important to the story. A last consideration is accessibility: since this particular passage contains few foreign elements, maintaining this one term minimally affects accessibility. The chosen foreignizing strategy should be used as guidance: taking this strategy as well as the assumption that we have an *active* target audience into consideration, preserving the American setting ways heavier than preserving details that are not important to the main story and the most desirable solution would be to maintain the original English term.

While maintaining the English term can sometimes prove to be the best solution, there are just as many cases where translating or describing a term are the better options. An example of this is the translation of the legal term “docket”. A docket in the United States is the calendar of a specific court or refers to all cases that are scheduled in a specific court. While most readers would probably at least recognize that the term “Circuit Court” refers to a court of sorts, the term “docket” is most likely completely unknown to the target audience. Moreover, whereas “Circuit Court” was only a small detail that was not important to the main story, the “docket call” in question is the main subject of almost an entire chapter. In this case, maintaining the English term would therefore result in almost an entire chapter making no sense to the target audience. Moreover, since the term is *completely* unknown, the target audience does not recognize it as a distinctly American term, which means maintaining it would not contribute to preserving the American setting, anyway. Since no equivalent or close-to equivalent exists in the Dutch language, a different solution has to be found. Adding a description would make the term understandable for the target audience. Moreover, as said before, the American setting was never at risk, and a description along the likes of “de kalender van de rechtbank” also certainly would not shift the setting to another country. Such a description would therefore be the most desirable solution in this particular case.

This way, the most desirable solution has to be determined for every CSE individually, keeping in mind the overall strategy whenever possible.

### DIALECT

One of the findings that came out of the stylistic analysis was the existence of a few different kinds of registers, dialects and accents in the source text. One of the most noteworthy of those is the African American dialect, which is established by non-standard vocabulary as well as non-standard grammar. Translating these dialects can be difficult and has to be done with careful consideration. B.J. Epstein, translator and lecturer at the University of East Anglia, shares this opinion. She examined fifteen Swedish translations of the novel *Huckleberry Finn*, and specifically looked at the way translators tackled the issue of dialect. According to her, dialects often serve an important role, such as “portraying a particular time, place or character” (41). In fact, she states that “[a]uthors write in dialect or switch between registers when a particular setting or style of language is essential to the story and/or to the portrayal of the characters” (41). Her statement can be directly applied to *A Time to Kill*, in which racial and social differences between the characters are primarily revealed by the way the characters speak, and in which these differences are critically important to the plot and setting of the novel.

Epstein found that the majority of the Swedish translators had chosen to use a standardized Swedish dialect for every single character (44). While she agrees that using Swedish regional dialects would not have been a good option because it would have jeopardized the American setting, she also says the choice to use a standardized Swedish dialect is unfortunate, since “location, educational background, social class, race, and other such details” that are revealed by the characters’ speech are lost, “and thus some of the atmosphere and sense of the novel is no longer there” (45). The exact same thing could happen in a translation of *A Time to Kill*: using a standardized Dutch dialect for all characters would mean losing the clear differences between these characters. Since these differences are essential to the setting and plot of the

novel, losing them would arguably result in a completely different book. According to Epstein, this problem can be avoided by “[using] non-standard spelling or grammar wherever possible, and/or pronunciation-based spelling instead of standard spelling, and/or occasional words in dialect, and [by attempting] to have approximately the same number of ‘errors’ as in English” (45). This way, readers will still recognize that the different characters speak in different ways (45).

More literature exists on (the translation of) dialects, including works of Luigi Bonaffini, Federico Frederici, and the fairly recent thesis on the translation of African-American vernacular English into Dutch by Marianne Kraai. Although certainly interesting, these works were deemed not particularly relevant for this thesis, whose focus is not on dialectology issues per se.

### SENTENCE STRUCTURE

The stylistic analysis has shown that sentence structure plays an important role in *A Time to Kill*, as it is often directly related to content. This connection between sentence structure and content will ideally be preserved in a translation. Since there are a few basic differences in the way sentences are constructed in the English and Dutch language, this could be more difficult than it may seem at first. To start with, the analysis showed that sentences are typically short and characterized by a predictable structure: subject – verb – object – indirect object – adverbial clause. However, further investigation shows that this predictability is actually a distinctive characteristic of the source language: English sentences usually follow the same structure, placing the subject at the start of the sentence (Claes 39). Moreover, in English, the subject can be the same in multiple consecutive sentences without sounding odd (Claes 39). Dutch sentences, on the other hand, are less restricted by rules, only place the subject at the start of the sentence about half the time, and rarely repeat the same subject in multiple sentences (Claes 39, 40). Following the stereotypical sentence structure of the source language will therefore result in a translation that sounds too monotonous (Claes 39). This means that more variety is

needed in the Dutch translation, even when passages in the source text are clearly characterized by containing sentences with simple structures. While this may seem like changing a distinct element of the source text, that really is not the case; changing the structure of these sentences simply means they will appear just as *simple* in the target text, whereas maintaining the original structure would actually make them stand out as more unnatural.

While many sentences are indeed rather short and simple, it was also shown that there are many exceptions with longer and more complicated sentences, usually meant to mimic the content being discussed. In this regard, it is important to note that in the English language, longer sentences are not unusual and work exceptionally well. In fact, sentences are often extended using commas, participles and other constructions such as prepositional clauses (Claes 39). This means that longer sentences that may seem more difficult at first, are actually not particularly long or difficult for English standards, and do not necessarily serve a particular goal in the source text. Before starting the translation process, it is therefore important to distinguish between those sentences that are *exceptionally* long and whose length and/or complexity serve a particular purpose, and those sentences that are *commonly* long and whose length are simply due to the nature of the English language. If the latter is the case, it is crucial to realize that long, extended sentences do *not* usually work well in Dutch. Unnecessarily extending sentences using commas, participles and other constructions as done in the source language will inevitably sound unnatural in the target text. This means that sentences would sometimes best be split. If sentences in the source text are deliberately long and/or complex, on the other hand, it should always be considered to maintain this in the target text. Especially in those cases, it is important to make sure that these longer sentences remain idiomatic in the target language. If anything, careful attention has to be given to the effect the chosen length and structure will have on the target audience.

## CHAPTER 4: COMPARISON *DE JURY*

In this chapter, the existing translation of *A Time to Kill* produced by Maaïke Bijnsdorp will be critically examined in order to determine how she has dealt with the issue of legal terminology as well as with other translation problems. Loosely following the method created by Kitty M. van Leuven-Zwart, the translation will be compared to the source text to find passages in the translation that show dissimilarities on a semantic or a stylistic level with the corresponding passages in the source text. Van Leuven-Zwart refers to these dissimilarities as micro-structural shifts, which on their turn may lead to macro-structural shifts (227, 228). Besides identifying shifts, other possible translation options will be suggested and the effects of these options on the target text will be explored. According to Van Leuven-Zwart, the nature and number of the shifts found in the comparison can be used to determine the way the translator has interpreted the source text as well as the translation strategy she has applied (228). This will indeed be done at the end of the analysis, as this allows for a comparison of her views and ideas to those formed in this thesis to see where they might differ.

The comparison focuses on chapter nine of *A Time to Kill*, simply because it is a diverse chapter that covers all of the characteristics found in the previous chapters of this thesis. It is assumed that the trends found in the translation of this chapter are representative of the general trends found throughout the entire novel.

### PASSAGE I: GENERAL SHIFTS

Although the aim of this comparison more specifically is to find out how the translator has dealt with legal terminology as well as with the translation problems that were identified in the previous chapter, there are a few shifts in the translation on different levels that are also worth discussing. The comparison of this first passage will show a few shifts in meaning as well as the tendency of the translator to



stay close to the source language. The passage forms the beginning of the chapter, and is set in the Coffee Shop one day after the murders.

#### SOURCE TEXT

Dell Perkins served more coffee and grits than usual Tuesday morning after the killings. All the regulars and some extras had gathered early to read the papers and talk about the killings, which had taken place less than three hundred feet from the front door of the Coffee Shop. Claude's and the Tea Shoppe were also crowded earlier than usual. Jake's picture made the front page of the Tupelo paper, and the Memphis and Jackson papers had front-page photos of Cobb and Willard, both before the shootings and afterward as the bodies were loaded into the ambulance. There were no pictures of Carl Lee. All three papers ran detailed accounts of the past six days in Clanton.

It was widely accepted around town that Carl Lee had done the killing, but rumors of additional gunmen surfaced and flourished until one table at the Tea Shoppe had a whole band of niggers in on the attack.

#### TRANSLATION

Dell Perkins serveerde meer koffie en gort dan anders op de dinsdagochtend na de moorden. Alle vaste klanten en wat anderen waren al vroeg gekomen om de kranten te lezen en over de moorden te praten, die zich op iets minder dan honderd meter van de voordeur van de Coffee Shop hadden afgespeeld. Ook bij Claude's en de Tea Shoppe was het al eerder druk dan anders. Jakes foto had de voorpagina van de krant uit Tupelo gehaald en de kranten uit Memphis en Jackson hadden foto's van Cobb en Willard op de voorpagina's, zowel voor de beschieting als erna, toen de lichamen in de ambulance geschoven werden. Er waren geen foto's van Carl Lee. In alle drie de kranten stond een gedetailleerd verslag van de afgelopen zes dagen in Clanton.

Iedereen ging ervan uit dat Carl Lee de moorden gepleegd had, maar er doken

ook geruchten op over andere schutters tot er aan een tafel in de Tea Shoppe een hele bende wilde negers in de aanval verzonnen werd.

### ANALYSIS

As discussed before, one of the things the comparison of this passage shows, is the existence of a few shifts in meaning. To start with, a shift in meaning takes place in the translation of “gathered”:

All the regulars and some extras had gathered early to read the papers and talk about the killings.

Alle vaste klanten waren al vroeg gekomen om de kranten te lezen en over de moorden te praten.

In the source text, “gathered” implies premeditated interaction between the customers. People are not just there for coffee and breakfast; they are there to meet each other and talk about the killings. Throughout the novel, the Coffee Shop is actually known as a place that people visit specifically to gossip and catch up. The verb “komen” in the translation has lost this implication. A translation such as “hadden zich al vroeg verzameld”, on the other hand, would have preserved this meaning. Yet another shift takes place in the very same sentence:

[...], which had taken place less than three hundred feet from the front door of the Coffee Shop.

[...] die zich op iets minder dan honderd meter van de voordeur van de Coffee Shop hadden afgespeeld.

In the source text, the close proximity of the location of the murders is emphasized by the way the sentence is phrased. By adding “iets” in the translation, this emphasis is immediately weakened, since it makes it sound more like a precise localization rather than the sensationalized statement it is in the source text. As these examples show, it appears the translator has taken it upon herself to find the most natural

options in the target language by occasionally choosing words with slightly different meanings or by adding or omitting details. By doing this, however, the more subtle underlying meaning in a few sentences has gotten lost.

While the translator in a few cases has made some adjustments to make the text sound more natural in the target language, more often than not, she has chosen to do the exact opposite and stay remarkably true to the English language, as seen in the example below:

[...] and the Memphis and Jackson papers had front-page photos of Cobb and Willard, both before the shootings and afterward.

[...] en de kranten uit Memphis en Jackson hadden foto's van Cobb en Willard op de voorpagina's, zowel voor de beschieting als erna.

The translator here chose to quite literally translate “had” to “hadden”, that way introducing a personification in the target text. While personifications work well in the English language, they usually do not sound natural in Dutch (Claes 37), and the translation indeed sounds somewhat unnatural. A more idiomatic option would be a translation along the lines of: “in de kranten uit Memphis en Jackson stonden foto's van Cobb en Willard.” The translator also uses the plural form “voorpagina's”, mimicking the plural form found in the source text. This, too, sounds rather unnatural. Another example is the last sentence of the passage:

[...] until one table at the Tea Shoppe had a whole band of niggers in on the attack.

[...] tot er aan een tafel in de Tea Shoppe een hele bende wilde negers in de aanval verzonnen werd.

The translator likely used the word “in” because it is also used in the source text. However, while the source text sounds perfectly idiomatic, the Dutch translation sounds rather forced, perhaps even ungrammatical. Changing “it” to “bij” would make the sentence more idiomatic as well as grammatically correct. Besides *literal*

translations, this mimicking of the source language also extends to word order, as shown by the translation of the very first sentence of the passage:

Dell Perkins served more coffee and grits than usual Tuesday morning after the killings.

Dell Perkins serveerde meer koffie en gort dan anders op de dinsdagochtend na de moorden.

According to Paul Claes, in English, the *special* clause precedes the general clause, whereas in Dutch, it is the other way around and the general clause precedes the *special* clause (41). In the given example, the English sentence indeed follows this rule. The translator has copied the exact word order in her Dutch translation, which explains why the sentence once again sounds somewhat unnatural. Following Claes' rules and placing the general clause before the *special* clause would make the sentence sound more natural in Dutch: "Op de dinsdagochtend na de moorden serveerde Dell Perkins meer koffie en gort dan anders."

The conclusion can be drawn that large parts of the translation sound rather unidiomatic because the translator has stayed exceptionally close to the source text by using *literal* translations and by copying word order. While there are certainly also many parts in this chapter where the translator has come up with creative and completely idiomatic solutions, the shifts in meaning and unnatural sounding sentences are so clearly present throughout the entire chapter that they deserved to be mentioned.

A last detail found in this passage that is worth mentioning is the translation of the word "shooting" with the less commonly used "beschieting". The Dutch translation clearly sounds more formal than the original. A different option would have been "schietpartij", which is far more common.

## PASSAGE II: LEGAL TERMINOLOGY

The following passage contains legal terminology and will be used to show the way the translator has dealt with the translation of these legal CSEs and/or pragmatic elements. The passage is a dialogue between Jake and a news reporter, who interviews Jake about the upcoming case.

### SOURCE TEXT

“Will he be charged for the shooting of the deputy, Mr. Looney?”

“Yes. We anticipate a third charge of aggravated assault against the officer.”

“Do you anticipate a defense of insanity?”

“I’m not willing to discuss the defense at this time because he has not been indicted.”

“Are you saying there’s a chance he may not be indicted?”

A fat pitch, one Jake was hoping for. The grand jury would either indict him or not, and the grand jurors would not be selected until Circuit Court convened on Monday, May 27. So the future members of the grand jury were walking the streets of Clanton, tending their shops, working in the factories, cleaning house, reading newspapers, watching TV, and discussing whether or not he should be indicted.

“Yes, I think there’s a chance he may not be indicted.” It’s up to the grand jury, or will be after the preliminary hearing.”

### TRANSLATION

‘Zal hij ook aangeklaagd worden voor het neerschieten van de agent, de heer Looney?’

‘Ja. We verwachten een derde aanklacht wegens zware mishandeling van een agent van politie.’

‘Bereidt u zich voor op een verdediging van ontoerekeningsvatbaarheid?’

‘Ik ben niet bereid te praten over de verdediging, nu er nog geen officiële aanklacht ligt.’

‘Wilt u zeggen dat de kans bestaat dat hij niet aangeklaagd wordt?’

Die kans was zeer gering, maar het was toch iets waar Jake op hoopte. De jury kon hem wel of niet in staat van beschuldiging stellen en de leden van de jury zouden pas geselecteerd worden als de leden van Circuit Court bijeenkwamen op maandag 27 mei. Nu liepen de toekomstige juryleden dus nog door de straten van Clanton; ze werkten in hun winkels, op de fabriek, maakten het huis schoon, lazen de krant, keken tv en praatten erover of hij wel of niet aangeklaagd diende te worden.

‘Ja, ik denk dat er een kans is dat hij niet in staat van beschuldiging gesteld wordt. Dat hangt van de jury af, na het gerechtelijk vooronderzoek.’

### ANALYSIS

One of the first CSEs that can be found in this passage is “aggravated assault”. Since the American legal system is different than the Dutch legal system, the definitions of specific crimes likely also differ. “Aggravated assault” is translated as “zware mishandeling”. To determine what strategy was used and whether or not this was the right decision, the definitions of both crimes were looked into. According to [www.wetrecht.nl](http://www.wetrecht.nl) as well as [www.wetboek-online.nl](http://www.wetboek-online.nl), “zware mishandeling” constitutes *purposefully* causing bodily harm to a person, regardless of the seriousness of said harm. According to the online legal dictionary, then, in the United States “a person is guilty of aggravated assault if he or she attempts to cause serious bodily injury to another or causes such injury purposefully, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life; [...]”. While this means the crimes do not constitute the exact same thing, they are certainly remarkably similar and the definition of the Dutch term does apply to the crime in the novel. In the absence of an actual equivalent, using this close-to equivalent (Grit 192) is the most factually correct option available.

A second legal term in this passage is “grand jury”. In the American judicial system, a grand jury is a jury that decides, for a set period of time, whether or not there is enough evidence against defendants to send them to trial. It is not to be

mistaken with a trial jury, which is a jury that has the authority to find a defendant guilty or not guilty. As can be seen, the term is translated in the Dutch translation with the term “de jury”, thereby generalizing it, something Grit refers to as a core translation (193). This means part of its meaning has been lost. Although it can be argued that it is not strictly necessary to explicitly differentiate between the grand jury and the trial jury in the target text since this information can be gathered by the context, maintaining the distinction would still contribute to a more complete and accurate translation as well as preserve the American setting. The reason the translator has chosen a core translation, is likely because there simply is no Dutch equivalent or close-to equivalent. A different option would have been to maintain the original English term, perhaps italicized, which would look as follows:

De *grand jury* kon hem wel of niet in staat van beschuldiging stellen en de leden van de jury zouden pas geselecteerd worden als [...]

This way, the distinction between the two different juries is maintained, which means the target text would represent the American judicial system in a more accurate way. Moreover, in the highly unlikely case Dutch readers would not recognize that the word *grand jury* refers to a jury, the phrase “leden van de jury” later in the sentence would solve this issue. The reason why the translator chose a core translation perhaps has to do with a different assumed target audience. While the new target audience is identified as consisting of modern, young readers who are highly interested in the American legal system, the target audience twenty four years ago was probably completely different, which has likely led the translator to apply a different translation strategy.

A third CSE is “Circuit Court”, which appears to be the only term the translator has chosen to maintain in its original, English form. As discussed in chapter three of this thesis, maintaining this term also means the American setting is preserved. Readers may not know what “Circuit Court” refers to, but there are simply no equivalents or close-to equivalents in the Dutch language. The translator

therefore likely had no choice but to maintain the term. She could have provided an explanation, but since the term cannot be explained in just a few words, this would have been a too distracting option.

Lastly, the translation of “preliminary hearing” is considered:

It’s up to the grand jury, or will be after the preliminary hearing.

Dat hangt van de jury af, na het gerechtelijk vooronderzoek.

The translator has once again chosen to use a close-to equivalent that is understandable for the target audience. Considering the term plays an important part in the plot, this choice is certainly justifiable. It must be noted, however, that a “strafrechtelijk vooronderzoek” is not at all the same as a “preliminary hearing”. A preliminary hearing, as the name suggests, is a hearing in which it is determined whether or not a defendant will be sent to face a grand jury, who on their turn will decide whether or not the defendant will be indicted. A “strafrechtelijk vooronderzoek”, on the other hand, is more than just a hearing: it refers to the entire investigation leading up to the hearing. This is a pretty significant change in meaning that the translator may not have been aware of when she made the decision. An option that would be more factually correct, albeit perhaps a little more difficult to understand, would be “preliminaire hoorzitting” or “inleidende hoorzitting”. To make sure the target audience would understand what such an “inleidende hoorzitting” means, an explanation could be added the first time the term is used. After that, the term itself, without an explanation, would do. Interesting to note is that as of 2013, the “strafrechtelijk vooronderzoek” no longer exists in the Netherlands. This means that in any case, that term cannot be used in a new translation.

To summarize these findings, it seems the translator has generally tried to avoid maintaining original legal terms. The only time she did maintain the English term, was when there really was no other option because no equivalent or close-to equivalent existed and the term was too difficult to explain in a short and simple



explanation. Most terms were translated with close-to equivalents or core translations. While these options sometimes proved necessary for a good understanding of the text and generally facilitated an easy read, they also quite often caused both small as well as significant changes in meaning in the target text, leading to incomplete and/or inaccurate information and also causing a loss of the American (legal) setting. While the goal for the revised translation is to maintain an accurate depiction of the American legal system as well as preserve the American setting, it appears the translator of the existing translation had a completely different goal for her translation, which is likely due to a different target audience.

As indicated in the introduction of this chapter, the CSEs discussed here are only the tip of the iceberg, and the trends discussed here extend to the novel as a whole.

### **PASSAGE III: DIALECT**

The third passage involves a conversation between Jake and his client Carl Lee. It will be used to discuss the way the translator has dealt with transferring the African American dialect into the target text, which was determined as one of the main translation difficulties besides legal terminology.

#### **SOURCE TEXT**

"How's jail?" Jake asked.

"Not that bad. Food's good. I eat with Ozzie in his office."

"You what!"

"Yep. Play cards too."

"You're kidding, Carl Lee."

"Nope. Watch TV too. Saw you on the news last night. You looked real good.

I'm gonna make you famous, Jake, ain't I?"

Jake said nothing.

"When do I get on TV? I mean, I did the killin' and you and Ozzie getting'

famous for it." The client was grinning – the lawyer was not.

"Today, in about an hour."

"Yeah, I heard we's goin' to court. What for?"

"Preliminary hearing. It's no big deal, at least it's not supposed to be. This one will be different because of the cameras."

"What do I say?"

"Nothing! You don't say a word to anyone. Not to the judge, the prosecutor, the reporters, anyone. We just listen. We listen to the prosecutor and see what kind of case he's got. They're supposed to have an eyewitness, and he might testify. Ozzie will testify and tell the judge about the gun, the fingerprints, and Looney –"

"How's Looney?"

"Don't know. Worse than they thought."

"Man, I feel bad 'bout shootin' Looney. I didn't even see the man."

#### TRANSLATION

'Hoe is het in de gevangenis?' vroeg Jake.

'Niet slecht. Het eten is goed. Ik eet samen met Ozzie in zijn kantoor.'

'Wat!'

'Ja. We spelen ook kaart.'

'Dat meen je niet, Carl Lee.'

'Echt waar. Ik kijk daar ook tv. Ik heb je gisteravond bij het nieuws gezien. Je deed het fantastisch. Ik ga je beroemd maken, hè Jake?'

Jake zei niets.

'Wanneer kom ik op tv? Ik bedoel, ik heb die moorden gepleegd en Ozzie en jij worden beroemd.' De cliënt grijnsde – zijn advocaat niet.

'Vandaag, over een uur ongeveer.'

'Ja, ik hoorde dat we naar de rechter gaan. Waarom?'

'Gerechtigd vooronderzoek. Stelt niet veel voor, dat is tenminste de bedoeling. Nu ligt dat iets anders vanwege de camera's.'

‘Wat moet ik zeggen?’

‘Niets! Je zegt geen woord, tegen niemand. Niet tegen de rechter, de officier van justitie, de verslaggevers, niemand. Wij luisteren alleen maar. We luisteren naar de officier van justitie en kijken hoe hij zijn zaakjes voor elkaar heeft. Ze hebben meestal een ooggetuige die zal komen getuigen. Ozzie zal getuigen en de rechter vertellen over het geweer, de vingerafdrukken, Looney...’

‘Hoe is het met Looney?’

‘Weet ik niet. Slechter dan eerst werd gedacht.’

‘Man, ik voel me zo ellendig over dat neerschieten van Looney. Ik heb die hele kerel niet gezien.’

#### ANALYSIS

In the source text, Carl Lee’s black dialect is unmistakably clear. His dialect is established by the use of both incorrect grammar as well as deviating spelling. Examples of this are “real good”, “we’s goin’ to court”, “ain’t I” and “you and Ozzie getting’ famous”, but can be found throughout the entire dialogue, as they are present in pretty much every sentence. Jake’s way of speaking, on the other hand, is completely different; in his case, only correct grammar and spelling are used. As shown in the previous chapter, this difference in way of speaking between the characters is an important stylistic device of the novel as it emphasizes the racial differences, amongst others, between the men. In the translation, on the other hand, the same language is used for both Carl Lee and Jake. There are no grammatical errors and there is no uncommon spelling. Because of this, the racial and social differences between Jake and Carl Lee are far less obvious in the target text than in the source text, in which the reader is constantly reminded of this difference through use of language. For a novel whose plot heavily relies on the background differences between its characters, the choice of the translator to use a single, standardized way of speaking, which causes this distinction to get lost, is at least surprising. Once again, it seems like the translator did not set the same goals for her translation as

those set in this thesis.

Interesting to point out is that this passage, too, clearly shows the translator's tendency to stay close to the source language. An example of this is shown below:

Yep. Play cards too.

Ja. We spelen ook kaart.

This is a *literal* translation of the source text that sounds unidiomatic in the target language. In Dutch, it is either "een kaartspel spelen/doen" or "kaarten", but not "kaart spelen". Another example is the following translation:

We listen to the prosecutor and see what kind of case he's got.

We luisteren naar de officier van justitie en kijken hoe hij zijn zaakjes voor elkaar heeft.

In the source text, "seeing what kind of case he's got" is an idiomatic expression that means looking how the prosecutor wants to go about the case and, more importantly, how big his chances are. "Je zaakjes voor elkaar hebben", on the other hand, means being well-prepared. This is a slight, yet significant change in meaning. The translator automatically translated "case" with "zaak" and then turned it into an existing Dutch expression, probably failing to realize it was a different expression than the one in the source text.

#### **PASSAGE IV: REGISTER**

Now that the shifts in the translation of the African American dialect have been identified, the fourth passage will show what happens with the different ways Jake speaks to different people. The fragment contains an interview Jake gives to a news reporter right after the preliminary hearing.

## SOURCE TEXT

A microphone with red letters on it was thrust into his face. "Why didn't you request bond?" a reporter demanded.

"That comes later."

"Will Mr. Hailey plead an insanity defense?"

"As I've stated, it's too early to answer that question. We must now wait for the grand jury – he may or may not be indicted. If he is, we'll start planning his defense."

"Mr. Buckley, the D.A., has stated he expects easy convictions. Any comment?"

"I'm afraid Mr. Buckley often speaks when he shouldn't. It's asinine for him to make any comment on this case until it is considered by the grand jury."

"He also said he would vigorously oppose any request for a change of venue."

"That request hasn't been made yet. He really doesn't care where the trial is held. He'd try it in the desert as long as the press showed up."

"Can we assume there are hard feelings between you and the D.A.?"

"If you want to. He's a good prosecutor and a worthy adversary. He just talks when he shouldn't."

## TRANSLATION

Een microfoon met rode letters erop werd in zijn gezicht geduwd. 'Waarom heeft u geen borgtocht gevraagd?' wilde een verslaggever weten.

'Dat komt later.'

'Gaat de heer Hailey zich beroepen op ontoerekeningsvatbaarheid?'

'Zoals ik al eerder gezegd heb, is het nog veel te vroeg om die vraag te beantwoorden. We moeten nu op de jury wachten – misschien wordt hij wel niet aangeklaagd. Wordt hij dat wel, dan zullen we beginnen met het opzetten van de verdediging.'

'Meneer Buckley, de officier van justitie, heeft gezegd dat hij niet veel problemen verwacht bij de veroordeling. Heeft u daar commentaar op?'

‘Ik ben bang dat de heer Buckley wel vaker dingen zegt waarover hij beter kan zwijgen. Het is stompzinnig van hem om commentaar op deze zaak te geven voor er door de jury over beraadslaagd is.’

‘Hij zei ook dat hij sterk gekant zou zijn tegen elk verzoek om behandeling in een ander arrondissement.’

‘Dat verzoek is nog niet gedaan. Het kan hem echt niets schelen waar het proces wordt gehouden. Hij zou het nog in de woestijn doen, als de pers er maar op af kwam.’

‘Mogen we veronderstellen dat u het niet zo goed kunt vinden met de officier van justitie?’

‘Als u dat wenst. Hij is een goede officier van justitie en een waardig tegenstander. Hij kan alleen zijn mond niet houden.’

#### ANALYSIS

In the source text, it is obvious that Jake talks in a deliberately eloquent way to the reporters. His way of speaking in the dialogues in court and with reporters differs from the way he speaks to his friends and family in that it is more formal. In the translation, some of this formality is maintained, yet some of it is lost. In the translation of the following sentence, for example, the language shifts from formal in informal:

As I’ve stated, it’s too early to answer that question. We must now wait for the grand jury.

Zoals ik al eerder gezegd heb, is het nog veel te vroeg om die vraag te beantwoorden. We moeten nu op de jury wachten.

The original sentence sounds rather formal because of the underlined words. After all, Jake does not say “as I’ve said before” or “we have to wait for the grand jury”, like he would in normal conversation, but instead uses more formal terms. This formality is not transferred into the target language, where Jake talks the same way

he always does. More formal language would have certainly been possible, for example “Zoals ik eerder verklaard heb” and “Het wachten is nu op de jury”.

Another example is found in the translation below:

It's asinine for him to make any comment on this case until it is considered by the grand jury.

Het is stompzinnig van hem om commentaar op deze zaak te geven voor er door de jury over beraadslaagd is.

In the online Cambridge Dictionary, “asinine” is indeed described as “formal”. The Dutch translation “stompzinnig”, on the other hand, is undoubtedly informal. The translator seems to change the language from formal to informal numerous times. The reverse, however, also happens a few times, an example of which can be found here:

If you want to.

Als u dat wenst.

Here, the language in the source text is informal, yet the language in the target language is clearly formal. From this example, it would seem as if the translator was aware of the formal way Jake speaks and as if she has tried to transfer this formal tone into the target language. However, considering there are even more examples where she has changed the tone to an informal one, it cannot be said with certainty whether or not she has used a particular strategy. In any case, the language used in this passage (and similar passages throughout the novel) as a whole shows a slight shift in tone from formal to more informal. The reason that this shift is less obvious than the shift seen in the dialect of Carl Lee discussed in the previous passage, possibly has to do with the fact that the entire translation sounds rather formal, which means dialogues that are specifically *meant* to sound formal automatically at least do so a bit.

## PASSAGE V: SENTENCE STRUCTURE

The fifth and last passage is characterized by longer, more difficult sentences. It is a perfect depiction of the sentence structures discussed in chapter three of this thesis, where it was argued that longer sentences are characteristic of and seem to serve a particular purpose in *A Time to Kill*. This is also the case in this particular passage, where the escape of Carl Lee is staged in order to divert the attention of the reporters. The sudden hectic of the situation is reflected in the sentences that describe it, which are longer and more difficult than those preceding and following the passage.

### SOURCE TEXT

Suddenly, with the nation watching, with deputies all around him, with dozens of reporters recording his every move, the prisoner broke and ran. He jolted, jumped, twisted, and squirmed, running wildly across the parking lot, over a ditch, across the highway, into some trees and out of sight. The reporters shouted and broke ranks and several even chased him for a moment. Curiously, the deputies ran back to the jail and slammed the door, leaving the vultures roaming in circles of disarray. In the woods, the prisoner removed the handcuffs and walked home. Curtis Todd had just been paroled one week early.

### TRANSLATION

Opeens rukte de gevangene zich voor het oog van de hele natie en temidden van al die agenten en verslaggevers die elke beweging vastlegde, los en rende weg. Hij schudde zich los, sprong, draaide en wrong zich in bochten, rende wild over de parkeerplaats, over een greppel, over de weg, tussen een stel bomen door en uit het zicht. De verslaggevers schreeuwden en renden door elkaar heen en verschillenden van hen achtervolgden hem zelfs even. Vreemd genoeg renden de agenten terug naar de gevangenis, sloegen de deur achter zich dicht en lieten de gieren, die wanordelijk door elkaar heen cirkelden, alleen achter. In het bos verwijderde de gevangene zijn



handboeien en liep naar huis. Curtis Todd was zojuist, een week te vroeg, voorwaardelijk vrijgekomen.

### ANALYSIS

The translation of the very first sentence of this passage provides an interesting point of discussion:

Suddenly, with the nation watching, with deputies all around him, with dozens of reporters recording his every move, the prisoner broke and ran.  
Opeens rukte de gevangene zich voor het oog van de hele natie en temidden van al die agenten en verslaggevers die elke beweging vastlegden, los en rende weg.

In chapter three, it was explained that longer sentences containing numerous commas are fairly common in the English language, but that they do not work well in Dutch. The translation shows that the translator was probably aware of this information, since although she maintained the length of the original sentence, she did find a way to omit two of the three commas and also removed the enumeration of “with”, which would have sounded unidiomatic in Dutch. In doing so, she seems to have tried to create a translation that sounded more idiomatic. However, because “rukte” and “uit” are so far apart, the sentence still sounds unnecessarily stretched and somewhat unnatural. Moving those two words closer together would solve this problem: “Opeens rukte de gevangene zich voor het oog van de hele natie los, temidden van al die agenten en verslaggevers die elke beweging vastlegden, en rende hij weg.” It must be noted, however, that there is a second consequence of the translation that seems harder to solve: the climax in the source text caused by the enumeration of “with” is lost. Furthermore, although the suggested adjustments go a long way in making the sentence sound more natural, it remains somewhat unidiomatic.

Throughout the novel, the translator has consistently maintained original

sentence length. Generally, this has had the same effect as the example discussed above: regardless of small adjustments to make the text sound more idiomatic, sentences are still unnecessarily stretched and difficult to read. With extra adjustments such as the ones suggested, there are definitely sentences that can sound more – though often not fully – idiomatic even if their length is maintained. Since in the previous chapter of this thesis it was established that sentence length is far from arbitrary in this novel, the translator's choice to maintain this length, whether intentional or not, equals staying true to the intentions of source text. However, for a number sentences, maintaining their length and still creating an idiomatic target text is simply not possible. The only way to make these sentences sound idiomatic is to split them up. Consider the following translation, found in another part of chapter nine:

One tragic, bloody event, the duration of which was less than fifteen seconds, transformed the quiet Southern town of eight thousand into a mecca for journalists, reporters, camera crews, photographers, some from neighboring towns, others from the national news organizations.

Eén tragische, bloederige gebeurtenis, die korter had geduurd dan vijftien seconden, had het stille stadje in het Zuiden met zijn achtduizend inwoners veranderd in een mekka voor journalisten, verslaggevers, cameraploegen en fotografen, sommigen uit naburige stadjes, anderen van nationale nieuwsdiensten.

The Dutch translation in this case is so long and contains so many different phrases, it is hard to follow and sounds unidiomatic, and therefore even loses some of its strength. Moreover, in this particular passage of the source text, sentence length seems to be caused by the nature of the English language rather than serve a stylistic purpose. Splitting the sentence into two separate, shorter sentences would therefore be an option.

## CONCLUSION

The comparison has shown that the target text often sounds somewhat unnatural as a result of the translator's choice to mimic the word order of the source language, and that it contains a few small as well as significant semantic shifts caused by the tendency to use *literal* translations. In a number of cases, where longer sentence structures appear to be a stylistic device in the source text, this tendency has had a positive effect on the target text. In other cases, however, the longer sentences merely make the target text sound unidiomatic.

When it comes to the main issue of legal terminology, most terms are translated with close-to equivalents or core translations, not maintaining the original, American terms. These strategies have sometimes resulted in a better understanding of the text as a whole, but have also caused pretty significant semantic shifts in the target text. These shifts, on their turn, have had an important impact on the macro-structural level: the incomplete and/or inaccurate information has resulted in a loss of the American (legal) setting.

Regarding dialect, a massive shift was found between the language used by Carl Lee in the source text and that used by Carl Lee in the target text. The translator has chosen to use a single, standardized form of language for all characters in the novel, which once again has had a significant effect on the macro-structural level: because the lingual differences between the characters has gotten lost, so have the differences in racial and social background, and with that, a large part of the setting and sense of the novel as a whole.

With these findings, it is hard to make reliable statements about the general translation strategy that the translator might have applied. On a stylistic level, overall it appears that she has chosen to stay as close to the source text as possible. However, in those passages where the source text clearly contained dialect, the translator chose to divert from the source text and has produced a target text that is clearly different from the source text. Furthermore, it seems reasonable to assume that a desire to stay

true to the source text usually means applying a foreignizing strategy, yet the translator has generally used a domesticating strategy in the translation of legal CSEs. According to Van Leuven-Zwart, inconsistencies such as these point to a strategy called the linear translation method (230). She states that translators who use this method are not guided by a certain interpretation of the source text, but rather make decisions in the moment, as problems present themselves, usually primarily motivated by an aspiration to stay loyal to the source text (230). This could very well be the case, especially since this aim for loyalty seems to match up with the earlier identified tendency of Bijnsdorp to stay exceptionally close to the source text. This would mean that she has chosen a completely different strategy than the one chosen in this thesis, guided by different translation goals.

With such an inconsistent translation strategy, it is also difficult to say anything about the target audience the translator supposedly assumed. Since the way CSEs should be translated is often determined specifically by looking at target audience, the strategy Bijnsdorp applied in the translation of those can be used to make statements regarding the target audience she might have assumed. Overall, a domesticating strategy was used, which would point to a target audience that has little knowledge of the American judicial system and is also less interested in this system than in the plot itself. Assuming this assumption is correct, the translator had a different target audience than the one assumed in this thesis, which does explain a few of the translational choices she made.

## OVERALL CONCLUSION

After combining the findings gathered throughout this thesis, this conclusion will provide an answer to the research question as stated in the introduction. The first part of the question was as follows:

What translation problems with regard to legal terminology occur in John Grisham's *A Time to Kill*?

Translation problems regarding legal terminology are caused by the differences between the judicial systems of the source culture and that of the target culture. Because of these differences, many terms in the source text refer to elements that are exclusive to the judicial system of the source language and therefore do not have matching terms in the target language. Furthermore, deciding on the best translation options is difficult, since there are numerous components that have to be taken into consideration all at once, including foreknowledge of the target audience, significance of semantic meanings in specific contexts, and readability. The second part of the main question to be answered was:

What other translation problems does the novel pose?

After extensively analyzing the target text and identifying its characteristics, it was found that the two main translation problems besides legal terminology are caused by dialect and sentence structure. Dialect is essential to the plot and therefore critically important to maintain in the target text, but is also difficult to translate because of its regional characteristics. Sentence structure proves a challenge because sentence length and/or structure can have completely different effects in Dutch as opposed to English. The third part of the main question to be answered was:

How did the translator solve these and other problems, and what was the effect of the choices she made?

The more general conclusion from the comparison of the existing translation, is that the translator has been inconsistent in her solutions, which indicates the use of a linear translation method. More specifically, she has stayed remarkably close to the source text, as demonstrated by her tendency to mimic its word order and to use *literal* translations. This tendency has caused a somewhat unnatural sounding target text. In the case of legal terminology, Bijnsdorp clearly applied a domesticating strategy, choosing to maintain original legal terms only when absolutely necessary, which has led to significant semantic shifts on both the micro- and macro-structural level. The problem of dialect was simply *not* solved, as the translator has chosen to use one standardized dialect for every single character. By doing so, the racial and social differences between characters have gotten lost, and with that, the historical American setting and therefore the sense of the novel as a whole are also partly lost. These choices can likely be explained by the translator's target audience, which probably differed significantly from a contemporary audience. The last part of the main question can also be answered:

How could these problems be dealt with in the new translation?

The target audience was identified as consisting of interested readers who live in a globalized world. Furthermore, since setting and authenticity are critically important to the source text, the main goals for the translation are to preserve this setting and authenticity. With the target audience and translation goals as defined in chapters three and four of this thesis in mind, the most desirable solutions for the identified translation problems have been determined. In the case of legal terminology, overall a foreignizing strategy should be used. However, the best translation option should be determined for every case individually, keeping in mind the earlier mentioned considerations: foreknowledge of the target audience, importance of the term in its specific context, and readability. Furthermore, dialect should be preserved in the target text by “[using] non-standard spelling or grammar wherever possible, and/or pronunciation-based spelling instead of standard spelling, and/or occasional words

in dialect, and [by attempting] to have approximately the same number of 'errors' as in English" (Epstein 45). Lastly, while it should be kept in mind that sentence structure can be a stylistic device, sentences most likely have to be split occasionally in order to create an idiomatic target text. These strategies will be applied in the fresh translation that is provided below.

## WORKS CITED

### PRIMARY LITERATURE

Bijnsdorp, Maaïke, trans. *De Jury*. By John Grisham. Utrecht: Bruna Uitgevers, 2011.

Print.

Grisham, John. *A Time to Kill*. New York: Bantam Dell, 2005. Print.

### SECONDARY LITERATURE

Appel, René, and Charles den Tex. "Familievete?" *Thriller versus roman*. Ed. Jos van Cann, and Henri-Floris Jaspers. Antwerpen: Garant Uitgevers, 2008. 13-29.

Print.

Claes, Paul. "Gouden vertaalregels II." *Filter* 19:2 (2012): 37-44. Print.

Davis, Madison J. "The Pecking Order." *Thriller versus roman*. Ed. Jos van Cann, and Henri-Floris Jaspers. Antwerpen: Garant Uitgevers, 2008. 13-29. Print.

Epstein, B.J. "Manipulating the Next Generation: Translating Culture for Children."

*Papers: Explorations into Childrens Literature* 20:1 (2010): 41-76. Web.

Glover, David. "The Thriller." *The Cambridge Companion to Crime Fiction*. Cambridge:

University Press, 2006. Web.

Grit, Diederik. "De vertaling van realia." *Denken over vertalen*. Eds. Ton Naaijken,

et al. Nijmegen: Vantilt, 2010. 189-211. Print.



Groot de, Gerard-René. "Juridisch vertalen: het overbruggen van verschillen tussen rechtsculturen en rechtssystemen." 1998. 13-28. Web.

Leech, Geoffrey, and Mick Short. "Chapter 3: A Method of Analysis and Some Examples." *Style in Fiction: A Linguistic Introduction to English Fictional Prose*. Eds. Randolph Quirk, et al. Harlow: Pearson Education Limited, 2007. 60-94. Print.

"Legal Thriller." *Wikipedia*. 11 April 2017. Web.

Leuven-Zwart de, Kitty M. "Een goede vertaling: wat is dat?" *Denken over vertalen*. Eds. Ton Naaijken, et al. Nijmegen: Vantilt, 2010. 225-234. Print.

Nord, Christiane. "Tekstanalyse en de moeilijkheidsgraad van een vertaling." *Denken over vertalen*. Eds. Ton Naaijken, et al. Nijmegen: Vantilt, 2010. 145-152. Print.

Pringle, Mary-Beth. *John Grisham: A Critical Companion*. Ed. Kathleen Gregory Klein. Westport: Greenwood Press, 1997. 1-139. Print.

Robinson, Marlyn. "Collins to Grisham: A Brief History of the Legal Thriller." Jan. 1998. 1-13. Web.

Scaggs, John. *Crime Fiction: the New Critical Idiom*. Ed. John Drakakis. London: Routledge, 2005. 1-170. Web.

Seago, K. "Introduction and Overview: Crime Fiction in Translation." *The Journal of Specialised Translation* 22:1 (2014): 2-14. Web.

The Online Legal Dictionary

<[www.wetboek-online.nl](http://www.wetboek-online.nl)>

<[www.wetrecht.nl](http://www.wetrecht.nl)>

## ANNOTATED TRANSLATION

### HOOFDSTUK 9

De dinsdagochtend na de moorden serveerde Dell Perkins meer koffie en *grit*<sup>2</sup> dan anders. Zowel de vaste klanten als een aantal nieuwelingen hadden zich al vroeg verzameld om de kranten te lezen en over de moorden te praten, die op nog geen honderd meter van de voordeur van de Coffee Shop waren gepleegd. Ook bij Claude's en de Tea Shoppe was het al eerder druk dan normaal. Op de voorpagina van de krant uit Tupelo stond de foto van Jake, en op die van de kranten uit Memphis en Jackson stonden twee foto's van Cobb en Willard: één van voor de schietpartij en één van erna, toen hun lichamen de ambulance in werden geschoven. Nergens stonden foto's van Carl Lee. In alle drie de kranten werd uitgebreid verslag gedaan van de afgelopen zes dagen in Clanton.

Het was voor iedereen in de stad duidelijk dat Carl Lee de moorden had gepleegd, maar er gingen steeds meer geruchten rond over meerdere schutters, tot ze het aan een tafel in de Tea Shoppe zelfs over een hele bende wilde negers<sup>3</sup> hadden.

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<sup>2</sup> Deciding on the best translation option for "grit" was a challenge. There were four options: grit, gort, *grit*, or maïsgriesmeelpap. It was quickly decided that "grit" was not an option because, as a food, it is simply not an existing Dutch term. Although preferred by Maaïke Bijnsdorp, "gort" was also eliminated because it is not the same food as grit. For the two remaining terms, positives and negatives were carefully considered. Grit is such a characteristic food of the southern United States, that maintaining the term, italicized, contributes to maintaining the original American setting, especially for an interested, globalized target audience that will likely recognize the term. At the same time, yet another italicized foreign term (on top of the many legal terms that will be discussed in upcoming footnotes) could have a negative effect on readability. Still, "maïsgriesmeelpap" may well be just as distracting as it is not a term that is commonly used in the target language, either. Moreover, although it is technically the same as grit, no one knows it as such and using that option would therefore mean losing the geographical connotation. It was therefore decided that "*grit*", though not ideal, is the best possible translation option.

<sup>3</sup> "Nigger" is a term that has a strong connotation in the source culture. Especially in the period when *A Time to Kill* was first published, but continuing up to this day, the term is considered extremely offensive and is used to refer to members of ethnic groups that are considered inferior to the Caucasian race. Its usage dates back to the period of American slavery when it was used to refer to African American slaves, and still carries this connotation. Although no Dutch word carries the exact same meaning, the word "neger" in the target culture does have a somewhat similar connotation. The term is used to refer to black people and throughout the years its connotation has shifted back and forth from fairly neutral to derogatory and insulting. These days, as racial tension continues to grow and racism becomes a more prominent issue in the target culture, the term's negative meaning has become more dominant. Furthermore, in recent years, due to the social discussion on racism, black people in the Netherlands have seem to become more aware of their shared history of slavery, claiming that the term "neger" reminds them of this past. Since these connotations resemble those of the

De agenten in de Coffee Shop, die zich verder op de achtergrond hielden, drukten de roddels echter de kop in en hielden ze zo goed als binnen de perken. Hulpsheriff Looney was een vaste klant, en mensen maakten zich zorgen over zijn verwondingen, die erger bleken te zijn dan aanvankelijk was vermeld. Hij lag nog steeds in het ziekenhuis, en had de schutter geïdentificeerd als de broer van Lester Hailey.

Om zes uur stapte Jake naar binnen. Hij schoof aan bij een aantal boeren die voor in de zaak zaten. Hij knikte naar Prather en de andere agent, maar die deden net of ze hem niet zagen. Die zouden wel weer bijdraaien als Looney straks werd ontslagen uit het ziekenhuis, dacht hij. Er werden wat opmerkingen gemaakt over de voorpaginafoto, maar niemand vroeg Jake naar de moorden of naar zijn nieuwe cliënt. Hij bespeurde een zekere afstandelijkheid bij een aantal van de vaste klanten. Hij at snel zijn bord leeg en vertrok.

Om negen uur werd Jake opgebeld door Ethel. Ze had Bullard voor hem aan de lijn.

‘Hallo, rechter. Hoe gaat het?’

‘Verschrikkelijk. Jij vertegenwoordigt Carl Lee Hailey?’

‘Zeer zeker.’

‘Wanneer wil je<sup>4</sup> de preliminaire hoorzitting<sup>5</sup> gepland hebben?’

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original term “nigger”, albeit certainly less strongly, the term “neger” was chosen as a satisfying solution. Interesting to note is that the term “neger” actually works exceptionally well in this particular case, as it derived from the older term “bosneger”, a term that referred to *wild*, primitive black people. This makes the phrase “een bende wilde negers” metaphorically strong.

<sup>4</sup> Judge Bullard and Jake know each other well and have met multiple times before in court. Outside of court, Bullard generally talks to Jake in an informal, *off the record* kind of way. “You” is therefore translated with “je”. While Jake, on the other hand, indeed knows Bullard well and sometimes talks to him in a somewhat jokingly, light manner, he also clearly respects him as he is always straight-forward and polite. Furthermore, Bullard is older and is in a position of authority, of sorts. Because of these reasons, in the translation, Jake addresses Bullard with “u”.

<sup>5</sup> In the comparison of the existing translation, it was discussed that “preliminary hearing” cannot be translated with “gerechtelijk vooronderzoek” because the term has a different semantic meaning, which means it would jeopardize the translation goal of maintaining complete accuracy. Maintaining the original term is not an option, either, because the term is important to the story, so readers *have* to recognize that the term refers to a “hoorzitting”. “Preliminaire hoorzitting” was chosen over “inleidende hoorzitting” because it more closely resembles the American term, thereby hopefully preserving setting for any reader that might recognize it as such. Furthermore, readers do not have to know exactly what “preliminair” means yet, as Jake explains this to Carl Lee later in the chapter. For now, recognizing that the term refers to a hearing is therefore enough.

‘Waarom vraagt u dat aan mij, rechter?’

‘Goeie vraag. Luister, de begrafenissen zijn ergens morgenochtend, en ik denk dat het het beste is om te wachten tot nadat die eikels zijn begraven, denk je niet?’

‘Jazeker, rechter, goed idee.’

‘Wat dacht je van morgenmiddag twee uur?’

‘Prima.’

Bullard twijfelde. ‘Jake, zou je willen overwegen de preliminaire hoorzitting te laten schieten zodat ik de zaak meteen door kan sturen naar de *grand jury*<sup>6</sup>?’

‘Rechter, ik laat de preliminaire hoorzitting nooit schieten, dat weet u.’

‘Ja, ik weet het. Ik dacht, ik vraag je om een gunst. Ik ben niet degene die deze zaak gaat behandelen, en ik blijf er het liefst zo ver mogelijk bij uit te buurt<sup>7</sup>. Ik zie je morgen.’

Een uur later krijste Ethel weer door de intercom: ‘Meneer Brigance, er zijn een paar verslaggevers voor u.’

Jake voelde zich opgetogen. ‘Waarvandaan?’

‘Memphis en Jackson, geloof ik.’

‘Laat ze plaatsnemen in de vergaderzaal. Ik kom zo naar beneden.’

Hij trok zijn stropdas recht en kamde zijn haren, en keek of hij beneden op straat busjes van de televisiezenders zag. Hij besloot ze te laten wachten. Na een paar betekenisloze telefoontjes liep hij naar beneden, negeerde Ethel, en trad de vergaderzaal binnen. Vanwege de lichtinval verzochten ze hem aan het hoofd van de lange tafel te gaan zitten, maar Jake weigerde. Hij zei tegen zichzelf dat hij de touwtjes zelf in handen zou nemen en ging aan de lange kant van de tafel zitten, met zijn rug richting de rijen dikke en kostbare wetboeken.

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<sup>6</sup> In chapter three and four of this thesis, it was showed that maintaining the distinction between the grand and trial jury contributes to a more complete and accurate translation, and that such a distinction helps ensure an authentic American setting. In the absence of (close-to) equivalents, the only way to preserve this distinction is to maintain the original English term. This choice is justified by the assumption that a contemporary target audience will recognize that *grand jury* refers to a jury, and even if this assumption proves false, the phrase “leden van de jury” solves this issue.

<sup>7</sup> The perspective of the original “I have no desire to get near it” was changed in order to make the translation sound more idiomatic.

De microfoons werden voor zijn neus geplaatst en de cameralichten ingesteld, waarna een knappe dame<sup>8</sup> uit Memphis met een dikke laag make-up op haar gezicht haar keel schraapte en het woord nam. ‘Meneer Brigance, u vertegenwoordigt Carl Lee Hailey?’

‘Ja, dat klopt.’

‘En hij wordt aangeklaagd voor de moord op Billy Ray Cobb en Pete Willard?’

‘Dat is correct.’

‘En Cobb en Willard waren aangeklaagd voor het verkrachten van de dochter van de heer Hailey?’

‘Ja, dat is correct.’

‘Ontkent de heer Hailey dat hij Cobb en Willard heeft omgebracht?’

‘Hij gaat geen schuld bekennen.’

‘Wordt hij aangeklaagd voor het neerschieten van de hulpsheriff, de heer Looney?’

‘Ja, we verwachten een derde aanklacht wegens zware mishandeling van de hulpsheriff.’

‘Verwacht u uw verdediging te baseren op ontoerekeningsvatbaarheid?’

‘Ik doe nog geen uitspraken over de verdediging, aangezien er nog geen officiële aanklacht ligt.’

‘Bedoelt u dat er een kans bestaat dat hij niet officieel wordt aangeklaagd?’

Dat zou ideaal zijn<sup>9</sup>, en Jake hoopte erop. De *grand jury* zou wel of geen officiële aanklacht indienen, en de juryleden werden pas geselecteerd tijdens het Circuit Court, dat maandag 27 mei plaatsvond. De toekomstige leden van de jury<sup>10</sup> liepen

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<sup>8</sup> “Lady” was translated with the somewhat pejorative, patronizing “dame”. Throughout the novel, the way Jake and his friends talk about women, especially those from bigger cities, makes it seem like they do not think of certain women very highly, at least not in a professional context: they criticize and/or judge the make-up, the clothes and the way these career-driven women present themselves. Although it is not completely clear whether or not “lady” here was meant in a derogatory way, it certainly could be, and the translation “dame” perfectly captures the way Jake sees this woman.

<sup>9</sup> “A fat pitch” is an idiomatic expression that refers to an ideal situation or chance to achieve something. Since the expression does not exist in the target language, a description of its definition was used.

<sup>10</sup> As discussed earlier, because of the chosen foreignizing strategy as well as the determined translation goals, the term “grand jury” is generally maintained and italicized, as done in the preceding sentence. However, in order to avoid unnecessary distraction for the reader, after the first “grand jury” in this passage, the domesticating generalization “jury” is used. After all, the distinction between the two types of juries has

dus nog rond in Clanton, waar ze hun winkel runden, in de fabriek werkten, het huis schoonmaakten, de krant lezen, tv keken, en discussieerden over de vraag of hij wel of niet officieel aangeklaagd moest worden.

‘Ja, ik denk dat er een kans bestaat dat hij niet officieel wordt aangeklaagd. Dat zal bepaald worden door de jury, na de preliminaire hoorzitting.’

‘Wanneer is de preliminaire hoorzitting?’

‘Morgenmiddag om twee uur.’

‘U gaat ervan uit dat rechter Bullard hem aan de jury overdraagt?’

‘Dat is een redelijke aanname,’ antwoordde Jake, wetende dat Bullard in zijn nopjes zou zijn met dat antwoord.

‘Wanneer komt de jury samen?’

‘Maandagmorgen wordt er een nieuwe jury ingezworen. Maandagmiddag zouden ze dan naar de zaak kunnen kijken.’

‘Wanneer denkt u dat de zaak voorkomt?’

‘Ervan uit gaande dat hij officieel wordt aangeklaagd, komt de zaak tegen het eind van de zomer of in het begin van de herfst voor.’

‘In welke rechtbank?’

‘Circuit Court van Ford County.’

‘Wie is dan de rechter?’

‘Edelachtbare Omar Noose<sup>11</sup>.’

‘Waar komt hij vandaan?’

‘Chester, Mississippi. Van Buren County.’

‘U zegt daarmee dus dat de zaak hier in Clanton gehouden wordt?’

‘Dat klopt, behalve als het arrondissement wordt veranderd.’

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already been made, so setting and accuracy are preserved, and readers will understand that the next few instances refer to that same jury. Similar considerations (accuracy versus readability/distraction) are made in all instances where the term “grand jury” occurs.

<sup>11</sup> It must be noted that “Noose” is an utterly metaphorical name for a judge who is planning on handling a case concerning the death penalty. Sadly, this meaningful name could not be maintained in the translation, as a Dutch name would simply not fit in the foreignizing strategy applied.

‘Gaat u daarom<sup>12</sup> verzoeken?’

‘Erg goede vraag, en één waar ik vooralsnog nog geen antwoord op kan geven. Als we het nu al over verdedigingstactieken gaan hebben, dan lopen we op de zaken vooruit.’

‘Waarom zou u overwegen om van arrondissement te veranderen?’

Om een regio waar meer zwarten wonen te vinden, dacht Jake. Hij antwoordde bedachtzaam: ‘De gebruikelijke redenen. Publiciteit vooraf, en dergelijke.’

‘Wie bepaalt of er van arrondissement wordt veranderd?’

‘Rechter Noose. Hij is de enige die daarover kan beslissen.’

‘Is er een borgsom vastgesteld?’

‘Nee, en dat zal waarschijnlijk ook niet gebeuren tot de officiële aanklachten zijn bepaald. Hij heeft recht op een redelijke borgsom, maar zoals algemeen gebruikelijk in deze regio, wordt er in het geval van moord onder verzwarende omstandigheden<sup>13</sup> geen borgsom bepaald tot na de officiële aanklacht en tenlastelegging in Circuit Court. Op dat punt wordt de borgsom vastgesteld door rechter Noose.

‘Wat kunt u ons over de heer Hailey vertellen?’

Jake ontspande en dacht even na terwijl de camera’s doordraaiden. Dit was een gouden kans<sup>14</sup> om alvast wat zekerheid te creëren voor de toekomst<sup>15</sup>. ‘Hij is zevenendertig jaar oud. Al twintig jaar met dezelfde vrouw getrouwd. Heeft vier

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<sup>12</sup> The translation-oriented analysis has shown that in *A Time to Kill*, syntax forms an important stylistic device as it is inextricably intertwined with content. In this passage, the short, incomplete sentences reflect the fast-paced interview between Jake and the reporter. In this light, to compensate for the long translation “dat klopt, behalve als van arrondissement wordt veranderd”, the sentence was condensed by using a short reference (“daarom”) instead of repeating the longer piece of information.

<sup>13</sup> Capital murder is any murder that is punishable by death, i.e. a murder that carries a possible death sentence. Since this penalty does not exist in the target culture, there is no matching equivalent. Although in some cases the chosen foreignizing strategy would justify maintaining such a term in its original English form, in this particular case, the implications of leaving the term untranslated are too significant; the murders are at the core of the story, and it is therefore essential to include the Dutch word “moord”, which will have a stronger effect on the target audience than a foreign term. Since capital murder is typically characterized by being particularly violent and/or its circumstances are considered particularly condemnable, “moord onder verzwarende omstandigheden” is a crime that is fairly similar and that is therefore the best translation option.

<sup>14</sup> The source text once again talks about a “fat pitch”. Whereas in the earlier example, there was no real Dutch equivalent for this idiomatic expression and a simple description was used, in this particular context, the original can be replaced by a Dutch expression that has a slightly different semantic meaning.

<sup>15</sup> “To plant a seed” is a known expression that means to do something for the purpose of it ultimately developing into something else or something more in the future. Once again, there is no Dutch equivalent for this idiomatic expression, and a description was therefore used.



kinderen: drie jongens en een meisje. Een vriendelijke man met een vlekkeloos verleden. Nooit eerder in de problemen geraakt. Heeft een onderscheiding gekregen in Vietnam. Werkt vijftig uur per week in de papierfabriek in Coleman. Betaalt zijn rekeningen en is in het bezit van een klein stuk grond. Gaat iedere zondag naar de kerk en hecht waarde aan zijn privacy.'

'Geeft u ons toestemming om met hem te praten?'

'Natuurlijk niet.'

'Is zijn broer een aantal jaar geleden niet aangeklaagd voor moord?'

'Dat klopt, en hij is vrijgesproken.'

'U was zijn advocaat?'

'Ja, dat is correct.'

'U heeft een aantal moordzaken behandeld in Ford County, klopt dat?'

'Drie.'

'Hoeveel vrijspraken?'

'Stuk voor stuk<sup>16</sup>,' antwoordde hij langzaam.

'Zijn er in Mississippi niet een aantal verschillende opties voor de jury?' vroeg de dame uit Memphis.

'Dat klopt. In het geval van een aanklacht als deze<sup>17</sup>, kan de jury de beklaagde schuldig bevinden aan doodslag, waarop twintig jaar staat, of aan moord onder verzwarende omstandigheden, waarop levenslang of de doodstraf staat. Dit wordt bepaald door de jury. En de jury kan de beklaagde *niet*<sup>18</sup> schuldig verklaren.' Jake

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<sup>16</sup> There are numerous possible translation options. However, because Jake pronounces this "slowly", as if to emphasize the fact that all his clients have been acquitted, a translation with three words works better than a translation with one word.

<sup>17</sup> The source text talks about "a capital murder indictment". Since this passage contains a large amount of information clustered together, the translation "een aanklacht wegens moord onder verzwarende omstandigheden" would result in a significantly longer and more difficult target text. Moreover, while the repetition of "capital murder" later in the sentence works fine in English, it sounds unidiomatic in Dutch. With the current translation, both of these issues have been solved.

<sup>18</sup> Intonation and emphasis are features that are characteristically inherent to the English language. In the Dutch language, however, these features are generally achieved by clear emphasis and/or the use of modal particles. In the source text, Jake's tone is heard simply in the words he uses. In the target text, his tone is more neutral because of the aforementioned differences between source and target language. To achieve the same kind of emphasis as seen in the source text, in the translation, visible emphasis was placed on the word "niet" by means of italicization.

glimlachte richting de camera's. 'Nogmaals, u gaat er blindelings vanuit dat hij officieel wordt aangeklaagd.'

'Hoe gaat het met de dochter van de Haileys?'

'Ze is weer thuis. Ze is zondag ontslagen uit het ziekenhuis. De verwachting is dat ze weer helemaal herstelt.'<sup>19</sup>

De verslaggevers keken elkaar aan, op zoek naar nog meer vragen. Jake wist dat het nu gevaarlijk werd, wanneer de gespreksstof op was<sup>20</sup> en ze achterlijke vragen gingen stellen.

Hij stond op en knoopte zijn jasje dicht. 'Luister, ik stel het op prijs dat jullie zijn langsgekomen. Meestal ben ik wel beschikbaar. Geef het voortaan alleen iets verder van te voren aan, dan sta ik jullie graag te woord.'

Ze bedankten hem en vertrokken.

Op woensdagochtend om tien uur hielden de *rednecks*<sup>21</sup> een simpele begrafenisdienst in het uitvaartcentrum en werden hun overleden maten begraven.

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<sup>19</sup> This passage reflects the different choices the translator of the existing translation has generally taken when it comes to register. Earlier in this thesis, it was discussed that *A Time to Kill* is characterized by the use of different registers and that these registers are important to the novel. In this particular case, Jake uses a distinctly formal register in his interview with the reporters. The sentence in question reads: "She's expected to be fine." As discussed in chapter four, translator Maaïke Bijnsdorp generally has not maintained the different registers that characterize the novel and, more specifically, has caused the formal registers to shift to a more informal one. This tendency is seen in her translation of this particular sentence as well, which reads: "Het zal waarschijnlijk wel weer goed komen met haar." Because one of the goals set earlier in this thesis, however, was that register should be maintained, the sentence was translated with the more formal "De verwachting is dat ze weer helemaal herstelt."

<sup>20</sup> The source text talks about "other questions", "things to ask", and "screwball questions". The correct translation of "questions" is "vragen", but the correct translation of "ask" is also "vragen". In other words, as opposed to the source language, in the target language, the noun and verb have identical forms. This means that a more *literal* translation would have resulted in two repetitions of the same word in just two sentences: "De verslaggevers keken elkaar aan, op zoek naar nog meer **vragen**. Jake wist dat het nu gevaarlijk werd, wanneer ze geen **vragen** meer hadden en achterlijke **vragen** gingen stellen", a strategy applied by the translator of the existing translation. This strategy has had a negative effect on the rhythm of the passage and a different term with a somewhat different meaning was therefore chosen here.

<sup>21</sup> The term "rednecks" is found throughout the entire novel. However, depending on the context in which the term is found, there are a few small but noticeable differences in the semantic meanings it can carry. Since the Dutch language knows no equivalent that can carry all these different semantic meanings and connotations at once, the best translation option has to be determined for each case individually. In this case, there is no Dutch translation option that can be used without having to add specific details ("boeren"), or without adding a specific judgment ("ongeschoolden"). It was therefore decided that maintaining the original English term was the best solution, assuming that the modern target audience is familiar with the term.

De dominee, een nieuw ingewijd lid van de United Pentecostal Church<sup>22</sup>, deed wanhopig zijn best om troostgevende en geruststellende woorden voor de menigte te bedenken over de overledenen. De dienst was kort en er vloeiden weinig tranen. De pick-ups en modderige Chevrolets reden langzaam achter de lijkwagen aan. De stoet reed met een slakkengangetje de stad uit, het platteland op. Ze parkeerden achter een klein, bakstenen kerkje. De lichamen werden één voor één begraven aan tegenovergestelde uiteindes van de kleine, overwoekerde begraafplaats. Na nog een aantal inspirerende woorden, verspreidde de menigte zich.

Cobbs ouders waren gescheiden toen hij nog jong was, en zijn vader was vanuit Birmingham hierheen gereden voor de begrafenis. Na afloop<sup>23</sup> verdween hij weer. Mevrouw Cobb woonde in een klein, spierwit huis vlakbij Lage Village, zestien kilometer ten zuiden van Clanton. Haar twee andere zoons en hun neven en vrienden verzamelden zich onder een eikenboom in de achtertuin. De vrouwen bekommerden zich om mevrouw Cobb. De mannen hadden het over negers over het algemeen, kauwden op tabak en dronken whisky, en haalden herinneringen op aan de tijd dat negers hun plaats nog kenden. Nu werden ze vertroeteld en in bescherming genomen door de overheid en de rechtbanken. En er was niets wat de blanken eraan konden doen. Eén neef had een vriend of kennis die bevriend was met iemand die ooit actief was geweest binnen de Klan, en hij zou hem misschien wel een belletje geven. Cobbs grootvader was lang voordat hij stierf lid geweest van de Klan, zo legde de neef uit, en toen Billy Ray en hij klein waren had de oude man ze verhalen verteld over opgehangen negers in Ford County en Tyler County. Ze

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<sup>22</sup> The United Pentecostal Church is a church with a distinctly Southern United States background and is therefore often associated with the southern states. Guided by the foreignizing strategy as formulated in chapter three of this thesis, instead of using the more general and geographically neutral translation “pinkstergemeente”, the original English term was maintained, thereby contributing to the predetermined goal of preserving the original American setting.

<sup>23</sup> In the source text, Cobb’s father drove to Clanton for the “funeral”, and left after the “burial”; two words with distinctly different meanings: a funeral in the source culture generally refers to the entire service, burial, etcetera, whereas a burial refers to the actual burying. Although a more *literal* translation of the word funeral is “uitvaart”, an “uitvaart” in the target culture does not have the same connotation as it does in the source culture. In Dutch, the word “begrafenis”, although indeed literally referring to the burial itself, colloquially refers to the entire service, burial, etcetera, the same way funeral does in English. It was therefore chosen as the most idiomatically correct translation. A direct result of this choice, however, is the repetition of the word “begrafenis”. In order to avoid this repetition, the term was simply omitted in the following sentence.

zouden hetzelfde moeten doen als wat die neger had gedaan, maar niemand bood zich vrijwillig aan. Misschien was de Klan geïnteresseerd. Een stuk richting het zuiden, vlakbij Jackson in Nettles County, was een *chapter*<sup>24</sup> gevestigd, en de neef had de bevoegdheid om contact met ze op te nemen.

De vrouwen bereidden de lunch voor. De mannen aten in stilte en trokken zich toen met hun whisky weer terug in de schaduw onder de boom. De hoorzitting van de neger die om twee uur zou plaatsvinden werd genoemd, en ze stapten in hun auto en reden naar Clanton.

Er was Clanton voor de moorden, en er was Clanton na de moorden, en het zou nog maanden duren voordat die twee weer op elkaar leken. Eén tragische, bloedige gebeurtenis die minder dan vijftien seconden had geduurd, had het stille stadje in het Zuiden met haar achtduizend inwoners omgetoverd tot een mekka voor journalisten, verslaggevers, cameraploegen en fotografen zowel uit naburige stadjes als van de nationale nieuwsorganisaties. Verslaggevers en cameralieden van de tv botsten tegen elkaar aan op de stoep rond het plein en vroegen de gewone man voor de honderdste keer naar zijn mening over de gebeurtenissen omtrent Hailey en naar hoe hij zou stemmen als hij in de jury zat. De gewone man kwam niet tot een eenduidig vonnis. Busjes van de televisiezenders reden achter de kleine, opvallende, geïmporteerde televisieauto's aan het plein rond en de straten door op jacht naar aanknopingspunten, verhalen en interviews. Eerst was Ozzie favoriet geweest. Hij was de dag na de schietpartij zes keer geïnterviewd, waarna hij iets anders had gevonden om te doen en de interviews had overgedragen aan Moss Junior, die het leuk vond om met de pers te dollen. Hij kon zo twintig vragen beantwoorden zonder ook maar een enkel nieuw detail te onthullen. Hij vertelde ook vaak onzinverhalen, en de onwetende buitenstaanders hadden niet door wanneer hij nu loog en wanneer hij de waarheid sprak.

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<sup>24</sup> The same consideration was made as that found under footnote one.

‘Meneer Tatum<sup>25</sup>, is er bewijs dat duidt op meerdere schutters?’

‘Ja.’

‘Echt waar! Wie?’

‘We hebben bewijs dat de schietpartij is opgezet en gefinancierd door een zijtak van de Black Panthers<sup>26</sup>.’

De helft van de verslaggevers begon dan te stotteren of wezenloos te staren terwijl de andere helft herhaalde wat hij zei en er driftig op los schreef.

Bullard weigerde zijn kantoor te verlaten of telefoontjes aan te nemen. Hij belde Jake nogmaals op en smeekte hem om van de preliminaire hoorzitting af te zien. Jake weigerde. Op de begane grond van de rechtbank bleven de verslaggevers in de lobby van Bullards kantoor wachten, maar Bullard zat veilig met zijn wodka achter de gesloten deur.

Er was gevraagd of de begrafenisdienst gefilmd mocht worden. Tegen een vergoeding wilden de jongens van de familie Cobb<sup>27</sup> daarmee instemmen, maar mevrouw Willard had het verzoek afgewezen. De verslaggevers wachtten buiten het uitvaartcentrum en filmde wat ze konden. Na afloop volgden ze de stoet naar de plek van de begrafenis en begonnen wederom te filmen. Daarna volgden ze de rouwende mensen naar het huis van mevrouw Cobb, waar Freddie, de oudste, ze vervloekte en wegstuurde.

Op woensdag was het stil in de Coffee Shop. De vaste klanten, waaronder Jake, staarden naar de vreemde vogels die hun toevluchtsoord waren binnengedrongen. De meesten hadden een baard, spraken met een raar accent en bestelden geen *grit*. ‘Bent u niet de advocaat van de heer Hailey?’ schreeuwde er één vanaf de andere kant van de ruimte.

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<sup>25</sup> It is generally uncommon in the Dutch language to address someone simply as “meneer”. This problem is solved by adding a last name. Moss Junior’s last name is Tatum, as mentioned in a different chapter.

<sup>26</sup> The “Black Panthers” were an Afro-American militant organization that dedicated itself to the fight for equal rights for black people. Although a description along the lines of “de zwarte burgerrechtenbeweging van de Black Panthers” would contribute to the humor of the statement as it would clarify its absurdity, a realistic (Afro-) American character would never add such a description in normal conversation, as the group is well-known in the United States.

<sup>27</sup> A more *literal* translation of “the Cobb boys” would be “the jongens van Cobb”. However, this was deemed fairly unidiomatic. The chosen translation sounds more idiomatic, and has the same semantic meaning.

Jake at verder van zijn toast en zei niets.

‘Bent u dat? Meneer?’

‘En wat als ik dat ben?’ snauwde Jake.

‘Gaat hij schuld bekennen?’

‘Ik ben aan het ontbijten.’

‘Nou, bekennt hij schuld?’

‘Geen commentaar.’

‘Waarom geen commentaar?’

‘Geen commentaar.’

‘Maar waarom niet?’

‘Ik geef geen commentaar tijdens mijn ontbijt. Geen commentaar.’

‘Kan ik later met u praten?’

‘Ja, maak maar<sup>28</sup> een afspraak. Ik reken zestig dollar per uur.’

De vaste klanten begonnen te joelen, maar de vreemdelingen gaven geen kik.

Jake stemde in met een kosteloos interview op woensdag met een krant uit Memphis, en sloot zichzelf toen op in zijn werkkamer om aan de voorbereidingen voor de preliminaire hoorzitting te beginnen. Op het middaguur bezocht hij zijn beroemde cliënt in de gevangenis. Carl Lee was goed uitgerust en ontspannen. Vanuit zijn cel kon hij de verslaggevers op de parkeerplaats zien komen en gaan.

‘Hoe bevalt het in de gevangenis?’ vroeg Jake.

‘Niet slecht. ‘t Eten is goed. Ik eet met Ozzie samen in zijn kantoor.’

‘Je eet waar?’

‘Jep.<sup>29</sup> En we doen kaartspelletjes.’

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<sup>28</sup> Since tone is more inherent to the English language than to the Dutch language, throughout the translation, modal particles are sometimes added in order to preserve specific intonation. This particular case merely serves as an example: in the source text, Jake’s cynical and aggressive tone is inherent to the words he uses. In the target language, the particle “maar” was added to make sure this cynical tone comes across more clearly.

<sup>29</sup> Earlier in this thesis, it was discussed that dialect is an important element to be maintained in the target text, and that this can be achieved by “[using] non-standard spelling or grammar wherever possible, and/or pronunciation-based spelling instead of standard spelling, and/or occasional words in dialect, and [by attempting] to have approximately the same number of ‘errors’ as in English” (Epstein 45). Indeed, non-standard spelling and grammar are used in this passage, as well as the insertion of non-standard language elements such as “man”, a word that is often used in Dutch street dialects, and “of niet dan?”, an informal

'Je maakt een grapje, Carl Lee.'

'Nope. We kijken ook tv. Ik zag je gisteravond nog op het nieuws. Je zag er gelikt uit, man. Je wordt beroemd door mij, Jake, of niet dan?'

Jake zei niets.

'Wanneer kom ik op tv? Ik bedoel, ik ben degene die ze ombrengt en jij en Ozzie krijgen de beroemdheid.' De cliënt grijnsde. De advocaat niet.

'Vandaag, over een uur ongeveer.'

'Ja, ik hoorde al dat we naar de rechtbank gaan. Waarvoor?'

'Preliminare hoorzitting. Het stelt niet veel voor, of dat is tenminste niet de bedoeling. Dit keer ligt het iets anders vanwege de camera's.

'Wat moet ik zeggen?'

'Niets! Jij zegt geen woord, tegen niemand. Niet tegen de rechter, de aanklager, de verslaggevers, niemand. We luisteren alleen. We luisteren naar de aanklager en kijken hoe hij ervoor staat. Ze hebben als het goed is een ooggetuige die wellicht zal getuigen. Ozzie zal getuigen en de rechter vertellen over het wapen, de vingerafdrukken, Looney...'

'Hoe gaat het met Looney?'

'Ik weet het niet. Slechter dan ze dachten.'

'Man, ik voel me klote dat ik Looney heb neergeschoten. Ik heb die kerel niet eens gezien.'

'Ze gaan je aanklagen voor zware mishandeling wegens het neerschieten van Looney. Hoe dan ook, de preliminaire hoorzitting is niet meer dan een formaliteit. Het is bedoeld voor de rechter zodat hij kan bepalen of er genoeg bewijs is om je aan de *grand jury* over te dragen. Dat doet Bullard altijd, dus het is puur een formaliteit.'

'Waarom moet het dan?'

'We kunnen hem overslaan,' antwoordde Jake, denkend aan alle camera's die hij dan zou missen. 'Maar dat doe ik liever niet. Het is een goede kans om te zien hoe de

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phrase. This way, the number of "errors", or non-standard language elements, is kept approximately the same as in the source text.

Staat ervoor staat.'

'Nou, Jake, ik zou zeggen dat ze een behoorlijk aardige zaak hebben, wat jij?'

'Dat denk ik wel. Maar laten we gewoon luisteren. Dat is de strategie van een preliminaire hoorzitting, oké?'

'Ik vind het helemaal prima. Heb je al met Lester of Gwen gesproken vandaag?'

'Nee, ik heb ze maandagavond gebeld.'

'Ze waren gisteren hier in Ozzies kantoor. Zeiden dat ze vandaag in de rechtszaal zouden zijn.'

'Ik denk dat iedereen vandaag in de rechtszaal is.'

Jake vertrok weer. Op de parkeerplaats liep hij rakelings langs de vele verslaggevers die op het vertrek van Carl Lee uit de gevangenis stonden te wachten. Hij had geen commentaar voor hen en ook geen commentaar voor de verslaggevers die buiten zijn kantoor stonden te wachten. Hij had het op het moment te druk voor vragen, maar hij was zich wel bewust van de camera's. Om half twee ging hij naar de rechtbank en verstopte hij zich in de bibliotheek op de tweede verdieping.

Ozzie, Moss Junior en de agenten keken naar de parkeerplaats en vervloekten de bende verslaggevers en cameralieden binnensmonds. Het was kwart voor twee, tijd om de gevangene naar de rechtbank te begeleiden.

'Doet me een beetje denken aan een groep aasgieren die naast de weg op een dooie hond staat te wachten,' merkte Moss Junior op terwijl hij door de jaloezieën staarde.

'Meest brutale volkje dat ik ooit heb gezien,' voegde Prather toe. 'Begrijpen een simpele nee niet. Ze verwachten dat de hele stad zich aan hen aanpast.'

'En dat is de helft nog maar. De andere helft wacht bij de rechtbank.'

Ozzie zei niet veel. Eén krant had hem bekritiseerd voor de schietpartij door te impliceren dat de veiligheid rond de rechtbank opzettelijk matig was geweest. Hij had genoeg van de pers. Op woensdag had hij tot twee keer toe verslaggevers uit de gevangenis moeten sturen.

'Ik heb een idee,' zei hij.

'Wat?' vroeg Moss Junior.



'Zit Curtis Todd nog steeds vast?'

'Ja. Hij komt volgende week vrij.'

'Hij lijkt wel wat op Carl Lee, toch?'

'Hoe bedoel je?'

'Nou, ik bedoel, hij is ongeveer net zo zwart als Carl Lee, en heeft bijna dezelfde lengte en hetzelfde gewicht, of niet?'

'Ja, nou en?' vroeg Prather.

Moss Junior grijnsde en keek naar Ozzie, wiens ogen nog steeds op het raam gericht waren. 'Ozzie, dat doe je niet.'

'Wat?' vroeg Prather.

'Laten we gaan. Haal Carl Lee en Curtis Todd,' beval Ozzie. 'Parkeer mijn auto aan de achterkant. Breng Todd hierheen voor instructies.'

Tien minuten later ging de voordeur van de gevangenis open en een politiepatrouille begeleidde de gevangene over de stoep. De man, waarvan de handboeien niet vastzaten, had een pikzwarte zonnebril op en was aan alle vier de kanten ingesloten door agenten<sup>30</sup>. Ze liepen in de richting van de verslaggevers, die druk filmde en foto's maakten. De vragen vlogen om hun oren:

'Meneer Hailey, gaat u schuld bekennen?'

'Meneer Hailey, bent u niet van plan schuld te bekennen?'

'Meneer Hailey, wat gaat u zeggen?'

'Meneer Hailey, gaat u zeggen dat u ontoerekeningsvatbaar was?'

De gevangene glimlachte en liep rustig door richting de wachtende politieauto. De agenten grijnsden grimmig en negeerden de menigte. De fotografen drongen zich naar voren om de perfecte foto te maken van de beroemde man die het recht in eigen hand had genomen.

Plotseling, terwijl het hele land toekeek en de camera's van tientallen verslaggevers

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<sup>30</sup> The original phrase reads "Two deputies walked in front, two behind, and one on each side of the man [...]". As discussed earlier in the thesis, longer sentences consisting of multiple different phrases linked together through commas work less well in the Dutch language than in the English language. Since this sentence already contained a number of commas, it was decided that paraphrasing and thereby making the sentence shorter and less complicated, was the best option.

op hem gericht waren, rukte de gevangene zich los en rende er vandoor. Hij schudde en sprong, draaide en kronkelde, en rende als een bezetene over de parkeerplaats, sprong over een greppel en stak de snelweg over het bos in, en verdween uit het zicht. De verslaggevers schreeuwden en renden door elkaar heen, en sommige renden zelfs een stuk achter hem aan. Merkwaardig genoeg renden de agenten juist terug naar de gevangenis, waar ze de deur hard achter zich dichttrokken. De aasgieren bleven wanordelijk cirkelend achter. In het bos maakte de gevangene zich los van zijn handboeien en liep richting huis. Curtis Todd was zojuist een week te vroeg voorwaardelijk vrijgelaten.

Ozzie, Moss Junior en Carl Lee verlieten de gevangenis snel door de achterdeur en reden via een andere route naar de rechtbank, waar nog meer agenten stonden te wachten om Carl Lee naar de rechtszaal te begeleiden.

‘Hoeveel negers zitten er binnen?’ schreeuwde Bullard naar meneer Pate.

‘Een hele lading.’

‘Fantastisch! Een hele lading negers. Ik neem aan dat er ook een hele lading blank uitschot<sup>31</sup> zit?’

‘Een behoorlijk aantal.’

‘Zit de zaal vol?’

‘Bomvol.’

‘Mijn God. Het is maar een preliminaire hoorzitting!’ schreeuwde Bullard.

Hij goot een glas wodka naar binnen, terwijl meneer Pate hem de volgende al aanreikte.

‘Rustig aan, rechter.’

‘Brigance. Het is allemaal zijn schuld. Hij had er vanaf kunnen zien als hij wilde. Ik heb het hem nog gevraagd. Twee keer zelfs. Hij weet dat ik de zaak naar de *grand jury* doorstuur. Hij weet het. Alle advocaten weten het. Nu worden die negers kwaad

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<sup>31</sup> As discussed in footnote eleven, the term “rednecks” is translated in different ways throughout the chapter, depending on the context in which it is found. In this case, judge Noose refers to Cobb and Willard’s family as rednecks. Earlier in the novel and the chapter, the same judge refers to Cobb and Willard as “those bastards”. In fact, the judge overall seems to be quite judgmental. It is therefore assumed that rednecks in this context is meant as a negative judgment. The term “blank uitschot” covers this negative connotation.

omdat ik hem niet laat gaan, en dat blanke uitschot wordt kwaad omdat ik hem niet vandaag al aanpak in de rechtszaal. Ik pak Brigance hier nog wel voor terug. Hij speelt een spelletje vanwege de camera's. Ik moet nog herkozen worden, hij niet, of wel dan?'

'Nee, rechter.'

'Hoeveel agenten zitten er?'

'Genoeg. De sheriff heeft de reserves erbij gehaald. U loopt geen gevaar.'

'En de pers?'

'Die zit klaar op de eerste rij.'

'Geen camera's!'

'Geen camera's.'

'Is Hailey er al?'

'Ja, meneer. Hij zit in de rechtszaal met Brigance. Iedereen is er klaar voor. Ze wachten enkel nog op u.'

De Edelachtbare vulde een grote schuimplastic beker met pure wodka. 'Oké, laten we gaan.'

Net als vroeger in de tijd van de segregatie, waren de zwarten en de blanken netjes in het midden van elkaar gescheiden door het gangpad. De statige agenten stonden in het pad en langs de muren van de rechtszaal. De voornaamste reden tot bezorgdheid was een groepje aangeschoten blanken die samen op de derde rij zaten. Een aantal werd herkend als broers of neven van de overleden Billy Ray Cobb. Zij werden nauwlettend in de gaten gehouden. De twee voorste rijen waren bezet door een twintigtal verschillende journalisten, rechts de zwarte en links de blanke. Sommige maakten aantekeningen, terwijl andere schetsen maakten van de beklagde, zijn advocaat en nu eindelijk ook van de rechter.

'Ze gaan die neger neerzetten als held,' mompelde één van de blanken, hard genoeg voor de verslaggevers om het te horen.

Toen Bullard plaatsnam, trokken de agenten de deur achter in de zaal dicht.

'Roep uw eerste getuige op,' beval hij in de richting van Rocky Childers.

‘De Staat roept sheriff Ozzie Walls op.’

De sheriff legde de eed af en nam plaats in de getuigenbank. Hij ontspande zich en begon een lang verhaal waarin hij de plaats van de schietpartij beschreef, de lichamen, de verwondingen, het geweer, de vingerafdrukken op het geweer en de vingerafdrukken van de beklaagde. Childers gaf hem een beëdigde verklaring die was ondertekend door agent Looney met als getuigen de sheriff en Moss Junior. De schutter werd erin geïdentificeerd als Carl Lee. Ozzie controleerde de handtekening van Looney en las de verklaring voor, die vervolgens officieel in het rapport werd opgenomen.

‘Sheriff, heeft u weet van nog meer ooggetuigen?’ vroeg Childers met weinig enthousiasme.

‘Ja, Murphy, de conciërge.’

‘Wat is zijn voornaam?’

‘Dat weet niemand. Iedereen zegt gewoon Murphy.’

‘Oké. Heeft u met hem gesproken?’

‘Nee, maar mijn rechercheur wel.’

‘Wie is uw rechercheur?’

‘Agent Rady.’

Rady legde de eed af en nam plaats in de getuigenbank. Meneer Pate haalde nog een beker ijswater voor de rechter uit zijn kantoor. Jake maakte paginalange aantekeningen. Hij had geen getuigen om op te roepen en hij koos ervoor de sheriff niet te ondervragen. Soms raakten de getuigen van de Staat tijdens de preliminaire hoorzitting in hun eigen leugens verstrikt, en dan stelde Jake een paar vragen om de tegenstrijdigheden officieel vast te leggen. Als dan later tijdens het echte<sup>32</sup> proces het liegen weer begon, haalde Jake de verklaring van de preliminaire hoorzitting tevoorschijn om de leugenaars nog verder in de war te brengen. Maar vandaag niet. ‘Meneer Rady, heeft u de kans gehad met Murphy te praten?’ vroeg Childers.

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<sup>32</sup> Although the target audience is assumed to understand that this is only a preliminary hearing and not yet the actual trial, the addition of the word “echte” subtly points out this difference just in case.

'Welke Murphy?'

'Ik weet het niet. Gewoon Murphy, de conciërge.'

'O, hij. Ja, meneer.'

'Mooi. Wat heeft hij gezegd?'

'Waarover?'

Childers liet zijn hoofd naar beneden hangen. Rady was nieuw en was nog niet vaak als getuige opgeroepen. Ozzie dacht dat dit goed zou zijn voor de ervaring.

'Over de schietpartij! Vertel ons wat hij u heeft verteld over de schietpartij.'

Jake stond op. 'Edelachtbare, ik protesteer. Ik weet dat van horen zeggen wordt toegestaan in een preliminaire hoorzitting, maar die Murphy gast is zelf beschikbaar. Waarom laten ze hem niet gewoon zelf getuigen?'

'Omdat hij stottert,' antwoordde Bullard.

'Wat?'

'Hij stottert. En ik heb geen zin om het komende half uur naar dat gestotter te moeten luisteren. Protest afgewezen. Gaat u verder, meneer Childers.'

Jake ging vol ongeloof weer zitten. Bullard proestte naar meneer Pate, die de zaal verliet om nog meer water te halen.

'Nu dan, meneer Rady, wat heeft Murphy u verteld over de schietpartij?'

'Nou, hij was lastig te begrijpen omdat hij zo nerveus was, en als hij nerveus is gaat hij erg stotteren. Ik bedoel, hij stottert altijd al, maar...'

'Vertel ons gewoon wat hij zei!' schreeuwde Bullard.

'Oké. Hij zei dat hij een zwarte man de twee blanke jongens en de hulpsheriff zag neerschieten.'

'Dank u,' zei Childers. 'En waar was hij toen dit gebeurde?'

'Wie?'

'Murphy!'

'Hij zat op de trap recht tegenover de trap waar ze zijn neergeschoten.'

'En hij heeft alles zien gebeuren?'

'Hij zei van wel.'

‘Heeft hij de schutter geïdentificeerd?’

‘Ja, we hebben hem foto’s van tien zwarte mannen laten zien en hij heeft de beklaagde die daar zit aangewezen.’

‘Mooi. Dank u. Edelachtbare, wij laten het hierbij.’

‘Heeft u nog vragen, meneer Brigance?’ vroeg de rechter.

‘Nee, rechter,’ zei Jake terwijl hij opstond.

‘Getuigen?’

‘Nee, rechter<sup>33</sup>.’

‘Aanvragen, moties, wat dan ook?’

‘Nee, rechter.’

Jake wist wel beter dan borgtocht aan te vragen. Ten eerste zou dat toch nergens goed voor zijn. Bullard zou geen borgtocht vaststellen voor een moord onder verzwarende omstandigheden. Ten tweede zou het de rechter in een kwaad daglicht stellen.

‘Dank u, meneer Brigance. De rechtbank is van mening dat er voldoende bewijs bestaat om de beklaagde over te dragen aan de *grand jury* van Ford County. Meneer Hailey blijft in hechtenis onder het gezag van de sheriff, zonder borgtocht. De zitting wordt gedaagd.’

Carl Lee werd snel geboeid en uit de rechtszaal geleid. Het gebied rond de achteruitgang op de begane grond was afgezet en werd bewaakt. De camera’s buiten vingen slechts een glimp op van de beklaagde terwijl deze van de deur naar de wachtende politieauto liep. Nog voordat alle toeschouwers de rechtszaal hadden verlaten, was hij alweer terug in de gevangenis.

De agenten bevalen de blanken aan de ene kant om de zaal als eerst te verlaten, gevolgd door de zwarten.

De verslaggevers verzochten Jake om wat van zijn tijd, en kregen de instructies om hem over paar minuten in de hal te ontmoeten. Hij liet ze wachten en ging eerst naar

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<sup>33</sup> As discussed before, “meneer” is an uncommon way to address someone in Dutch. Since adding a last name is not a good option in this case, “meneer” was replaced by “rechter”.

het kantoor van de rechter om hem gedag te zeggen. Daarna liep hij naar de tweede verdieping om een boek raad te plegen. Toen de rechtszaal leeg was en hij vond dat ze lang genoeg hadden gewacht, liep hij door de achterdeur de hal in en stond de camera's te woord.

Een microfoon met rode letters erop werd in zijn gezicht geduwd. 'Waarom heeft u geen borgtocht aangevraagd?' wilde een verslaggever weten.

'Dat komt later pas.'

'Gaat de heer Hailey zich beroepen op ontoerekeningsvatbaarheid?'

'Zoals ik eerder heb aangegeven, is het te vroeg om daar een antwoord op te geven. Het is nu wachten op de jury. We weten nog niet of hij officieel wordt aangeklaagd. Zo ja, dan beginnen we met het voorbereiden van de verdediging.'

'De heer Buckley, de openbare aanklager, heeft aangegeven dat hij een simpele veroordeling verwacht. Heeft u daar commentaar op?'

'Ik ben bang dat de heer Buckley vaak zijn mond opentrekt op momenten dat hij beter zou kunnen zwijgen. Het is zeer onverstandig van hem om op de zaak in te gaan nog voordat de jury zich erover heeft gebogen.'

'Hij heeft ook gezegd dat hij fel tegen een mogelijk verzoek tot verandering van arrondissement zou zijn.'

'Een dergelijk verzoek is nog niet ingediend. Het kan hem echt geen moer schelen waar de zaak wordt gehouden. Hij zou hem nog in de woestijn houden als de pers daar aanwezig was.'

'Kunnen we aannemen dat het niet goed botert tussen u en de openbare aanklager?'

'Als u dat wilt. Hij is een goede aanklager en een waardige tegenstander. Hij praat alleen als hij zou moeten zwijgen.'

Hij beantwoordde nog een aantal andere vragen en excuseerde zichzelf toen.

Woensdagavond laat amputeerden de dokters het onderste deel van Looney's been, vanaf net onder zijn knie. Ze belden Ozzie in de gevangenis op en hij gaf het nieuws door aan Carl Lee.

## APPENDIX A – SOURCE TEXT

### CHAPTER 9

Dell Perkins served more coffee and grits than usual Tuesday morning after the killings. All the regulars and some extras had gathered early to read the papers and talk about the killings, which had taken place less than three hundred feet from the front door of the Coffee Shop. Claude's and the Tea Shoppe were also crowded earlier than usual. Jake's picture made the front page of the Tupelo paper, and the Memphis and Jackson papers had front-page photos of Cobb and Willard, both before the shootings and afterward as the bodies were loaded into the ambulance. There were no pictures of Carl Lee. All three papers ran detailed accounts of the past six days in Clanton.

It was widely accepted around town that Carl Lee had done the killing, but rumors of additional gunmen surfaced and flourished until one table at the Tea Shoppe had a whole band of niggers in on the attack. However, the deputies in the Coffee Shop, though not talkative, throttled the gossip and kept it pretty much under control. Deputy Looney was a regular, and there was concern for his wounds, which appeared to be more serious than initially reported. He remained in the hospital, and he had identified the gunman as Lester Hailey's brother.

Jake entered at six and sat near the front with some farmers. He nodded at Prather and the other deputy, but they pretended not to see him. They'll be okay once Looney is released, he thought. There were some remarks about his new client or the killings. He detected a certain coolness among some of the regulars. He ate quickly and left.

At nine Ethel called Jake. Bullard was holding.

"Hello, Judge. How are you?"

"Terrible. You represent Carl Lee Hailey?"

"Yes, sir."



"When do you want the preliminary?"

"Why are you asking me, Judge?"

"Good question. Look, the funerals are tomorrow morning sometime, and I think it would be best to wait till they bury those bastards, don't you?"

"Yeah Judge, good idea."

"How 'bout tomorrow afternoon at two?"

"Fine."

Bullard hesitated. "Jake, would you consider waiving the preliminary and letting me send the case straight to the grand jury?"

"Judge, I never waive a preliminary, you know that."

"Yeah, I know. Just thought I'd ask for a favor. I won't hear this trial, and I have no desire to get near it. See you tomorrow."

An hour later Ethel squawked through the intercom again: "Mr. Brigance, there are some reporters here to see you."

Jake was ecstatic. "From where?"

"Memphis and Jackson, I believe."

"Seat them in the conference room. I'll be down in a minute."

He straightened his tie and brushed his hair, and checked the street below for television vans. He decided to make them wait, and after a couple of meaningless phone calls he walked down the stairs, ignored Ethel, and entered the conference room. They asked him to sit at one end of the long table, because of the lighting. He declined, told himself he would control things, and sat at one side with his back to the rows of thick, expensive law books.

The microphones were placed before him and the camera lights adjusted, and finally an attractive lady from Memphis with streaks of bright orange across her forehead and under her eyes cleared her throat and asserted herself. "Mr. Brigance, you represent Carl Lee Hailey?"

"Yes, I do."

“And he’s been charged with the murders of Billy Ray Cobb and Pete Willard?”

“That’s correct.”

“And Cobb and Willard were charged with raping Mr. Hailey’s daughter?”

“Yes, that’s correct.”

“Does Mr. Hailey deny killing Cobb and Willard?”

“He will plead not guilty to the charges.”

“Will he be charged for the shooting of the deputy, Mr. Looney?”

“Yes. We anticipate a third charge of aggravated assault against the officer.”

“Do you anticipate a defense of insanity?”

“I’m not willing to discuss the defense at this time because he has not been indicted.”

“Are you saying there’s a chance he may not be indicted?”

A fat pitch, one Jake was hoping for. The grand jury would either indict him or not, and the grand jurors would not be selected until Circuit Court convened on Monday, May 27. So the future members of the grand jury were walking the streets of Clanton, tending their shops, working in the factories, cleaning house, reading newspapers, watching TV, and discussing whether or not he should be indicted.

“Yes, I think there’s a chance he may not be indicted.” It’s up to the grand jury, or will be after the preliminary hearing.”

“When’s the preliminary hearing?”

“Tomorrow. Two P.M.”

“You’re assuming Judge Bullard will bend him over to the grand jury?”

“That’s a pretty safe assumption,” replied Jake, knowing Bullard would be thrilled with the answer.

“When will the grand jury meet?”

“A new grand jury will be sworn in Monday morning. It could look at the case by Monday afternoon.”

“When do you anticipate the trial?”

“Assuming he’s indicted, the case could be tried in late summer or early fall.”

“Which court?”

“Circuit Court of Ford County?”

“Who would be the judge?”

“Honorable Omar Noose.”

“Where’s he from?”

“Chester, Mississippi. Van Buren County.”

“You mean the case will be tried here in Clanton?”

“Yes, unless venue is changed.”

“Will you request a change of venue?”

“Very good question, and one I’m not prepared to answer at this time. It’s a bit premature to talk defense strategy.”

“Why would you want a change of venue?”

To find a blacker county, Jake thought. He answered thoughtfully, “The usual reasons. Pretrial publicity, etc.”

“Who makes the decision to change venue?”

“Judge Noose. The decision is within his sole discretion.”

“Has bond been set?”

“No, and it probably won’t be until after the indictments come down. He’s entitled to a reasonable bond now, but as a matter of practice in this county bonds are not set in capital murder cases until after the indictment and arraignment in Circuit Court. At that point the bond will be set by Judge Noose.”

“What can you tell us about Mr. Hailey?”

Jake relaxed and reflected a minute while the cameras continued. Another fat pitch, with a golden chance to plant some seeds. “He’s thirty-seven years old. Married to the same woman for twenty years. Four kids—three boys and a girl. Nice guy with a clean record. Never been in trouble before. Decorated in Vietnam. Works fifty hours a week at the paper mill in Coleman. Pays his bills and owns a little land. Goes to church every Sunday with his family. Minds his own business and expects to be left alone.”

"Will you allow us to talk to him?"

"Of course not."

"Wasn't his brother tried for murder several years ago?"

"He was, and he was acquitted."

"You were his attorney?"

"Yes, I was."

"You've handled several murder trials in Ford County, haven't you?"

"Three."

"How many acquittals?"

"All of them," he answered slowly.

"Doesn't the jury have several options in Mississippi?" asked the lady from Memphis.

"That's right. With a capital murder indictment, the jury at trial can find the defendant guilty of manslaughter, which carries twenty years, or capital murder, which carries life or death as determined by the jury. And the jury can find the defendant not guilty." Jake smiled at the cameras. "Again, you're assuming he'll be indicted."

"How's the Hailey girl?"

"She's at home. Went home Sunday. She's expected to be fine."

The reporters looked at each other and searched for other questions. Jake knew this was the dangerous part, when they ran out of things to ask and began serving up screwball questions.

He stood and buttoned his coat. "Look, I appreciate you folks stopping by. I'm usually available, just give a little more notice and I'll be glad to talk to you anytime."

They thanked him and left.

At ten Wednesday morning, in a no-frills double service at the funeral home, the rednecks buried their dead. The minister, a freshly ordained Pentecostal, struggled

desperately for comforting and reassuring thoughts to lay upon the small crowd and over the two closed caskets. The service was brief with few tears.

The pickups and dirty Chevrolets moved slowly behind the single hearse as the procession left town and crawled into the country. They parked behind a small red brick church. The bodies were laid to rest one at a time at opposite ends of the tiny, overgrown cemetery. After a few additional words of inspiration, the crowd dispersed.

Cobb's parents had divorced when he was small, and his father drove from Birmingham for the funeral. After the burial he disappeared. Mrs. Cobb lived in a small, clean white frame house near the settlement of Lake Village, ten miles south of Clanton. Her other two sons and their cousins and friends gathered under an oak tree in the backyard while the women made a fuss over Mrs. Cobb. The men talked about niggers in general, and chewed Red Man and sipped whiskey, and reminisced about the other days when niggers knew their place. Now they were just pampered and protected by the government and courts. And there was nothing white people could do. One cousin knew a friend or someone who used to be active in the Klan, and he might give him a call. Cobb's grandfather had been in the Klan long before his death, the cousin explained, and then he and Billy Ray were kids the old man would tell stories about hanging niggers in Ford and Tyler counties. What they should do was the same thing the nigger had done, but there were no volunteers. Maybe the Klan would be interested. There was a chapter farther down south near Jackson, near Nettles County, and the cousin was authorized to contact them.

The women prepared lunch. The men ate quietly, then returned to the whiskey under the shade tree. The nigger's hearing at 2:00 PM was mentioned, and they loaded up and drove to Clanton.

There was Clanton before the killings, and there was Clanton after the killings, and it would be months before the two resembled each other. One tragic, bloody event, the duration of which was less than fifteen seconds, transformed the quiet Southern

town of eight thousand into a mecca for journalists, reporters, camera crews, photographers, some from neighboring towns, others from the national news organizations. Cameramen and TV reporters bumped into one another on the sidewalks around the square as they asked the man in the street for the hundredth time how he or she felt about the Hailey event and how he or she would vote if he or she was on the jury. There was no clear verdict from the man on the street. Television vans followed small, marked, imported television cars around the square and down the streets chasing leads, stories, and interviews. Ozzie was a favorite at first. He was interviewed a half dozen times the day after the shooting, then found other business and delegated the interviewing to Moss Junior, who enjoyed bantering with the press. He could answer twenty questions and not divulge one new detail. He also lied a lot, and the ignorant foreigners could not tell his lies from his truth.

“Sir, is there any evidence of additional gunmen?”

“Yes.”

“Really! Who?”

“We have evidence that the shootin’s were authorized and financed by an offshoot of the Black Panthers,” Moss Junior replied with a straight face.

Half the reporters would either stutter or stare blankly while the other half repeated what he said and scribbled furiously.

Bullard refused to leave his office or take calls. He called Jake again and begged him to waive the preliminary. Jake refused. Reporters waited in the lobby of Bullard’s office on the first floor of the courthouse, but he was safe with his vodka behind the locked door.

There was a request to film the funeral. The Cobb boys said yes, for a fee, but Mrs. Willard vetoed the proposal. The reporters waited outside the funeral home and filmed what they could. Then they followed the procession to the grave sites, and filmed the burials, and followed the mourners to Mrs. Cobb’s, where Freddie, the oldest, cursed them and made them leave.

The Coffee Shop on Wednesday was silent. The regulars, including Jake, eyed

the strangers who had invaded their sanctuary. Most of them had beards, spoke with unusual accents, and did not order grits.

"Aren't you Mr. Hailey's attorney?" shouted one from across the room.

Jake worked on his toast and said nothing.

"Aren't you? Sir?"

"What if I am?" shot Jake.

"Will he plead guilty?"

"I'm eating breakfast."

"Will he?"

"No comment."

"Why no comment?"

"No comment."

"But why?"

"I don't comment during breakfast. No comment."

"May I talk to you later?"

"Yeah, make an appointment. I talk at sixty bucks an hour."

The regulars hooted, but the strangers were undaunted. Jake consented to an interview, without charge, with a Memphis newspaper Wednesday, then barricaded himself in the war room and prepared for the preliminary hearing. At noon he visited his famous client at the jail. Carl Lee was rested and relaxed. From his cell he could see the coming and going of the reporters in the parking lot.

"How's jail?" Jake asked.

"Not that bad. Food's good. I eat with Ozzie in his office."

"You what!"

"Yep. Play cards too."

"You're kidding, Carl Lee."

"Nope. Watch TV too. Saw you on the news last night. You looked real good. I'm gonna make you famous, Jake, ain't I?"

Jake said nothing.

"When do I get on TV? I mean, I did the killin' and you and Ozzie getting' famous for it." The client was grinning – the lawyer was not.

"Today, in about an hour."

"Yeah, I heard we's goin' to court. What for?"

"Preliminary hearing. It's no big deal, at least it's not supposed to be. This one will be different because of the cameras."

"What do I say?"

"Nothing! You don't say a word to anyone. Not to the judge, the prosecutor, the reporters, anyone. We just listen. We listen to the prosecutor and see what kind of case he's got. They're supposed to have an eyewitness, and he might testify. Ozzie will testify and tell the judge about the gun, the fingerprints, and Looney –"

"How's Looney?"

"Don't know. Worse than they thought."

"Man, I feel bad 'bout shootin' Looney. I didn't even see the man."

"Well, they're going to charge you with aggravated assault for shooting Looney. Anyway, the preliminary is just a formality. Its purpose is to allow the judge to determine if there's enough evidence to bind you over to the grand jury. Bullard always does that, so it's just a formality."

"Then why do it?"

"We could waive it," replied Jake, thinking of all the cameras he would miss. "But I don't like to. It's a good chance to see what kind of case the State has."

"Well, Jake, I'd say they gotta pretty good case, wouldn't you?"

"I would think so. But let's just listen. That's the strategy of a preliminary hearing. Okay?"

"Sounds good to me. You talked to Gwen or Lester today?"

"No, I called them Monday night."

"They were here yesterday in Ozzie's office. Said they'd be in court today."

"I think everyone will be in court today."

Jake left. In the parking lot he brushed by some of the reporters who were



awaiting Carl Lee's departure from jail. He had no comments for them and no comments for the reporters waiting outside his office. He was too busy at the moment for questions, but he was very aware of the cameras. At one-thirty he went to the courthouse and hid in the law library on the third floor.

Ozzie and Moss Junior and the deputies watched to parking lot and quietly cursed the mob of reporters and cameramen. It was one forty-five, time to transport the prisoner to court.

"Kinda reminds me of a buncha vultures waitin' for a dead dog beside the highway," Moss Junior observed as he gazed through the blinds.

"Rudes buncha folks I ever saw," added Prather. "Won't take no for an answer. They expect the whole town to cater to them."

"And that's only half of them—other half's waitin' at the courthouse."

Ozzie hadn't said much. One newspaper had criticized him for the shooting, implying the security around the courthouse was intentionally relaxed. He was tired of the press. Twice Wednesday he had ordered reporters out of the jail.

"I got an idea," he said.

"What?" asked Moss Junior.

"Is Curtis Todd still in jail?"

"Yep. Gets out next week."

"He sorta favors Carl Lee, don't he?"

"Whatta you mean?"

"Well, I mean, he's 'bout as black as Carl Lee, roughly the same height and weight, ain't he?"

"Yeah, well, so what?" asked Prather.

Moss Junior grinned and looked at Ozzie, whose eyes never left the window.

"Ozzie, you wouldn't."

"What?" asked Prather.

"Let's go. Get Carl Lee and Curtis Todd," Ozzie ordered. "Drive my car around

back. Bring Todd here for some instructions.”

Ten minutes later the front door of the jail opened and a squad of deputies escorted the prisoner down the sidewalk. Two deputies walked in front, two behind, and one on each side of the man with the thick sunglasses and handcuffs, which were not fastened. As they approached the reporters, the cameras clicked and rolled. The questions flew:

“Sir, will you plead guilty?”

“Sir, will you plead not guilty?”

“Sir, how will you plead?”

“Mr. Hailey, will you plead insanity?”

The prisoner smiled and continued the slow walk to the waiting patrol cars. The deputies smiled grimly and ignored the mob. The photographers scrambled about trying to get the perfect shot for the most famous vigilante in the country.

Suddenly, with the nation watching, with deputies all around him, with dozens of reporters recording his every move, the prisoner broke and ran. He jolted, jumped, twisted, and squirmed, running wildly across the parking lot, over a ditch, across the highway, into some trees and out of sight. The reporters shouted and broke ranks and several even chased him for a moment. Curiously, the deputies ran back to the jail and slammed the door, leaving the vultures roaming in circles of disarray. In the woods, the prisoner removed the handcuffs and walked home. Curtis Todd had just been paroled one week early.

Ozzie, Moss Junior, and Carl Lee quickly left through the rear of the jail and drove down a back street to the courthouse, where more deputies waited to escort him into the courthouse.

“How many niggers out there?” Bullard screamed at Mr. Pate.

“A ton.”

“Wonderful! A ton of niggers. I guess there’s a ton of rednecks too?”

“Quite a few.”

"Is the courtroom full?"

"Packed."

"My God—it's only a preliminary!" Bullard screamed. He finished a half pint of vodka as Mr. Pate handed him another one.

"Take it easy, Judge."

"Brigance. It's all his fault. He could waive this if he wanted to. I asked him to. Asked him twice. He knows I'll send it to the grand jury. He knows that. All lawyers know that. But now I gotta make all the niggers mad because I won't turn him loose, and I'll make all the rednecks mad because I won't execute him today in the courtroom. I'll get Brigance for this. He's playing for the cameras. I have to get reelected, but he doesn't, does he?"

"No, Judge."

"How many officers out there?"

"Plenty. Sheriff's called in the reserves. You're safe."

"How about the press?"

"They're lined up on the front rows."

"No cameras!"

"No cameras."

"Is Hailey here?"

"Yes, sir. He's in the courtroom with Brigance. Everbody's ready, just waitin' on you."

His Honor filled a Styrofoam cup with straight vodka. "Okay, let's go."

Just like in the old days before the sixties, the courtroom was neatly segregated with the blacks and whites separated by the center aisle. The officers stood solemnly in the aisle and around the walls of the courtroom. Of particular concern was an assemblage of slightly intoxicated whites sitting together in two rows near the front. A couple were recognized as brothers or cousins of the late Billy Ray Cobb. They were watched closely. The two front rows, the one on the right in front of the blacks and the one on the left in front of the whites, were occupied by two dozen journalists

of various sorts. Some took notes while some sketched the defendant, his lawyer, and now finally, the judge.

"They're gonna make this nigger a hero," mumbled one of the rednecks, loud enough for the reporters.

When Bullard assumed the bench, the deputies locked the rear door.

"Call your first witness," he ordered in the direction of Rocky Childers.

"The State calls Sheriff Ozzie Walls."

The sheriff was sworn and took the stand. He relaxed and began a long narrative describing the scene of the shooting, the bodies, the wounds, the gun, the fingerprints on the gun and the fingerprints of the defendant. Childers produced an affidavit signed by Officer Looney and witnessed by the sheriff and Moss Junior. It identified the gunman as Carl Lee. Ozzie verified Looney's signature and read the affidavit into the record.

"Sheriff, do you know of any other eyewitness?" asked Childers with no enthusiasm.

"Yes, Murphy, the janitor."

"What's his first name?"

"Nobody knows. He's just Murphy."

"Okay. Have you talked to him?"

"No, but my investigator did."

"Who is your investigator?"

"Officer Rady."

Rady was sworn and seated in the witness chair. Mr. Pate fetched the judge another cup of ice water from chambers. Jake took pages of notes. He would call no witnesses, and he chose not to cross-examine the sheriff. Occasionally, the State's witnesses would ask a few questions on cross-examination to nail down, for the record, the discrepancies. Later at trial when the lying started again, Jake would produce the testimony from the preliminary to further confuse the liars. But not today.

"Sir, have you had an occasion to talk with Murphy?" Childers asked.

"Murphy who?"

"I don't know—just Murphy, the janitor."

"Oh him. Yes, sir."

"Good. What did he say?"

"About what?"

Childers hung his head. Rady was new, and had not testified much. Ozzie thought this would be good practice.

"About the shooting! Tell us what he told you about the shooting."

Jake stood. "Your honor. I object. I know hearsay is admissible in a preliminary, but this Murphy fella is available. He works here in the courthouse. Why not let him testify?"

"Because he stutters," replied Bullard.

"What!"

"He stutters. And I don't want to hear him stutter for the next thirty minutes.

Objection overruled. Continue, Mr. Childers."

Jake sat in disbelief. Bullard snickered at Mr. Pate, who left for more ice water.

"Now, Mr. Rady, what did Murphy tell you about the shooting?"

"Well, he's hard to understand because he was so excited, and when he gets excited he stutters real bad. I mean he stutters anyway, but—"

"Just tell us what he said!" Bullard shouted.

"Okay. He said he saw a black male shoot the two white boys and the deputy."

"Thank you," said Childers. "Now where was he when this took place?"

"Who?"

"Murphy!"

"He was sittin' on the stairs directly opposite the stairs where they got shot."

"And he saw it all?"

"Said he did."

"Has he identified the gunman?"

“Yes, we showed him photos of ten male blacks, and he identified the defendant, sittin’ over there.”

“Good. Thank you. Your Honor, we have nothing further.”

“Any questions, Mr. Brigance?” asked the judge.

“No, sir,” Jake said as he stood.

“Any witnesses?”

“No, sir.”

“Any requests, motions, anything?”

“No, sir.”

Jake knew better than to request bail. First, it would do no good. Bullard would not set bail for capital murder. Second, it would make the judge look bad.

“Thank you, Mr. Brigance. The court finds sufficient evidence exists to hold this defendant for action by the Ford County grand jury. Mr. Hailey shall remain in the custody of the sheriff, without bond. Court’s adjourned.”

Carl Lee was quickly handcuffed and escorted from the courtroom. The area around the rear door downstairs was sealed and guarded. The cameras outside caught a glimpse of the defendant between the door and the waiting patrol car. He was in jail before the spectators cleared the courtroom.

The deputies directed the whites on one side to leave first, followed by the blacks.

The reporters requested some of Jake’s time, and they were instructed to meet him in the rotunda in a few minutes. He made them wait by first going to chambers and giving his regards to the judge. Then he walked to the third floor to check on a book. When the courtroom was empty and they had waited long enough, he walked through the rear door, into the rotunda and faced the cameras.

A microphone with red letters on it was thrust into his face. “Why didn’t you request bond?” a reporter demanded.

“That comes later.”

“Will Mr. Hailey plead an insanity defense?”

“As I’ve stated, it’s too early to answer that question. We must now wait for the grand jury – he may or may not be indicted. If he is, we’ll start planning his defense.”

“Mr. Buckley, the D.A., has stated he expects easy convictions. Any comment?”

“I’m afraid Mr. Buckley often speaks when he shouldn’t. It’s asinine for him to make any comment on this case until it is considered by the grand jury.”

“He also said he would vigorously oppose any request for a change of venue.”

“That request hasn’t been made yet. He really doesn’t care where the trial is held. He’d try it in the desert as long as the press showed up.”

“Can we assume there are hard feelings between you and the D.A.?”

“If you want to. He’s a good prosecutor and a worthy adversary. He just talks when he shouldn’t.”

He answered a few other assorted questions and excused himself.

Late Wednesday night the doctors cut below Looney’s knee and removed the lower third of his leg. They called Ozzie at the jail, and he told Carl Lee.

## APPENDIX B – QUESTIONS LEECH AND SHORT

### *A method of analysis and some examples*

questions has been prepared. The answers to these questions will give a range of data which may be examined in relation to the literary effect of each passage. We stress that the list serves a heuristic purpose: it enables us to collect data on a fairly systematic basis. It is not exhaustive, of course, but is rather a list of 'good bets': categories which, in our experience, are likely to yield stylistically relevant information. The stylistic values associated with the linguistic data must be largely taken on trust at present; in subsequent chapters, we endeavour to show how these values, too, can be studied systematically.

### 3.1 A checklist of linguistic and stylistic categories

The categories are placed under four general headings: lexical categories, grammatical categories, figures of speech, and cohesion and context. Semantic categories are not listed separately, since, as suggested in section 2.9, it is easier to arrive at these through other categories; for example, we use our lexical categories to find out how choice of words involves various types of meaning. Since the purpose of the list is heuristic, there is no harm in mixing categories in this way. It is also in the nature of things that categories will overlap, so that the same feature may well be noted under different headings.

#### A: Lexical categories

[For notes (i–xiv) on the categories see pp. 66–7]

- 1 GENERAL. Is the vocabulary simple or complex<sup>60</sup>? formal or colloquial? descriptive or evaluative? general or specific? How far does the writer make use of the emotive and other associations of words, as opposed to their referential meaning? Does the text contain idiomatic phrases or notable collocations<sup>60</sup>, and if so, with what kind of dialect or register<sup>60</sup> are these idioms or collocations associated? Is there any use of rare or specialised vocabulary? Are any particular morphological categories noteworthy (e.g. compound words, words with particular suffixes)? To what semantic fields do words belong?
- 2 NOUNS. Are the nouns abstract or concrete? What kinds of abstract nouns occur (e.g. nouns referring to events, perceptions, processes, moral qualities, social qualities)? What use is made of proper names? Collective nouns?
- 3 ADJECTIVES. Are the adjectives frequent? To what kinds of attribute do adjectives refer? Physical? Psychological? Visual? Auditory? Colour? Referential? Emotive? Evaluative? etc. Are adjectives restrictive or non-restrictive? Gradable or non-gradable? Attributive or predicative?

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- 4 VERBS. Do the verbs carry an important part of the meaning? Are they stative (referring to states) or dynamic (referring to actions, events, etc.)? Do they 'refer' to movements, physical acts, speech acts, psychological states or activities, perceptions, etc.? Are they transitive, intransitive, linking (intensive), etc.? Are they factive or non-factive<sup>61</sup>?
- 5 ADVERBS. Are adverbs frequent? What semantic functions do they perform (manner, place, direction, time, degree, etc.)? Is there any significant use of sentence adverbs (conjuncts such as *so, therefore, however*; disjuncts such as *certainly, obviously, frankly*)<sup>61</sup>?

#### B: Grammatical categories

- 1 SENTENCE TYPES. Does the author use only statements (declarative sentences), or do questions, commands, exclamations or minor sentence types (such as sentences with no verb) also occur in the text? If these other types appear, what is their function?
- 2 SENTENCE COMPLEXITY. Do sentences on the whole have a simple or a complex structure? What is the average sentence length (in number of words)? What is the ratio of dependent to independent clauses? Does complexity vary strikingly from one sentence to another? Is complexity mainly due to (i) coordination, (ii) subordination, or (iii) parataxis (juxtaposition of clauses or other equivalent structures)? In what parts of a sentence does complexity tend to occur? For instance, is there any notable occurrence of anticipatory structure (e.g. of complex subjects preceding the verbs, of dependent clauses preceding the subject of a main clause)<sup>61</sup>?
- 3 CLAUSE TYPES. What types of dependent clause are favoured: relative clauses, adverbial clauses, different types of nominal clauses (*that*-clauses, *wh*-clauses, etc.)? Are reduced or non-finite clauses commonly used and, if so, of what type are they (infinitive clauses, *-ing* clauses, *-ed* clauses, verbless clauses)<sup>61</sup>?
- 4 CLAUSE STRUCTURE. Is there anything significant about clause elements (e.g. frequency of objects, complements, adverbials; of transitive or intransitive verb constructions)<sup>61</sup>? Are there any unusual orderings (initial adverbials, fronting of object or complement, etc.)? Do special kinds of clause construction occur (such as those with preparatory *it* or *there*)?
- 5 NOUN PHRASES. Are they relatively simple or complex? Where does the complexity lie (in premodification by adjectives, nouns, etc., or in postmodification by prepositional phrases, relative clauses, etc.)? Note occurrence of listings (e.g. sequences of adjectives), coordination or apposition.
- 6 VERB PHRASES. Are there any significant departures from the use of the simple past tense? For example, notice occurrences and functions of the present tense; of the progressive aspect (e.g. *was lying*); of the perfective

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aspect (e.g. *has/had appeared*); of modal auxiliaries (e.g. *can, must, would*, etc.). Look out for phrasal verbs and how they are used.

7 OTHER PHRASE TYPES. Is there anything to be said about other phrase types: prepositional phrases, adverb phrases, adjective phrases?

8 WORD CLASSES. Having already considered major or lexical word classes, we may here consider minor word classes ('function words'): prepositions, conjunctions, pronouns, determiners, auxiliaries, interjections. Are particular words of these types used for particular effect (e.g. the definite or indefinite article; first person pronouns *I, we*, etc.; demonstratives such as *this* and *that*; negative words such as *not, nothing, no*)<sup>(b)</sup>?

9 GENERAL. Note here whether any general types of grammatical construction are used to special effect; e.g. comparative or superlative constructions; coordinative or listing constructions; parenthetical constructions; appended or interpolated structures such as occur in casual speech. Do lists and coordinations (e.g. lists of nouns) tend to occur with two, three or more than three members? Do the coordinations, unlike the standard construction with one conjunction (*sun, moon and stars*), tend to omit conjunctions (*sun, moon, stars*) or have more than one conjunction (*sun and moon and stars*)?

### C: Figures of speech, etc.

Here we consider the incidence of features which are foregrounded (see section 1.4) by virtue of departing in some way from general norms of communication by means of the language code; for example, exploitation of regularities of formal patterning, or of deviations from the linguistic code. For identifying such features, the traditional figures of speech (schemes and tropes) are often useful categories.

1 GRAMMATICAL AND LEXICAL. Are there any cases of formal and structural repetition (anaphora, parallelism, etc.) or of mirror-image patterns (chiasmus)? Is the rhetorical effect of these one of antithesis, reinforcement, climax, anticlimax, etc.<sup>(b)</sup>?

2 PHONOLOGICAL SCHEMES. Are there any phonological patterns of rhyme, alliteration, assonance, etc.? Are there any salient rhythmical patterns? Do vowel and consonant sounds pattern or cluster in particular ways? How do these phonological features interact with meaning<sup>(b)</sup>?

3 TROPES. Are there any obvious violations of, or departures from, the linguistic code? For example, are there any neologisms (such as *Americantly*)? Deviant lexical collocations (such as *portentous infants*)? Semantic, syntactic, phonological, or graphological deviations? Such deviations (although they can occur in everyday speech and writing) will often be the clue to special interpretations associated with traditional poetic figures of speech such as metaphor, metonymy, synecdoche,

paradox and irony<sup>(a)</sup>. If such tropes occur, what kind of special interpretation is involved (e.g. metaphors can be classified as personifying, animising, concretising, synaesthetic, etc.)? Because of its close connection with metaphor, simile may also be considered here. Does the text contain any similes, or similar constructions (e.g. 'as if' constructions)? What dissimilar semantic fields are related through simile?

### D: Context and cohesion

Finally, we take a preliminary look at features which will be more fully dealt with in Chapters 7 to 10. Under COHESION, ways in which one part of a text is linked to another are considered: for example, the ways in which sentences are connected. This is the internal organisation of the text. Under CONTEXT (see the discussion of discourse situation in section 8.1) we consider the external relations of a text or a part of a text, seeing it as a discourse presupposing a social relation between its participants (author and reader; character and character, etc.), and a sharing by participants of knowledge and assumptions.

1 COHESION<sup>(a)</sup>. Does the text contain logical or other links between sentences (e.g. coordinating conjunctions, or linking adverbials)? Or does it tend to rely on implicit connections of meaning?

What sort of use is made of cross-reference by pronouns (*she, it, they*, etc.)? by substitute forms (*do, so*, etc.), or ellipsis? Alternatively, is any use made of elegant variation – the avoidance of repetition by the substitution of a descriptive phrase (as, for example, 'the old lawyer' or 'her uncle' may substitute for the repetition of an earlier 'Mr Jones')?

Are meaning connections reinforced by repetition of words and phrases, or by repeatedly using words from the same semantic field?

2 CONTEXT. Does the writer address the reader directly, or through the words or thoughts of some fictional character? What linguistic clues (e.g. first-person pronouns *I, me, my, mine*) are there of the addresser–addressee relationship? What attitude does the author imply towards his or her subject? If a character's words or thoughts are represented, is this done by direct quotation (direct speech), or by some other method (e.g. indirect speech, free indirect speech)<sup>(a)</sup>? Are there significant changes of style according to who is supposedly speaking or thinking the words on the page?

### 3.2 Notes on the categories

(i) In a formal sense, word complexity should be measured by counting morphemes. For example, *un-friend-li-ness* contains four morphemes,