

# **In Other Words**

A coursebook on translation  
Second edition

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## CHAPTER 8

# Beyond equivalence: ethics and morality

Whatever the limitations on their social or interactional status in a given context, in situations where conflicting agendas arise or where the proper exercise of human or legal rights may be in doubt, translators' ethical and political judgments become as central to their task as cultural or linguistic competence. Translators cannot escape the burden of their moral proximity to others.

*Inghilleri (2010a:153)*

to become a point of contact can involve becoming a point of conflict.

*(Maier 2007:256)*

Various associations that represent translators and interpreters have long developed codes of practice, often referred to as codes of ethics, in order to ensure the accountability of their members to other parties involved in the interaction, particularly clients who pay their wages. In this chapter, we attempt to move beyond such codes in order to think critically about some of the concrete ethical choices and dilemmas that translators and interpreters often encounter and for which they are rarely prepared.

Of central concern in this chapter is the need to develop critical skills that can enable translators and interpreters to make ethical decisions for themselves, rather than have to fall back uncritically on abstract codes drawn up by their employers or the associations that represent them. This is important for at least three reasons. The first is that no code can ever predict the full range of concrete ethical issues that may arise in the course of professional practice, and hence translators – like other professionals – are often faced with situations in which it is difficult to interpret or apply the relevant code. Second, codes, like laws, are elaborated by people like us and are therefore never infallible, ethically or otherwise. You might find yourself disagreeing with the code, perhaps because you believe it could result in tolerating certain types of injustice in some contexts. If so, it is your responsibility to question the code in order to avoid causing harm to others or perpetuating potential forms of injustice. And finally, it is in the interest of society as a whole for individuals to be accountable for their decisions, in professional life as elsewhere. Adopting the

default position of applying a professional code unquestioningly undermines this accountability.<sup>1</sup>

We start, as elsewhere in this book, by defining the main concepts that will inform the discussion, including 'ethics' and 'morality'.

## 8.1 ETHICS AND MORALITY

Ethics and morality are generally understood to concern our ability to make decisions on the basis of what we believe to be morally right or wrong in a specific context. Those who follow what is known as **virtue ethics**, however, would argue that ethics is not just about knowing what to do on a given occasion. For them, rather than focusing on the question 'What should I do?', we must each be concerned with the question 'What kind of person should I be?' – or, more specifically, 'What kind of parent should I be?', 'What kind of politician should I be?', 'What kind of translator should I be?' and so on. As Cheney *et al.* explain, 'virtue ethics takes a long view of ethical issues, framing them not as merely momentary or episodic concerns but rather as issues relevant across all domains of life and one's entire lifespan' (2010:238). Ethics is thus understood as a lifelong process of learning and improvement, of nurturing the right virtues in ourselves and those in our care. But the two issues are clearly inseparable, since in striving to be a better person an individual must reflect on the same principles and ideals that inform his or her decision about what is ethical to do in a specific context.

The decision we take on any given occasion is generally judged as ethical or unethical to the extent that it affects others, for example in terms of their survival, freedom, well-being, comfort, happiness or success. Unethical behaviour thus causes harm to others. A person who behaves in a way that affects only him- or herself negatively is imprudent, not unethical (Driver 2007). It is unethical to torture, rape or deal in drugs. It is imprudent not to brush one's teeth regularly, or study for an exam, or save towards one's retirement. However, as is evident even from these examples, the distinction between the self and others is never straightforward; if it were, committing suicide would not be the subject of ethical debate. Because it is difficult to extract oneself from others, to act in a way that has no impact on the lives of at least those in our immediate vicinity, 'prudent' and 'ethical' are best thought of as points on a continuum rather than absolute values.

Cheney *et al.* (2010:3–4) reiterate a commonly held lay view, namely, that discussions of ethics revolve around 'dry, abstract' principles that are negatively formulated in the form of 'don'ts' rather than 'dos', while morality concerns everyday decisions, features prominently in public debates about the rights and wrongs of specific events, and therefore seems more relevant to our lives. Prado (2006) draws a similar distinction, adding that ethics has now come to be associated with the right conduct in professional life (hence our use of labels such as 'business ethics' and 'medical ethics'), whereas morality refers to the right conduct for everyone. Focusing on ethics in the context of translation, Koskinen (2000:11) makes the same distinction in slightly different terms:

I see morality as a characteristic not of communities but of individuals, and ethics as 'collectivised' morality, as a collective effort of a community to formulate a set of rules or recommendations of accepted moral behaviour.

The common threads here are that ethics is collective, involves conscious elaboration of codes and principles that constrain the behaviour of those obliged to abide by them, and is increasingly associated with professional and institutional contexts, all of which explains why various institutions and associations have *codes of ethics*, rather than *codes of morality*. Despite its popularity, this distinction will not be maintained here: I will be using ethics, morality and their derivatives interchangeably, as they are often used in lay discussions. On the whole, I will also assume, with Cheney *et al.* (2010:237), that 'ethics is about the stream of life rather than just its turbulent moments', and that many default choices that do not necessarily give rise to conscious decision-making can have important ethical implications.

#### *How do we decide what is ethical?*

We might begin to address this question by drawing a broad distinction between teleological and deontological approaches to the issue of ethical decision-making.

**Deontological** models define what is ethical by reference to what is right in and of itself, irrespective of consequences, and are rule-based.<sup>2</sup> Kantian ethics (discussed below) is a good example. A deontological approach would justify an action on the basis of principles such as duty, loyalty or respect for human dignity; hence: 'I refrain from intervening because it is my duty as a translator to remain impartial', or 'I intervene where necessary because it is the duty of a responsible interpreter to empower the deaf participant'. **Teleological** approaches, on the other hand, define what is ethical by reference to what produces the best results. Utilitarianism (also discussed below) is a teleological theory that is more concerned with consequences than with what is morally right *per se*. A teleological approach would justify an action on the basis of the envisaged end results; hence: 'Making a conscious effort [in community interpreting] to remain impartial can help avoid emotional involvement and possible burn-out' (Hale 2007:121–122), or 'I translate as idiomatically as possible because fluent translations receive good reviews'. The distinction between deontological and teleological approaches cuts across the various models of ethics discussed here, and others not dealt with in this chapter.

In the following discussion of specific approaches to ethics, you will note that different approaches can sometimes lead to the same decision, based on quite different arguments. As you reflect on each approach, it is important to bear in mind that the issue of *why* we opt for one decision rather than another is just as important as *what* decision we opt for. This is because the arguments we use to justify our actions to ourselves and others contribute to shaping the moral outlook of our communities. For example, whether we argue that torture is wrong because it produces what is referred to sometimes as 'low grade information'<sup>3</sup> or because it is a gross violation of human rights, whatever the quality of information it produces, is

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in itself a moral statement that reflects our attitude to others. The cumulative weight and balance of such arguments in any society will gradually incline its members to be more or less compassionate, more or less tolerant and so on. The arguments we use, like the specific linguistic choices we make (whether we call someone *disabled* or a *cripple*, for instance), are not without their own consequences.

The attempt to separate morality from ethics and to restrict it to the individual might suggest that what is moral is a matter of opinion, like an aesthetic judgement of beauty or elegance. This type of **relativism** can take various forms. Some relativists suggest that what is moral varies from one society to another and at different points in history, and that we must therefore refrain from judging others on the basis of our own, current values. This is like saying that different communities have different cultural beliefs, and that tolerance requires us to accept their way of life and expect them to accept ours. By this argument, societies that deny women access to education, for instance, would simply be abiding by a different moral code that we must not judge as wrong by our own values. Extending the same argument further, some relativists insist that each individual has his or her own set of moral values, and that no individual is in a position to judge the moral claims of another. Both of these positions are at the opposite extreme from any deontological model, since they offer no scope for defining an action as right in and of itself. But they are not teleological either, since they refrain from defining what is ethical for anyone other than the agent, with his or her own unique set of values. And it is precisely because they undermine the possibility of any moral judgement that both forms of relativism are intuitively unsatisfying for many people. If we follow them we would have to accept that slavery and apartheid practices should be tolerated, and that a paedophile who believes it is morally acceptable to rape children should not be punished. Moreover, belief in absolute relativism, whether at individual or collective level, would ultimately encourage conformity to the status quo and hence stifle critical thinking and action, to the detriment of society as a whole. As Driver argues, 'moral progress is often achieved through the efforts of rebellious individuals with beliefs that do not conform to popular cultural beliefs' (2007:18). Such individuals do not just hold different beliefs – they have the moral courage to act on them, to question the dominant beliefs of their societies and to resist practices that they consider ethically unacceptable. Martin Luther King in the United States, Mahatma Ghandi in India, Aung San Suu Kyi in Burma and Nelson Mandela in South Africa are good examples of individuals whose legacies challenge extreme relativism. At any rate, in practice relativism is a comfortable doctrine to hold on to only when the issue in question does not touch an aspect of our lives that really matters to us. As Blackburn explains, '[those] who say, "Well, it's just an opinion," one moment, will demonstrate the most intense attachment to a particular opinion the next, when the issue is stopping hunting, or preventing vivisection, or permitting abortion – something they care about' (2001:28).

Nevertheless, cultural relativism has many followers, and its main argument has a certain appeal in the context of translation and interpreting in particular, since it supports tolerance and cultural diversity. Relativism also alerts us to the fact that

what is deemed controversial, and hence requires more sensitivity from a translator or interpreter to communicate, varies from one social environment to another. The right to wear the hijab is not a controversial issue in Saudi Arabia – if anything, it is the right not to wear the hijab that is controversial. A text about banning the hijab in, say, Belgium or France will therefore be more challenging to a mainstream Saudi audience than to the average Korean or Chinese reader. The extent to which one can challenge the values and expectations of readers and still maintain their involvement and treat them with dignity is an issue that occupies the minds of many translators and influences their choice of wording as well as what to include and what to omit, often with the involvement of their commissioner or other parties in the interaction.

Some aspects of relativism are thus helpful in thinking about certain issues in translation and interpreting. At the same time, we must remember that morality is not the same as good manners or socially approved habits, which do vary considerably from one cultural environment to another (Driver 2007:16). If translators are to behave in an ethically responsible manner, their decisions must be informed by principles that take account of the impact of their actions on others, principles such as 'do no harm' or 'do not acquiesce in injustice', irrespective of the prevailing moral code and social norms of the source or target culture. **Universalists** believe that such basic moral principles do exist and that they apply universally, but the way we interpret them can vary from one context to another. This context-sensitive version of universalism seems to strike a reasonable balance between pure, unbridled relativism and rigid, intolerant forms of moralizing, or as Blackburn puts it, 'between the saggy sands of relativism and the cold rocks of dogmatism' (2001:29). But this deontological approach does not solve all problems, partly because there is no general agreement about the set of relevant principles and partly because the principles often clash in real life. Causing no harm to one person can result in causing harm to another, and there are of course different types and degrees of harm.

**Consequentialist theories**, the best known among which is **utilitarianism**, bypass the issue of principles and their variation across cultures by assessing moral conduct purely on the basis of a cost-benefit analysis of the consequences of an action or behaviour. At one extreme, egoists maintain that an action is moral or ethical if its consequences are favourable for its agent. At the other extreme, altruists maintain that an action is moral if its consequences are favourable for everyone except the agent. Striking a middle course between the two, utilitarianism considers an action moral to the extent that its consequences are favourable for everyone, including the agent. Utilitarianism comes in two versions: act-utilitarianism and rule-utilitarianism.

**Act-utilitarianists** argue that an ethical decision is one that results in the most favourable consequences for the largest number of people *in a given context*. Torture would thus be acceptable if those authorizing it believed it could lead to information that would prevent death and injury to many innocent civilians. It is unacceptable by the same logic if, as Brigadier General David R. Irvine argued in 2005:

it is found to produce unreliable information, because those being tortured will say anything to put an end to their ordeal. The argument here is not concerned with the rights of those being tortured, but merely with the efficacy of the practice. In one of many such incidents reported in the media since 2001, the decision taken by the cabin crew and Spanish airport police on a flight from Malaga to Manchester in 2006 could be thought of as ethical in the same terms. In this case, several passengers who had 'overheard two men of Asian appearance apparently talking Arabic', according to the British newspaper the *Daily Mail*,<sup>5</sup> decided that they may be terrorists and refused to allow the flight to take off. The men were then removed, and the flight proceeded on its course. The decision to comply with the passengers' demands produced the 'best' consequences in the sense of avoiding major disruption to the plans of a large number of people and dealing effectively with their anxieties. However, many would consider it unethical, both because of its violation of the rights of two passengers who had committed no crime, and for its larger implications in terms of sustaining racism and vigilante practices.

In translation, act-utilitarian logic would support a decision that results in the largest number of participants, including the translator, achieving their objectives on a given occasion, even if the rights of one participant, perhaps an immigrant or the foreign author, are undermined. Like almost all ethical arguments, this statement is not straightforward and can be interpreted in a variety of ways. Someone could argue, for instance, that the 'participants' include not only those involved in the immediate interaction, but also the profession represented by the translator, the society in which translation takes place, the community to which the immigrant belongs and indeed the whole of humanity. This would fit in with the second version of utilitarianism, namely **rule-utilitarianism**, which considers that 'the right action is that action which is performed in accordance with a rule, or set of rules, the following of which maximizes utility' (Driver 2007:64).<sup>6</sup> Act-utilitarianism and rule-utilitarianism can thus yield quite different decisions based on utilitarian principles. The classic case here would be the typical hostage crisis: an act-utilitarian would probably opt for yielding to the hostage-takers' demands, while a rule-utilitarian would not, because doing so would not maximize utility overall. However defined, any form of utilitarianism can lead to some very questionable decisions. Following the rule 'don't steal' because it maximizes utility overall when one's family is starving and their lives can be saved by taking food from someone who has more than enough does not seem fair or realistic. Act-utilitarianism is similarly problematic and can lead to gross injustices, although it does reflect the decision-making processes that many people seem to adopt in real life.<sup>7</sup>

The ethical dilemmas that can lead many to adopt utilitarian decisions are brought to life vividly in Khaled Hosseini's bestselling novel, *The Kite Runner*. In the following scene, the main character returns to war-torn, Taliban-controlled Kabul to find his nephew and take him to safety. He is led by a taxi driver named Farid to the orphanage where his nephew was last seen. In talking to the director, Zaman, he discovers that like a number of other children his nephew had been handed over to the local war lords. The following exchange captures the ethical dilemma of the

director, which he chooses to resolve on the basis of utilitarian principles (Hosseini 2003:235–236, 237):

'There is a Talib official,' he muttered. 'He visits once every month or two. He brings cash with him, not a lot, but better than nothing at all.' His shifty eyes fell on me, rolled away. 'Usually he'll take a girl. But not always.'

'And you allow this?' Farid said behind me. He was going around the table, closing in on Zaman.

'What choice do I have?' Zaman shot back. He pushed himself away from the desk.

'You're the director here,' Farid said. 'Your job is watch over these children.'

'There's nothing I can do to stop it.'

'You're selling children!' Farid barked.

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Zaman dropped his hands. 'I haven't been paid in over six months. I'm broke because I've spent my life's savings on this orphanage. Everything I ever owned or inherited I sold to run this godforsaken place. You think I don't have family in Pakistan and Iran? I could have run like everyone else. But I didn't. I stayed. I stayed because of *them* [the children in the orphanage].' ... 'If I deny him one child, he takes ten. So I let him take one and leave the judging to Allah. I swallow my pride and take his goddam filthy ... dirty money. Then I go to the bazaar and buy food for the children.'

This is clearly an extreme case, but it captures the nature of ethical dilemmas and the appeal of utilitarianism in some contexts.

Particularly taxing ethical dilemmas, then, arise when the consequences of any decision we make are morally reprehensible, however small the number of people affected by them; in this rather exceptional case, the director cannot avoid doing serious harm to others, whatever his choice. It is worth noting here that one of the weaknesses of utilitarianism is that it does not take account of emotional factors, which come into play strongly when one or more of those who may be negatively affected by a difficult decision are very close to the agent: few people would in practice be able to sacrifice their son or daughter to save others, whatever the outcome of an abstract cost-benefit analysis.<sup>8</sup> But ethical dilemmas also arise if we follow universalist ethics, specifically when two or more of what we might think of as universal principles come into conflict, as when following the principle of truth or honesty would result in doing harm to someone.

Because of the difficulty of reconciling principles on the basis of consequences or universal values, some argue that **Kantian ethics** is a better option than both utilitarianism and universalism. Broadly speaking, Kantian ethics maintains that actions are right or wrong in and of themselves, irrespective of their consequences and of contextual considerations. A similar logic, or sentiment, is often expressed in the blogs and writings of professional translators. In an article which appeared in the

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journal of the Medical Division of the American Translators' Association, Michael McCann (2006), former Chairman of the Irish Translators' Association, insists:

The principles of ethics governing a translator's work are applications of the great moral principles, based not on the quicksand of relativism, but solidly founded on the absolute foundation of what is good in itself, to the avoidance of what is wrong, for the pure, simple and unadulterated reason, that good is right, and that bad is wrong.

More specifically, however, Kantian ethics maintains that our actions must ultimately be motivated by a sense of duty. Some duties are so important that they admit of no exceptions: such is our duty to tell the truth at all times, because it is a necessary part of our duty to treat others with respect and dignity. Treating others with dignity means respecting their autonomy by allowing them access to all the information they need to make decisions that affect their lives and well-being. It requires us to acknowledge the right of all human beings 'to act for reasons they have formulated for themselves' (Benn 1998:208). Kantian ethics has had considerable influence on formulating ethical policy in several fields (Driver 2007), including medicine, where misleading patients about the nature of their treatment or their chances of recovery is no longer permissible in many parts of the world, irrespective of the negative psychological impact this can have on them or their loved ones.

Like all theories of ethics, taken individually, Kantian ethics falls short of offering us satisfying solutions in some situations which we might experience as morally taxing. It also does not reflect the way people often behave intuitively. In one of many such examples cited in the literature, the bilingual daughter of an Italian immigrant in Canada interprets between her father and an English-speaking Canadian in a business negotiation. When her father loses his temper and calls the Canadian businessman a fool (*Digli che è un imbecile!*), she renders this as 'My father won't accept your offer' (Mason 1999:156). Following Kantian principles, this must be considered unethical behaviour, because it violates the requirements of truth and autonomy. But we get different assessments if we draw on alternative models of ethical behaviour. Kantian ethics aside, whether we think the interpreter's behaviour is ethical or not will depend on at least two considerations. First, what we believe is likely to be the best outcome for all participants (both short term and long term), if we follow utilitarian logic. Second, whether we think the father's behaviour is guided by different norms and expectations operative in his own cultural setting, where perhaps calling someone a fool to express dissatisfaction does not carry the same weight as it does in the Canadian context – a partially relativist position. If so, there is no point in causing unintended offence (unnecessary harm), we might argue, and the young interpreter will have made an ethically responsible decision. An egoist, on the other hand, would consider the interpreter's behaviour ethical on the basis that she is protecting herself from being caught up in a stressful confrontation or being blamed for it. No doubt this kind of egoist logic motivates many decisions in

translation and interpreting. As Donovan (2011) argues, conference interpreters' (and translators') insistence on 'professional neutrality and confidentiality as the pillars of their professional codes of practice' is at least partly motivated by the fact that 'this position protects them from awkward and even threatening criticism and deflects potential pressure from powerful clients'. Assuming we are not egoists, however, how ethical or unethical we think the resulting behaviour is will depend primarily on the extent to which we believe it impacts negatively on other participants, rather than merely on ourselves.

Other situations present different types of ethical challenge, for both Kantian and other approaches. What should a sign language interpreter do, for instance, when asked to make a phone call to a sex service on behalf of a deaf client?<sup>9</sup> On the one hand, the interpreter may feel that the sex industry is demeaning and exploitative, and that by supporting it he or she would be doing harm to others. On the other hand, it is possible to argue, in Kantian terms, that the interpreter has a duty to empower the deaf person, who should be able to make his or her own ethical decisions. Similarly, in a focus group study undertaken in several US hospitals in order to explore the difficulties encountered by interpreters in implementing standards drawn up by healthcare organizations in California, Angelelli (2006:182, 183–184) quotes two participants expressing quite different views, with different implications for the autonomy of the patient in a medical encounter:

Let's say you are a good interpreter, right? And you are interpreting everything that is going on. All of a sudden, I am a nurse, I come in the room and I tell the doctor, 'you are giving the patient erythromycin and he is allergic to it. Do you still want to give him that or change it?' Now there is no need for you to interpret that. It has nothing to do with the patient.

Sometimes when there is an English-speaking patient, the doctor and the nurse do not discuss certain things in front of the patient. They go outside. But when the patient is non-English-speaking, I have been in that situation. I had someone, an older person, come in and he was dying and the two doctors were standing in front of the patient saying 'he is going to keep coming here until he dies, until he gets pneumonia and finally ...' I can't translate that for the patient. And I ask the doctors, 'Would you like me to translate that?' And they say, 'Oh, no. This is among ourselves.' 'Then please step outside.' That is what I said.

The first interpreter is clearly not aware of any ethical questions relating to the patient's right to have access to the full interaction in which he or she is not only involved but is also the subject of conversation and decision-making. The second interpreter finds it unethical to exclude a participant from an ongoing conversation in which he or she is physically present, and acts accordingly. A utilitarian approach would minimize the ethical implications here: there is no physical or psychological harm done to patients, as long as they do not find out that something was said about

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them to which they were not privy ('what you don't know can't hurt you' is a common, utilitarian saying in English that probably has its counterpart in many other languages). But a Kantian would point out that by allowing one participant to be excluded from the interaction and failing to inform him or her about an exchange that impacts his or her well-being, the interpreter has effectively failed to treat that participant with the dignity he or she deserves. A similar argument could be advanced with respect to significant shifts introduced in some forms of translation, such as literary translation, without the knowledge and consent of the author<sup>10</sup> and/or without alerting the target reader. A good example is the 1969 English translation of Milan Kundera's *The Joke*, in which the chapters of the book are reordered to reflect the chronological development of the plot, even though Kundera had specifically opted for a different order in the original (Kuhliczak 1990). Kundera's subsequent outrage, expressed in a letter published in *The Times Literary Supplement* in the same year, is understandable in ethical terms on the basis that he remains a key participant in any interaction that involves a text which still bears his name, and as such is entitled to be treated with dignity and respect: his consent should have been sought for such a major form of intervention.

Whatever theory of ethics informs our thinking, when principles clash or our choices are severely restricted there will be no easy answer, no ready-made solution that can be extracted from any code. Ethical dilemmas are just that: dilemmas. As Goodwin explains in his discussion of the choice of subtitles in a politically charged documentary, 'like the technical question,<sup>11</sup> the ethical question does not admit of an easy answer' (2010:25). And yet, we have to be able to anticipate ethical difficulties in our professional life and to think of the various options available to us critically, because however difficult the decisions we have to make we are still accountable for them, to ourselves as well as others.

## 8.2 PROFESSIONALISM, CODES OF ETHICS AND THE LAW

Most professions have codes of ethics that regulate the behaviour of their members and demonstrate to those who depend on their services that they have mechanisms for ensuring accountability. In principle, professional codes can – and should – have a positive impact on the community to which they apply, and cannot be dismissed as irrelevant unless they prove to be out of touch with the realities of practice and with the moral outlook of practitioners. But they must always be approached critically, assessed on their own merits, and not used to 'deflect the necessity of ongoing personal and systemic reflection and adaptation' (Cheney *et al.* 2010:181).

Cheney *et al.* (*ibid.*:15) argue that the term 'professional' can have negative ethical implications, and may be used simply to constrain behaviour, to the detriment of moral standards in society. The phrase 'acting like a professional', they suggest, 'can be ... code for not "rocking the boat" or not being fully human'. Moreover, in elaborating their codes of ethics, institutions sometimes negotiate the rules sensitively with their members and take account of their experience and values, but more

often they impose these codes from the top down, as a response to some legal or public relations concerns. The resulting codes then tend to be 'oriented toward encouraging compliance with regulations far more than they are with elevating behavior' (*ibid.*).

Similarly, as Driver explains (2007:5), 'ethics and the law are distinct', and while one hopes that 'ethical norms will inform the content and enforcement of the law', we know that many laws have been used in the past and continue to be used today to discriminate against certain minorities, including women in some societies and blacks in many countries in the past, and to assist in various forms of colonial violence. This is perhaps why the World Medical Association's International Code of Ethics stipulates that 'a doctor's or investigator's conscience and duty of care must transcend national laws' (Godlee 2009). Consequently, where most professional codes of ethics understandably discourage members from breaking the law, some people will occasionally decide that it is unethical to do otherwise. In our specific context, some scholars have recently warned against 'restricting the notion of ethics in translation to questions ... [of] contractual or legal obligations related to terms of employment' (Tymoczko 2007:219) because it turns translators into unthinking cogs in the wheel of an established social system rather than reflective and ethically responsible citizens.

Nevertheless, for many scholars and practitioners, professional codes of translation and interpreting are and must remain the reference point for ethical behaviour in the field. To resolve a range of ethical dilemmas for which the code offers no satisfying answers, some have argued that 'the code applies to the interpreted encounter, and not to any interactions before or after the professional encounter' (Hale 2007:130–131). Thus, the principle of confidentiality, which is central to all professional codes of interpreting and translation, does not necessarily have to apply when a patient tells an interpreter in the waiting room of a clinic that he or she intends to commit suicide but does not wish this to be revealed to the doctor. In deciding how to act ethically in this instance, the interpreter has to use his or her own judgement or appeal to some other code, perhaps the medical code, to resolve this dilemma. But this separation of pre/post-encounter and the encounter itself is arguably artificial and difficult to maintain in practice. At any rate, similar dilemmas often emerge during the professional encounter itself, and are no less ethically taxing for the translator or interpreter than those that arise outside the encounter proper.

When translators and interpreters are faced with serious ethical dilemmas, within or around the encounter proper, one way in which they might attempt to negotiate the need to abide by professional and legal codes on the one hand, and to act ethically on the other, is to reinterpret the key terms of the code. Almost all codes drawn up by associations that represent translators and interpreters consider impartiality to be a prerequisite for professional behaviour. Erik Camayd-Freixas was one of twenty-six interpreters called in to provide interpreting between US Immigration and Customs Enforcement officials and illegal immigrants arrested during a major raid on a slaughterhouse in Iowa in May 2008. In a long statement he

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published afterwards, he describes some of the harrowing scenes he witnessed when he and his fellow interpreters unexpectedly found themselves party to major abuses of the rights of these vulnerable immigrants. He quotes one of his fellow interpreters saying 'I feel a tremendous solidarity with these people', then comments: 'Had we lost our impartiality? Not at all: that was our impartial and probably unanimous judgment' (Camayd-Freixas 2008a). Rather than question the principle of impartiality, Camayd-Freixas thus chooses to interpret it as compatible with feelings of compassion and solidarity with the oppressed. His acceptance note when he was offered the Intranews Linguist of the Year Award in 2008 further reveals his awareness of the potential conflict between various key principles that feature in almost all professional codes in the field:<sup>12</sup>

We live in changing times where the canons of ethics are being redefined in many professions. For translators and interpreters, the prime imperative is Accuracy, followed by Impartiality and Confidentiality. In cases of conflict, Accuracy governs. And today there are cases in which Accuracy must be regarded as something more than mere literal correctness. If we are to be more than translation machines, more than automatons, if we strive to have a conscience and a heart, we must go beyond the words, to the deeper structures of meaning. For long, linguists have taken refuge in the comfort of formal correctness, but our world has closed that loophole. That ethical shelter is no more. Our Oath of Accuracy – we now realize – means a commitment to Truth.

Hale (2007:117–124) similarly accepts that impartiality does not mean lack of feelings on the part of the interpreter, but argues that interpreters must not allow their personal opinions or feelings to interfere with their work; if necessary, they can always declare a conflict of interest and decline the job. In Camayd-Freixas' case, however, things did not prove quite so straightforward, not least because he did not realize what was going on until he arrived on the scene and began interpreting.<sup>13</sup> He also had to weigh the ethical implications of ignoring injustice by simply walking away from it, as opposed to intervening to change the situation in the longer term. In an article about his experience that appeared in *The New York Times* (Preston 2008), he is reported to have 'considered withdrawing from the assignment, but decided instead that he could play a valuable role by witnessing the proceedings and making them known'. He then took 'the unusual step of breaking the code of confidentiality among legal interpreters about their work' (*ibid.*) by publishing a fourteen-page essay describing what he witnessed and giving interviews about his experience.<sup>14</sup> While maintaining his 'impartiality' during the assignment, to the best of his ability, he nevertheless arguably violated another professional and legal principle that could have had serious consequences for him personally, namely the principle of confidentiality.<sup>15</sup>

Donovan (in press) describes another situation that made adhering to the principle of impartiality ethically problematic, and that she chose to resolve by distancing herself from the utterance linguistically and justifying her intervention from a different

perspective this time – not with reference to what occurs within or outside the encounter proper, but with reference to what might be considered standard practice within a specific type of event involving a conference interpreter. The ‘interpreter’ she refers to in the third person here is herself:

During a lunch discussion, a Brazilian participant began to justify the assassination of street children by paramilitaries. The interpreter, taken aback, introduced her rendition with ‘the speaker seems to be saying that ...’, thus distancing herself doubly from the content. This is a clear and deliberate break with standard practice. Thus, by using the third person the interpreter indicates disapproval and in effect comments on the speaker’s remarks. ... This would generally be perceived as an unethical rendition by the standards of professional practice. The distancing was possible because the interpreter felt her obligation of complete, impartial rendition was weakened by the non-representational (i.e. personal) nature of the statement and its occurrence outside the official proceedings.

Commenting on the ethical implications of following the same principle in a very different context, Inghilleri (2010b) explains that impartiality for Sadi Othman, a trusted interpreter who worked with the US forces and local officials in Iraq following the invasion of the country in 2003, simply means that he does not side with one party or the other, whatever the nature of the interaction he mediates. As Inghilleri points out, what adherence to the principle of impartiality does in this case is ‘to shield Othman, an avowed pacifist, from any moral responsibility for his direct participation in a war which has caused the deaths of thousands of innocent civilians’ (*ibid.*: 191). Ultimately, then, impartiality, like almost any principle you will encounter in a legal or professional code, can be interpreted in different ways – by translators/interpreters and by other parties involved in the encounter or those who are in a position to comment on their behaviour.

### 8.3 THE ETHICAL IMPLICATIONS OF LINGUISTIC CHOICES

Accuracy, as already pointed out, is one of the principles included in most codes of ethics, and like impartiality and confidentiality can be difficult to adhere to for ethical reasons. But accuracy focuses specifically on the relationship between the source and target text, or source and target utterance in the case of interpreting.

The following extracts are from an article that appeared in the June 2010 issue of the KLM inflight magazine *Holland Herald* (Lapiere 2010:45–48). Translating this article would raise difficult ethical issues for many people, especially those who believe that some linguistic choices are demeaning for women and strengthen perceptions of them as objects to be possessed rather than equal members of society.

This article, among other things, referred to the idea of driving the former gender language and that it is a violation, the a

### Tour of beauty

She was the loveliest baby any man could dream of marrying. The pale green, eight-cylinder Corniche I was contemplating in the window of London's Conduit Street Rolls-Royce showroom was the ultimate symbol of beauty and motor perfection.

... Driving throughout India aboard a Rolls-Royce and coming back home through Pakistan, Afghanistan, Iran and the whole Middle East at the wheel of such a mythical car was the ultimate dream I could think of. Though I did not possess a bowler hat and an umbrella to establish my credibility, I entered the showroom absolutely determined to make that Corniche my bride.

...

I had her spend her first Indian night in one of the majestic garages of the Royal Bombay Yacht Club that had formerly housed the Silver Phantoms and Silver Ghosts of the empire's high dignitaries.

...

In a few months, I covered almost 20,000 kilometres throughout the former British Empire, often on terrible roads, under the pouring rains of the monsoon as well as in the blazing heat of summer. In spite of the filthy petrol with which I quenched her thirst, my Rolls-Royce never complained. She proudly sailed everywhere like her ancestors had in the times of the viceroys and the maharajas.

...

Since then, the beautiful car bought with the blessings of Lord Mountbatten has continued to be part of my life. Like an old couple that love has united for eternity, together we have covered many more thousands of kilometres across France and Europe. It is now 51 years old, and I am 78. She is parked under the red tiles of a garage just opposite the room where I have my work table. I have only to look up and glance out of the window to see the symbol of the greatest joys of my life, and draw from it the inspiration for further dreams.

This article, which is worth reading in full,<sup>16</sup> is problematic at more than one level – among other things, it paints a rather romantic and rosy picture of a colonial world that in reality was far from romantic for those at the receiving end of colonial violence. The car is explicitly associated with the 'grandeur' of that imperial past and referred to as 'she', 'loveliest baby' and 'bride'. Such gendered references and the idea of driving this obedient 'bride' who never complains through the lands of the former maharajas and viceroys are likely to trouble translators who are alert to the gender issue and to the violence of colonialism. For those who believe that such language and imagery can have negative ethical implications for society as a whole, and that it is therefore unethical to perpetuate this type of discourse through translation, the answer is still not easy. They still have to address the implications of

eliminating or even reducing the gendered references, downplaying the sexualized tenor of the original, or omitting some of the implicit praise of Britain's imperial past. Although it would be easy to achieve in many languages, without departing significantly from the content of the article, altering the tenor of the source text entails a certain disrespect for the autonomy of others involved in the encounter. In Kantian terms, we would have to acknowledge that the author has a right to express his own world view, and the reader has a right to access and judge that world view for him- or herself. Unfortunately, many contexts of translation do not afford translators the opportunity to include footnotes or even prefaces in which they might comment on unsavoury aspects of a source text that they wish to dissociate themselves from,<sup>17</sup> thus forcing them to make a decision that involves doing harm to one or more parties in the encounter: the author, the reader, their own values, a social or ethnic group, or even society as a whole. Some translators might attempt to resolve the dilemma by declining the assignment altogether. This option is available in principle to freelance translators, but a staff translator (someone employed by the *Holland Herald* in this case) cannot normally refuse to translate texts that raise ethical issues for him or her. In one real-life instance, a staff translator working for an agency was asked by her employer to translate a glossary of slaughterhouse terms. As a vegetarian and animal lover, she found this ethically taxing and asked to be relieved of the task. As she puts it, her employers:

were quite happy to humour me in that instance (it was not a terribly long text) but ... the conflict between my ethical position and professional requirements would have been much more of an issue had my employers gained a substantial contract with the meat industry.

(Myriam Salama-Carr, personal communication)

These examples bring us to the broader issue of our ethical responsibility as producers of language and discourse, irrespective of – or in addition to – the question of whether the wording we use in a translation is semantically 'accurate' in relation to the source text. Our wording will always, inevitably, be different from the wording of the source text, since it will be realized in a different language. Ultimately, however, '[w]hat is at stake' when we render a stretch of text or utterance from one language into another 'is not so much linguistic difference, as the social and cultural representations of the Other that linguistic difference invariably presupposes' (Lane-Mercier 1997:46). Like the decision to replicate or tone down the gendered language of the 'Tour of beauty' article above, the choice of a particular dialect, idiolect or register with which to render the speech of a character in the source text or the defendant in a courtroom is potentially an ethical choice, one that has an impact on the way our readers or hearers will perceive the character in question (and consequently the community he or she represents), the veracity of a defendant's testimony, the reliability of a witness's statement, the credibility of an asylum seeker's account of his or her persecution.

In 2001, BBC News published extracts from a purported English translation of secret Chinese official documents on the 1989 events in Tiananmen Square in Beijing.<sup>18</sup> The article which featured these extracts began as follows (bold in original):

**Meeting between Premier Li Peng and paramount leader Deng Xiaoping, 25 April, 1989:**

**Li Peng:** 'The spear is now pointed directly at you and the others of the elder generation of proletarian revolutionaries ...'

**Deng Xiaoping:** 'This is no ordinary student movement. A tiny minority is exploiting the students – they want to confuse the people and throw the country into chaos. This is a well-planned plot whose real aim is to reject the Communist Party ...'.

Li Peng, Premier of the People's Republic of China at the time, comes across in this translation as at best quaint and at worst incoherent, perhaps even eccentric. In deciding how to represent the speech of a character in another language, whether this character is fictional or real, we have to consider not only the semantics and aesthetics of the source and target utterances but also the values and attitudes we attribute to these characters and their communities through the choices we make. Do our choices make the character appear more or less intelligent than we might reasonably assume they are or than they appear to their own communities? Do they make the character and their community seem ordinary, human (like us), or radically different, and hence incomprehensible or even threatening? How far should we go to mediate the distance between the source and target cultures, to ensure that members of the former are understood and respected by members of the latter? These are not easy or straightforward questions, and different translators will want to draw the line at different points of the continuum between rigid adherence to the semantics of an utterance and active intervention in reformulating a character's speech to enhance their chances of being taken seriously or treated with empathy in the target context. Ultimately, however, as Lane-Mercier argues in the context of literary translation (1997:46):

Far from constituting a neutral operation, both the stylization process to which literary sociolects are exposed and the comic, picturesque or realistic effects they generate involve the authorial manipulation of real-world class determinations, ethnic and gender images, power structures, relations of hierarchy and exclusion, cultural stereotypes and institutional roles.

These observations are as pertinent to the translation (and interpreting) of political figures in the news and defendants and witnesses in the court as they are to literary characters in a novel.

## 8.4 CONCLUDING REMARKS

In an article about the importance of translators that appeared in the *Observer* newspaper in April 2010, Tim Parks, a well-known novelist and literary translator, writes:

Occasionally, a translator is invited to the festival of individual genius as the guest of a great man whose career he has furthered; made, even. He is Mr Eco in New York, Mr Rushdie in Germany. He is not recognised for the millions of decisions he made, but because he had the fortune to translate Rushdie or Eco. If he did wonderful work for less fortunate authors, we would never have heard of him.

Leaving aside the fact that Parks assumes great novelists and their translators to be male by default, there is much truth in this statement. Nevertheless, I hope that our brief excursion into the creativity and ethics of translation in this book will encourage readers to think of translation and interpreting as diverse, challenging, exciting and highly consequential activities, whether undertaken for great literary writers or destitute immigrants, whether awarded with glamorous literary prizes or treated as run-of-the-mill, everyday jobs. Indeed, it is the largely invisible and the least glamorous aspects of translators' and interpreters' work that can often have the greatest impact on the lives of those around them, and hence require them to approach every assignment not just as a technical but as a primarily ethical challenge, one that calls on us to recognize the humanity of others and treat them accordingly. As you experience the highs and lows of your career as a translator or interpreter, it is important not to lose sight of this simple truth.

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 *extrinsic* 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:<sup>19</sup>

Does a dentistry student perform root canals? No. Does an architecture student build anything? Not a thing. Does a law school student defend anyone? No one.

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 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?

4. 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, 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

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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.

7. 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?

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## NOTES

- 1 It is also the case that some translation and interpreting activities take place in contexts where no codes are available for practitioners to fall back on. Inghilleri (forthcoming) notes that:
 

[f]or interpreters in war zones, the absence of any official institutional location means that they cannot justify their actions through appeals to organizational rules and principles as can members of the military. They cannot claim to be just following orders. There are no professional codes of duty and service or of neutrality and impartiality to shield them from the consequences of their ethical subjectivity.
- 2 Being rule-based does not mean that one cannot or should not reflect critically on the rules and amend them on the basis of good reason and experience.
- 3 See discussion of act-utilitarianism below.
- 4 See [www.alternet.org/rights/28585/](http://www.alternet.org/rights/28585/). Brigadier General David R. Irvine is a retired Army Reserve strategic intelligence officer who taught prisoner interrogation and military law for eighteen years with the Sixth Army Intelligence School in the US.
- 5 'Mutiny as passengers refuse to fly until Asians are removed', the *Daily Mail*, 20 August 2006. Available at [www.dailymail.co.uk/news/article-401419/Mutiny-passengers-refuse-fly-Asians-removed.html](http://www.dailymail.co.uk/news/article-401419/Mutiny-passengers-refuse-fly-Asians-removed.html).
- 6 As Driver (2007:64) notes, act-utilitarians also recognize rules, but they are rules of thumb that can be overridden by the assessment of potential consequences in a given context.
- 7 One of the positive aspects of utilitarianism is that it stresses negative responsibility, that is, the idea that the individual is ethically responsible for maximizing the good and can therefore be held accountable for failure to act – not just for acting unethically (Driver 2007:72).
- 8 See exercise (2) at the end of this chapter for a concrete example of the impact of emotional factors on translators' decisions.
- 9 This example was discussed by Jeff McWhinney in his keynote speech at the third IATIS conference in Melbourne, July 2009. See [www.iatis.org/content/conferences/melbourne.php](http://www.iatis.org/content/conferences/melbourne.php).
- 10 Not all source texts have single authors, or even an identifiable set of authors. Similarly, dead authors cannot be made aware of changes introduced to their texts, though these changes are often quite significant, as when a Shakespearean play is adapted to a variety of political contexts (see Abend-David 2003).
- 11 By this he means the question of what strategy or lexical choice is the correct one to adopt, semantically and stylistically.
- 12 See [www.prlog.org/10157687-dr-erik-camayd-freixas-is-elected-inttranet-linguist-of-the-year-for-2008.html](http://www.prlog.org/10157687-dr-erik-camayd-freixas-is-elected-inttranet-linguist-of-the-year-for-2008.html).
- 13 'The more I found out', he says in his subsequent public statement, 'the more I felt blindsighted into an assignment in which I wanted no part. ... nothing could have

8: prepared me for the prospect of helping our government put hundreds of innocent people in jail' (Camayd-Freixas 2008a).

- 14 Camayd-Freixas has been quite critical of *The Times'* reporting on his case. In an article he subsequently published in *Proteus* (the Newsletter of the National Association of Judiciary Interpreters and Translators, Camayd-Freixas 2008b), he states the following:

When I sent the essay to the *Times*, my intention was for them to conduct an investigative report on some of the problems mentioned therein. Instead, the *Times* journalist decided – which is her prerogative – to write an article about my speaking out, more than about the contents of my message. As such, the *Times* article raised a question that needed to be asked and answered before one could discuss the real issues documented in the essay. That question regarded the propriety of my decision to speak out despite the confidentiality clause in the interpreters' code of ethics.

By so doing, the *Times* article adopted a polemical strategy designed to spark a general readership's interest, but not specifically addressed to the professional. As a result, it answered only partially the question it raised, and lacked the rigor that an interpreter readership would require.

- 15 Camayd-Freixas (2008b) offers a detailed rebuttal of the suggestion that his actions imply general support for intervention on the part of interpreters and, more importantly, that he broke the code of confidentiality:

The interpreter code of ethics, in particular the clause of confidentiality, has as its meaning and rationale that the interpreter must *not influence the outcome of the case*. The Postville case had been closed, and its 10-day deadline for appeal had expired before I even began the essay. I do not mention any names and aside from anecdotal information of a general nature, all the facts mentioned are either in the public record or freely available on the internet. So I was careful not to break the code of confidentiality.

Moreover, confidentiality is not absolute. There are other ethical requirements which override confidentiality. For example, a medical interpreter, in whom a patient confides that he has an epidemic disease, has the obligation to report it because it is in the public interest to do so. Similarly, in the Postville case, there were higher imperatives arising not only out of public interest but also out of the legal role of the court interpreter.

- 16 The full article is available at <http://holland-herald.com/2010/06/the-silver-cloud/>.
- 17 Hermans (2007) offers some interesting examples of such paratextual interventions, including prefaces to translations of Hitler's *Mein Kampf*.
- 18 The extracts are from *The Tiananmen Papers*, edited by Andrew Nathan and Perry Link. See <http://news.bbc.co.uk/1/hi/world/asia-pacific/1106614.stm>. The status and authenticity of this document remain highly contested (see, for example, Chan 2004).
- 19 See [www.aipt.org/eng/articles/art7-aipt-decries-student-exploitation.html](http://www.aipt.org/eng/articles/art7-aipt-decries-student-exploitation.html) for the full article.