Chapter 8: Beyond Equivalence – Ethics and Morality

1. Goodwin (2010:26-27) proposes two ways of looking at the issue of ethics in translation: For one group, ethics may be regarded as important but extrinsically to translation itself, so that the latter should be ethically governed (as all human activities are) but, once it is set within an overall moral framework, can proceed without it. An analogy might be mining exploration: there is such a thing as the ethics of mining exploration, but mining itself is a technical activity quite separate from the ethical framework within which it is conducted. Thus, we might send a geological mission to a foreign country to explore the potential for mining its natural resources: on one piece of paper we could write technical instructions for mining, and on another, quite separately, we could write an ethical code of conduct we wished the mission to observe. In sympathy with such an approach would be any translator who regards the activity itself as a technical procedure, in principle susceptible to remainderless scientific description.

The other way of thinking about translation … is that it is intrinsically ethical: that the activity itself cannot proceed without an account (explicit or implicit) of how the encounter with the ‘other’ human being should be conducted. An analogy might be trade: suppose that instead of a mining mission, we sent a trade mission to our imagined foreign country. In this case, the activity involves the other human beings which the mission will encounter, and the activity must be consensual (non-consensual trade is not trade, but pillage), such that the activity itself cannot take place other than in the context of an ethical framework which provides a basis for concepts such as volition, consent and exchange. It would perhaps be possible in such a case to divide our instructions into the ‘technical’ and the ‘ethical’, but only with difficulty, and the latter would play a much more important and integral role in the activity itself.

Consider the two scenarios outlined by Goodwin. To what extent is the distinction he draws applicable to mining, trading or any other human activity? Would you consider yourself part of the first or second group he refers to? Playing the devil’s advocate, irrespective of your own position, how would you explain to a potential client why translation is extrinsically or intrinsically ethical, in Goodwin’s terms? What impact might each explanation have on different types of client and their trust in translators?

(2) Writing as a literary translator who had to make difficult ethical decisions about whether or not to translate different Serbian authors whose works ‘could be used by nationalists to justify a campaign of hatred and genocide’ (2004:719), Jones (ibid.:723) presents two opposing arguments – one he dubs ‘Olympianism’ and the other Realpolitik:
The former [Olympianism] argues that translators should remain true to texts that are artistically good, even in tainted social circumstances of production and reception – such as a source culture hijacked by extreme nationalism – in the knowledge or hope that the culture will recover. The latter [Realpolitik] claims that a text cannot remain separate from and thus untainted by its social context. Thus, for example, a translator should refuse to translate works whose imagery is being exploited to justify genocide, no matter how innocuous that imagery might have seemed at the time of first writing.

Discuss the ethical implications of both positions, bearing in mind that carefully considered ethical arguments can be presented in each case, and as Jones points out, the balance in such difficult situations may at times be tipped by the nature of the agent’s personal relations, rather than abstract ethical considerations: ‘In the end’, Jones explains, ‘a key reason that I did not break with Serbian and Croatian poetry was that it would have meant breaking personal ties built up over many years. I tended to be very wary of building up new ties, however, except on the rare occasions when I felt that my translation work supported some sort of opposition to the nationalist mindset’ (ibid.:719).

(3) A number of translation agencies in various parts of the world increasingly offer work to student translators, many of whom undertake this work either free of charge or for a low rate, as a way of gaining experience. Aurora Humarán, one of the founding members of AIPTI (Asociación Internacional de Profesionales de la Traducción y la Interpretación/International Association of Professional Translators and Interpreters, based in Argentina), has this to say on the subject:¹


Students from any of those career fields can, of course, perform some sort of work “within their areas” of study. A dentistry student can work as an assistant in a dental office. An architecture student can get a handle on his/her future profession by doing administrative work in an architect’s office. And anyone in the legal field is certainly aware of how many law students act as paralegals, traipsing from one court to another every morning.

In our profession, however, there is no place, really, in which translation students can learn to take their first steps. There is no such job as dictionary handler, word researcher, glossarist or anything of the kind for those who are trying their hand at these tasks for the first time. No such position exists. Well, let me correct myself: It didn’t exist. It didn’t, that is, until some slick operators

¹ See [http://www.aipti.org/eng/articles/art7-iapiti-decries-student-exploitation.html](http://www.aipti.org/eng/articles/art7-iapiti-decries-student-exploitation.html) for the full article.
threw together an agency – the way you might slap together a stand for a rummage sale – and (voila!) translation students suddenly had a place to work. So, let's translate! But translate just like a professional translator? No way! This is cut-rate translation in which students do the work professionals usually do, but for ridiculous rates, turning themselves into veritable “beggar translators”.

Compare the above statement with the following argument about volunteer translation and interpreting offered by ECOS, a socially committed group of lecturers and students of translation in Spain (Manuel et al. 2004):

In the association ECOS, Translators and Interpreters for Solidarity, we perform volunteer work of translation and interpreting for NGOs, social forums and other nonprofit organisations with affinities to the philosophy of our organisation. In no case would we wish to accept a continuous role in the performance of a service which ought to be supplied by professionals under contract.

In other words, we do not intend that the voluntary nature of work performed should serve as an excuse for the creation of what is beginning to be called a “third sector,” which would amount to the utilisation of volunteer work and non-profit organizations together with private initiative to organise, at low cost, services which in our opinion ought to be supplied by the public sector, the only one capable of the coverage necessary. … our work is like that of volunteers who supply medicines to third-world communities completely outside the trade network known as globalization.

... we consider it indispensable to broaden the concept of professional ethics in these times of neo-liberal globalization, which deepens the inequalities between peoples and within them. We can no longer limit our aims merely to defending decent working conditions and rejecting the intrusion of non-qualified persons into the profession. It would be hypocritical to bemoan the price per word paid by such-and-such a company, or the size of the interpreter’s booths in this or that convention centre, while feeling no scruples at working for those who organise exploitation, misery and war in this world.

Would you argue that translating and interpreting by students and/or volunteers of various levels of expertise is (a) always, (b) never or (c) sometimes unethical? If the latter, under what conditions might it be considered ethical, in the sense of doing no harm, or doing positive good, to various parties in the interaction and to other professional translators and interpreters?
Based on research into actual practice in a pediatric outpatient clinic in Switzerland, Leanza (2005) draws up an extended typology of roles assumed by interpreters in this setting. Merlini (2009:64-65) offers the following potted summary of these roles:

1. **Translator**: the interpreter minimizes her/his presence and simply facilitates communication;
2. **Active translator**: the interpreter engages either primary party to clarify minor points or linguistic details;
3. **Cultural informant**: the interpreter addresses the service provider to inform her/him about the service user’s cultural norms and values;
4. **Advocate**: the interpreter addresses the service provider to defend and promote the service user’s interests;
5. **Culture broker or cultural mediator**: the interpreter negotiates between two conflicting value systems and helps parties arrive at a shared model;
6. **Bilingual professional**: the interpreter leads the interview with the service user and reports to the service provider;
7. **Monolingual professional**: the interpreter expresses her/his views on the matter at hand to the service provider, acting as her/his peer;
8. **Welcomer**: the interpreter welcomes service users before the service provider meets them;
9. **Support**: the interpreter meets the service users in the community, as a follow-up to the encounter.

What are the ethical implications of each of the above roles, from the perspective of various participants, including the interpreter?

If we replace *service provider* and *service user* with categories such as *author* and *target reader*, or *film producer* and *viewer* in the case of subtitling and dubbing, can a similar typology be drawn up for different types of translation, where we might, for instance, consider certain types of intervention or of footnotes added by the translator, or their introductions, as evidence that they are playing the role of *cultural informant* or *culture broker*? In the case of face-to-face interpreting, the immediacy of the interaction means that most of the above roles are performed, or otherwise, ‘on the spot’ (but note that item 9 refers to activities undertaken outside the interpreted encounter). In the case of translation, more activities might be undertaken outside the immediate context of translation. For example, literary translators often work as *advocates* for authors with whom they empathize, and this might involve acting as their ‘agents’ in some respects, as when they arrange for them to receive invitations to speak at literary festivals or be interviewed by the press, and often accompany them and interpret for them on such occasions. How do all these activities relate to ethical principles as expressed in professional codes? How might a translator or interpreter argue that acting in
any of these capacities is ethical (or unethical) despite (or because of) the ethical values that regulate the profession – including impartiality, neutrality and accuracy?

(5) Consider the following two statements:

There is … a category of texts which, at first sight, appear to be positively illegal. If a translator agreed to translate bomb-making instructions, would he be responsible for attacks committed with the bombs produced with the help of such instructions? He certainly would, in our view, if he did not take the trouble of finding out who needed the translation, and for what purpose it was required. If the nature of the client were sufficiently obscure to raise even the slightest concern, no translator in his right mind would accept such an order. However, if the translation was commissioned by a government authority as part of efforts to study terrorists’ practices, the translator might actually contribute to a good cause by translating even the most reprehensible texts. (Simons 2010)

The law may itself be unjust. It may not serve the common good, but the good of the tyrant or the party. The apartheid laws in South Africa were a case in point. Laws that in certain countries discriminate against women or against minority groups pose a problem and the moral dilemma of whether obedience is appropriate. Such dilemmas have to be faced and require more than a simple injunction to ‘obey the law of the land’. (Wright, undated)

What issues do these statements raise in relation to the link between ethics and legality? Are practices and objectives promoted by a government and enshrined in law necessarily ethical? Under what conditions do you believe the translator may be justified in breaking the law and entitled to receive support from fellow translators and the professional associations that represent them?

(6) One of the cornerstones of all professional codes of ethics, including those relating to translation, is confidentiality. And yet, speaking of professional ethics in general, Cheney et al. argue that '[s]ometimes being morally responsible may mean resisting an order, going public with private information, or leaving a job or career altogether’ (2010:153). Reflect on this issue in the context of a real life case, like that of Katharine Gun, former translator working for a British intelligence agency who leaked secret documents to the press in 2003; the documents related to illegal activities by the United States and Britain in relation to the then impending invasion of Iraq. For this particular case, you can consult Solomon (2003), Burkeman and Norton-Taylor (2004), Tyler (2004), BBC News (2004), Davies (2004) and Institute for Public Accuracy (undated). Much more material on this case can be retrieved by searching for ‘Katharine Gun’ on the web.
Barsky (1996, 2010) notes that immigrants, refugees and asylum seekers are ill-served by a system that is inclined to criminalize them as a group, that treats them as ‘guilty by virtue of being there’ (2010:292). ‘The intrinsic shortcomings of the system’, he suggests, ‘are such that the poor and the persecuted are disadvantaged from the outset’ (1996:61). While accepting that interpreters cannot be expected to ensure justice for the vulnerable (ibid.), he argues that they can help redress the wrongs of the system to some extent. … they can assist the persecuted by allowing them to articulate their claims and negotiate their ‘difference’ in an environment which is less sympathetic the more ‘different’ the claimant is seen to be. They can fill in cultural gaps and compensate for tactical errors to ensure that genuine stories of suffering and persecution are properly ‘heard’ …

Consider the ethical implications of each type of assistance Barsky suggests an interpreter could offer. How would a Kantian balance the rights of different parties in the interaction, including the right of legal personnel to be allowed to assess each case on its own merits, and the rights of immigrants and asylum seekers to be treated with dignity? How would an interpreter’s ‘duty’ be defined in Kantian terms in this instance? How would a utilitarian assess the various consequences of intervention and lack of intervention on the part of interpreters? On balance, what would you view as the more ethical approach to adopt, and why?