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Moral ambiguity: Some shortcomings of professional codes of ethics for translators.

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ABSTRACT

When translators, interpreters and other language professionals become members of a professional association, they are often obliged to follow a code of ethics or a code of professional conduct that aims to ensure all members are adopting a common set of ethical principles when they practice their profession. To help determine whether these codes are providing similar principles for translators and addressing issues translators are likely to encounter in the course of their work, this paper studies seventeen ethical codes from profession-oriented networks in fifteen countries, comparing their common principles and highlighting gaps in the guidelines. The codes are then compared with issues discussed in the Ethics and Professionalism forum of TranslatorsCafe.com to help illustrate whether and how the codes could apply to ethical dilemmas faced by translators in their practice.

KEYWORDS

Codes of practice, codes of ethics, translation networks, professional translator associations, professional ethics

1. Introduction

A social network can be considered a spatially diffuse structure composed of actors who share common interests or values and are linked via interdependent relationships of exchange (cf. Gross Stein & Stren 2001: 5; Wasserman & Faust 1994: 17). Following this definition, translation networks are composed of actors (translators, universities, translation companies, etc.) with a shared interest in translation or a related profession such as interpretation, localisation or subtitling. In general, the shared interests connecting members of a translation network include promoting translation as a professional activity (profession-oriented networks), the process or performance of translation (practice-oriented networks), translator training (education-oriented networks), or translation as a field of study (research-oriented networks) (cf. McDonough 2007). Within any translation network, however, actors may be linked not just by their shared interests, but also by common values related to the profession, practice, teaching or study of translation. For instance, some practice-oriented networks, such as Translators without Borders, provide free translations to humanitarian organisations and all members agree this is a cause worth supporting. Likewise, profession-oriented networks often have a code of ethics all members must endorse if they want to join the network. Such values shed light on translation ethics and illustrate which aspects of translation are considered most in need of moral guidelines by network members. But are these values universal? Do language professionals agree on which ethical principles need to be

followed and which decisions an ethical professional would make in a given situation? This paper will explore these questions in detail through a study of seventeen codes of ethics from profession-oriented translation networks in fifteen countries. Throughout this paper, the terms *profession-oriented network* or *profession-oriented translation network* will be used to refer to networks of translators with common interests in such things as promoting translation as a professional activity, protecting the status of translators, and ensuring translators adopt professional standards in their practice. These networks often identify themselves as *professional organisations, orders, associations* and *federations*.

2. Methodology

2.1 Codes of ethics

This paper compares and contrasts the codes of ethics published by a number of profession-oriented translation networks to determine what values are most commonly held by translators¹ belonging to such networks. To determine which codes of ethics to analyse, I consulted the list of profession-oriented translation networks on the website of the International Federation of Translators (IFT), the network comprised of translator associations from more than 50 countries. Other profession-oriented networks not belonging to the IFT certainly do exist, but the list of associations on the IFT website includes members in Europe, North and South America, Africa, Asia and Oceania, so while not exhaustive, it is fairly comprehensive. Consulting the codes of ethics published by IFT members is therefore a systematic way to obtain a representative sample of the values espoused by profession-oriented translation networks around the world.

My own language skills limited me to IFT-member networks with a website in French, English or Spanish, and more particularly, with a code of ethics available in one of these three languages. Other networks than the seventeen studied here did have codes of ethics but these codes were either not available in English, French or Spanish (e.g. Germany-based *Bundesverband der Dolmetscher und Übersetzer e.V.*), or else were not accessible online (e.g. *Colegio de traductores e interpretes de Chile*).² In some cases, a network belonging to the IFT was comprised of other translation networks instead of individual translators. This was the case, for instance, with the Canadian Translators, Terminologists and Interpreters Council (CTTIC), which does not accept individual members but is instead composed of the provincial profession-oriented translation networks to which many Canadian translators belong. Although the CTTIC itself does not have a code of ethics, its member associations do. So in this instance, I consulted OTTIAQ and ATIO,³ the two largest networks belonging to the CTTIC.

The search through the websites of IFT-member networks yielded codes of

ethics from sixteen profession-oriented networks in fifteen countries (see Appendix). The IFT also publishes a Translator's Charter intended to "[lay] the basis of a code of ethics," and so this charter became the seventeenth code included in this study. Due to the limitations of this methodology—namely the language and online accessibility of the code of ethics—the results of this study should be considered representative of professional translator ethics around the world rather than comprehensive. The goal of this paper is not to determine *all* the values linking members of profession-oriented translation networks, but rather to highlight those values commonly shared by members of such networks. Because the fifteen countries are located in Europe, North and South America, Asia, Africa and Oceania, a fairly representative sample of professional translator ethics is provided here.

Once the seventeen codes of ethics were obtained, they were then compared line by line to determine which principles occurred most frequently. These comparisons were tabled to help show which values were considered most important to profession-oriented translation networks.

2.2 Online discussion forums

Finally, to help determine how the codes of ethics could be applied to situations faced by translators on a day-to-day basis, I conducted an overview of the ethical issues discussed in the forums of a large, online, practice-oriented translation network: TranslatorsCafe.com.⁴ For this part of the research process, the "ethics and professionalism" forum was consulted, and each of its 82 threads was scanned to determine what issues were being discussed. These issues were then grouped together (as far as possible), and the forum postings were compared with the codes of ethics to determine whether and how the codes could apply to the situations described by TranslatorsCafe.com posters. This comparison highlighted areas in which the codes of ethics lack guidelines for practicing language professionals.

3. Codes of ethics in profession-oriented networks

3.1 Codes of ethics

The seventeen codes of ethics studied for this paper discuss various principles professional translators are expected to follow. When these codes are compared, they show that profession-oriented networks seem to agree on very few ethical or professional practices. In fact, only two principles are stipulated by all seventeen codes: confidentiality and competence. Other principles for impartiality, accuracy, conflict resolution, professional development, advertising, translator rights and working conditions are addressed by only some of the codes and their guidelines are occasionally in conflict.

In many ways, as discussed by Gouanvic (2001: 33), the seventeen codes of ethics are similar to those of other professional associations of service providers. As noted, the codes share only two points in common: they all require translators to maintain confidentiality in their practice and they all stipulate that translators must never accept work for which they do not have the necessary competence. These two key points are also stressed in the codes of ethics commonly endorsed by other service-providing professionals such as accountants⁵ or engineers.⁶

Other principles do recur in many of the codes, but like the competence and confidentiality clauses, these principles are not necessarily specific to the translation profession. For instance, just over half the codes require members to exhibit good general behaviour and decorum so as not to damage the profession—and the association—in the eyes of the public. Similarly, seven of the seventeen codes address a translator's (or interpreter's) obligation to be impartial when translating, by notifying clients of potential conflicts of interest (AUSIT, AATI, ATIO, ITI), by not expressing an opinion about anyone or anything related to an assignment (AUSIT), by seeking client approval before making additions or deletions that would "seriously alter the original text or interpretation," and, when working in the field of law, by communicating ideas without cultural bias, without translating literally and without giving advice in the source language (ITIA), by not accepting gifts that could be veiled attempts at bribes (AATI), by refusing a project if a conflict of interest is likely to arise (ASTTI), by avoiding situations that could be considered a conflict of interest or in which one's "professional independence could be questioned" (ATIO) and by showing independence and disinterest when someone other than a client asks for information (OTTIAQ).

Another half of the codes recommend or stipulate that members enhance their language, subject or other skills through courses, workshops or similar activities.⁷ An equal number set guidelines for dignified advertising and note that translators are responsible for the work they—or their subcontractors—ultimately deliver to clients. Likewise, nearly three quarters of the codes stipulate that network members should support other language professionals, such as by offering reasonable assistance to or sharing knowledge with colleagues (AUSIT, NZSTI, ITIA, ASETRAD, CTPU, ATIO, SATI), arranging interpretation and translation for other language professionals without charge (JPT), recommending colleagues when a member is offered a job outside his or her language pair, subject field, etc. (ITIA, ITI), avoiding disloyal competition (ASETRAD, ASTTI, AGIT, AATI, CTPU, IFT, ATIO), and refraining from making statements that could damage a colleague's professional aptitude, morals or prestige (AATI, AGIT).

And finally, slightly more than half the codes include a clause about the rates professional translators should accept for their work. Three of these

codes (AGIT, AATI and CTPU) stipulate that members must not agree to work for rates significantly below those set by the association. In the six other codes with a statement about rates, half focus on protecting translators from competing unfairly and driving down market rates by undercharging for their services; these codes do not, however, oblige members to charge a set minimum rate for their services. The other half appear to be protecting both clients (from translators who might overcharge) and translators (from underselling their services and thereby driving down market prices).⁸

While these and similar ethical principles are important, they are not as interesting to study because they do not apply exclusively (or nearly so) to the translation profession. Moreover, the principles that do apply particularly to translation (or the language profession in general) are intriguing because it is here that many of the codes differ: they often do not agree what ethical principles translators should adopt in terms of accuracy, working languages, and illegal/immoral/unethical texts.

Accuracy

Accuracy is discussed in most—but not all—of the codes of ethics. Twelve of the seventeen codes have principles that directly address a translator's responsibility to accurately convey the source-text information, and of these twelve, only seven (AUSIT, ITIA, ITI, AATI, ATIO, SATI, IFT) address the issue in any detail. The other five (AGIT, CTPU, ATA, ITA, ITA) state only that translations must be true and faithful, but do not define the terms *fidelity* or *faithful*. Two (AGIT, CTPU) of these five codes do, however, stipulate that the translation should be written clearly and precisely and two others (ATA, Indian Translators Association) that it must satisfy the needs of the end user. In many cases, even when the codes do address the issue of accuracy, they do not specifically state what translators should do when faced with ST errors, untruths or ambiguities (ATA, ITA, ITA, SATI, and AATI). Several codes stipulate that translators must accurately convey any untrue statements (AUSIT), must point out to clients any significant errors, ambiguities, omissions or imprecise language in the texts on which they are working (ITI, SATI), must never distort or manipulate the truth (AGIT, AATI), and must promptly inform clients of any TT errors (OTTIAQ, AUSIT, ASTTI).

On several occasions, the codes that address the principle of accuracy restrict the decision-making ability of translators. Consider, for instance, the accuracy principles of the Ireland, Australia and Ontario codes:

Members of the Association shall endeavour to the utmost of their ability to provide a guaranteed faithful rendering of the original text *which must [be] entirely free of their own personal interpretation, opinion or influence.*
(ITIA code of practice and professional ethics, Article 4.1, emphasis added)

If patent untruths are uttered or written, interpreters and translators shall convey these accurately as presented. Interpreters and translators shall not alter, make

additions to, or omit anything from their assigned work.
(AUSIT Code of ethics, Articles 5 (a) iii-iv)

Members shall faithfully and accurately reproduce in the target language the closest natural equivalent of the source language message *without embellishment, omission or explanation*.
(ATIO Code of ethics, Article 2.2.1, emphasis added)

These three codes appear, to varying degrees, to restrict a translator's ability to decide whether a translator's note is appropriate to give clarification or context, whether a particular ST explanation is superfluous in the TT and can therefore be omitted without any loss of information for TL readers, whether an acronym requires explanation for TL readers, whether a ST error should be corrected, etc. The ITIA code in particular restricts translators from 'interpreting' the source text, as though they could translate without trying to decide what the ST author was trying to say.⁹ These accuracy principles are written to apply to all target texts, regardless of the purpose of the translation (e.g. for in-house use, to sell products to users in a different geographic region with different needs, to make specialised information available to non-specialised readers). Shouldn't the purpose of the translation, along with the needs of the end user and/or client be taken into consideration when translators are working on a project?

Some codes do stipulate that accuracy, fidelity and completeness depend on end user and/or client needs and therefore provide members with better guidelines for preparing a translation that would not violate an ethics of accuracy. The ITIA code cited above, for instance, does allow translators to make additions or deletions that would "seriously alter the original text or interpretation" provided they have the client's approval (Article 4.2). This rule is not unlike those found in the Argentinean, UK, American and Indian codes, as well as the code endorsed by the IFT:

Toda traducción deberá ser completa y fiel. Se entiende por completa y fiel aquella que *transmite el mensaje de la manera que mejor se ajusta a la situación comunicativa de traducción*. Los parámetros de dicha situación comunicativa serán los acordados de antemano con quien encarga la tarea.

[Every translation must be complete and faithful. By complete and faithful, we mean that *the message must be transmitted in the way best suited to the communicative situation of the translation*. The parameters of this communicative situation shall be set beforehand with whoever is commissioning the work.]
(AATI Código de ética, Article 3, emphasis added)

[Members shall ensure] fidelity of meaning and register, unless specifically instructed by their [clients], preferably in writing, to re-create the text in the cultural context of the target language.
(ITI Code of professional conduct, Article 4.1.2)

I will endeavor to translate or interpret the original message faithfully, *to satisfy the needs of the end user(s)*.
(ATA Code of professional conduct and business practices, Article A, emphasis added)

(Indian Translators Association, Code of professional conduct, Article A, emphasis added)

Every translation shall be faithful and render exactly the idea and form of the original—this fidelity constituting both a moral and legal obligation for the translator.

A faithful translation, however, should not be confused with a literal translation, *the fidelity of the translation not excluding an adaptation to make the form, the atmosphere and deeper meaning of the work felt in another language and country.*

(IFT The translator's charter, Articles 4 and 5, emphasis added)

While not all of these codes define the term *fidelity* or *faithfulness* (e.g. ITA), they do provide more context for how translators can strive to be accurate, even if the target text requires explanations or omissions to best meet the needs of the client or the target audience. Only the ITI, however, cautions translators from taking this principle too far, stipulating that members "shall not knowingly mistranslate or misinterpret, *even if instructed to do so*" (Article 4.4.4, emphasis added). The association therefore provides translators with the ability to adapt or "re-create" the text for TL users but not to the extent that the target text contains mistranslations. It would seem then, based on the various accuracy principles, that the concepts of *fidelity*, *faithfulness* and *accuracy* are not well defined for translators.

However, some profession-oriented networks do provide additional training for members to better explain the details that are lacking in the codes themselves. For instance, the ATA offers a self-guided online training session on the association's code of ethics. With respect to accuracy, the ATA explains that:

A faithful translation is one which conveys the message as the author intended it. For example, a literal word-for-word translation of "it was raining cats and dogs" would be nonsensical and would not faithfully convey the original as the author intended it. The translator would have to find an equivalent idiom in the target language in order to convey the meaning of the original. [...] The translator/interpreter must make an effort to be informed about the intended audience and the purpose of the translation. For example, a source text might be handled differently in translation depending upon whether it is being used as evidence in a court case or in a marketing campaign (ATA 2009).

Here, then, is one way to provide translators with clarification for undefined terms and principles from the codes of ethics. If additional training is not provided, however, the codes themselves may not necessarily provide sufficient guidelines for members, who may believe they share the same translation values as other members (in this case, that translators should provide accurate translations), but who may actually be endorsing slightly different values (since the terms *faithfulness* and *fidelity* can be defined in various ways).

Working languages

Five of the codes of ethics stipulate that members may translate only into a mother tongue (ITIA) or that they must master the target language like a native speaker (ATA, ITA, ITA, IFT). A sixth, that of the ITI, restricts translators to working into a mother tongue or into a language “in which they have satisfied the Institute that they have equal competence” (Article 4.1.1). However, both the ITI and the ITIA list some limited exceptions to this rule. While the ITI allows translators to translate into another language provided they have notified their client in writing of the risks involved, the client has accepted such risks and the translation is accompanied by a warning note (Article 4.5), the ITIA requires only that the client be notified in writing of possible limitations when the member is translating into a non-mother tongue (Article 2.7).

Two other codes restrict members from translating into any language other than those in which they have been assessed by the association. The AGIT stipulates that members must not translate or interpret from or into unauthorised languages (Article 9), while the CTPU restricts certified translators from signing translations from or into unauthorised languages.

Immoral or illegal texts

Five of the seventeen codes include a clause prohibiting members from accepting work that may be used for immoral, illegal or similar purposes. The ITIA stipulates that translators who believe a project is intended for illegal or dishonest purposes must not accept the work, and SATI repeats this stipulation, but adds that members must also refuse any works against the public interest. The ITI has a similar clause, as it restricts translators from accepting work they believe to be for illegal or criminal activities. Finally, both the AATI and the AGIT advise translators that they should not complete a project if their work will facilitate incorrect or punishable acts or if it can be used against the good faith of third parties, to break the law, or to go against the public interest or the interests of the profession. While a sixth code, that of OTTIAQ, does not forbid its members from accepting work that may be intended for illegal or unethical purposes, it does allow members to terminate a contract if a client attempts to force them to commit illegal, dishonest, immoral or fraudulent acts (Article 16b). Only two codes (ITIA, ITI) oblige members to inform the authorities and/or the association when they are asked to translate a text that could be used for illegal ends, and—with one exception—none of the codes discuss whether translators should inquire about the ultimate purpose of the translation before accepting a project. The AGIT (Article 5), the only association to comment on this point, specifically states that translators need not ask clients about their motives for the translation.

What is interesting about these clauses is that, in contrast to many of the accuracy principles, translators are given authority over the texts they choose to translate. In three cases, translators need only believe (ITI,

ITIA) or be of the opinion (SATI) that their work will be used for illegal or dishonest purposes. In the other two (AGIT, AATI), translators are supposed to refuse a project if the work 'could' be used to break the law, though the AGIT code later stipulates that translators should refuse such projects only if they know for sure ("*conozca fehacientemente*") that the translation will be used for such dishonest purposes. The onus, then, is on the translator to decide what the ultimate goal of a translation would be, since none of the codes oblige members to actually ask clients what the target texts will be used for. And yet, the codes do not actually bind translators in any way: if the translation is ultimately used for illegal purposes, members can always say they did not know what motivations lay behind the client's desire to have the text translated and hence did not refuse to do the translation.

Further, as Inghilleri (2008) notes, quoting Bourdieu and Wacquant, these codes of ethics have been developed dependent either upon an illusion that translators always have freedom when making decisions or upon a "misplaced belief in illusory freedom" (Inghilleri 2008: 222). Clearly, any translators belonging to the five associations that prohibit members from accepting texts that may be used for dishonest or illegal purposes are expected to be in a position to refuse the project. And if this is the case, the illegal texts principle does not provide translators with any additional authority they would not have already had, since they presumably could have refused to translate the text for a variety of reasons (lack of time, experience, etc.) if they found it unethical. However, Inghilleri discusses situations in which this might not be the case. One such example is Guantánamo Bay during the War on Terror (2008: 215), where a "state of exemption" exists (i.e. when citizenship and individual rights are reduced, rejected or superseded by the State during an emergency). At such times, Inghilleri argues, "the ethical component of the translator's task is pushed to an extreme, beyond questions of language, culture or even cultural politics" (2008: 221). According to Inghilleri, when the rights of interlocutors have been denied, as is the case with detainees in Guantánamo, or when interpreters have been considered the "enemy within" because they share the same language and religion as detainees, "translators have to decide whether to 'merely execute decisions made elsewhere' or to 'go beyond the place they find themselves'" (*ibid*).

While Inghilleri's examples of the ethical dilemmas faced by language professionals during times of war pertain mainly to interpreters, one can certainly imagine instances in which translators would be faced with similar ethical dilemmas when translating texts that could ultimately be used to interrogate and/or intimidate detainees during a time of war. Such a situation is covered only to a limited extent by the seventeen codes of ethics studied here. Since these acts would not be illegal, given that the state of emergency would have reduced or rejected individual rights, the five codes of ethics that do address a translator's obligation to refuse to translate texts that could be used for illegal purposes do not apply here.

The cases discussed by Inghilleri are more accurately described as instances where translators might have to engage in work that offends their moral or personal beliefs, but which may not necessarily be against the law. Only three codes address this issue. ITIA advises members not to accept work that offends their moral or personal beliefs (Article 6.2.3), while AUSIT obliges its members to refuse or withdraw from assignments “in which impartiality may be difficult to maintain because of personal beliefs or circumstances” (Article 4a, iii). Finally, JTP notes that the practice of translation or interpretation must not curtail members’ human and civic rights, nor must it be against their dignity (Article 9).

3.2 Codes of ethics applied to translation practice

How well do the principles commonly endorsed by profession-oriented networks actually address situations translators face when practicing their profession? Because the codes of ethics are clearly biased toward good business practices common to any service-providing profession, do they offer guidelines for translators who, on a daily basis, must make decisions about a wide range of issues related to the practice? To help determine whether and how the codes of ethics can help translators make decisions during the course of their practice, let us turn to the issues raised in the TranslatorsCafe.com discussion forum.

In this section, a number of examples from the TranslatorsCafe.com discussion forum are presented and analysed. Each instance is compared to the codes of ethics of the seventeen profession-oriented networks to determine whether and how the codes apply. By comparing the discussion forum postings with the codes of ethics, this section helps illustrate how a translator could apply a code of ethics to practical translation issues to determine how to act ethically. These examples also point to some shortcomings in the ethical codes.

Because an online practice-oriented translation network like TranslatorsCafe.com has very few membership requirements,¹⁰ neither the questions nor the responses in the discussion forums have necessarily come from translators who belong to a professional association, or even from someone who works as a translator. While many members of the network are indeed freelance translators with varying years of experience, others are students or newcomers to the field and still others simply have an interest in translation and language-related issues. Moreover, only a very small percentage of the networks members actually participate in the discussion forums (McDonough 2007), so the advice given to the posters cannot be said to represent the opinions of most or all TranslatorsCafe.com members. For this reason, the forum postings are incorporated into this article in a limited way. The original question has been retained, provided it discusses an ethical issue, but the responses have not been studied here, due to space constraints and the fact that the goal is to determine whether—and to what extent—the seventeen codes of

ethics address the issues raised by forum posters.¹¹

In January 2009, the “ethics and professionalism” TranslatorsCafe.com discussion forum contained 82 threads with more than 1600 messages dating back to 2003. Some of the threads focused on issues that were less relevant to this paper and so have not been included in the tables below. For instance, a few discussed ethical issues relevant to translation agencies or interpreters (e.g. posters complained about excessively low rates offered by some translation agencies, discussed bad/non-payment practices by agencies, or debated ways to educate clients about translation and interpretation issues), while other threads discussed issues relevant specifically to TranslatorsCafe.com, such as a posting that advised members to ensure the mother tongue specified on their profile was indeed their native language and another that wondered whether one site member’s false claim to ATA membership reflected badly on all site members. In other cases, the threads did not pose ethical dilemmas, but asked for advice on such issues as whether and how to provide references to clients, how to prepare a sample translation contract, and whether other members felt certain email offers or requests were scams. Finally, some of the threads consisted of posted announcements about new translation studies publications and links to material of interest, (e.g. excerpts from or links to articles about translators arrested for espionage, bootleg translations of the Harry Potter books, the consequences of translation errors, and an eBay.com listing for an online practice-oriented translation network—with the names and contact information of its 1,800 site members).

Of the 82 threads, roughly half raised ethical questions relevant to this paper. These threads were then grouped together—as far as possible—to match the principles of the codes of ethics. Table 1 shows the number of postings per grouped topic (e.g. competence, accuracy, rates) and the number of codes with principles that address these issues.

Topics discussed in the TranslatorsCafe.com “Ethics and Professionalism” Forum	No. of codes with principles addressing these issues
Rates	245 posts 9 of 17
Professional development	222 posts 9 of 17
Conflict resolution (also included in “rates”)	85 posts 11 of 17
Professionalism	75 posts 17 of 17
Accuracy	74 posts 12 of 17
Subcontracting	50 posts 15 of 17

Advertising	43 posts	9 of 17
Working languages	25 posts	8 of 17
Software/Technology	33 posts	0 of 17
Competence	16 posts	17 of 17
Terms/Working conditions	23 posts	3 of 17
Texts for illegal/immoral ends	17 posts	5 of 17
Copyright	11 posts	2 of 17

Table 1: Topics in the TranslatorsCafe.com discussion forum vs. principles in the codes of ethics

As Table 1 demonstrates, the issues most commonly discussed in the TranslatorsCafe.com forum are not those most frequently addressed in the codes of ethics. The most frequently discussed topics were rates and professional development, but as already noted, only about half the codes addressed either of these topics. Conversely, while all of the codes of ethics had principles pertaining to professionalism (e.g. integrity, confidentiality) and competence, these issues were not as frequently discussed in the forums. This could, however, be because members were aware of the codes of ethics and did not need to turn to the forum for advice. By contrast though, in the threads on terms/working conditions and copyright, few questions were asked, even though few codes of ethics addressed these topics. Table 1 also highlights a gap in the codes: none addressed the ethical use of software or technology in translation, and yet TranslatorsCafe.com members encountered technology-related problems in their practice.

To better compare the forum postings and codes of ethics, Table 2 explores the discussion topics in more detail. It summarises each of the thread topics and indicates the number of posts each thread contained. Table 2 therefore illustrates the specific ethical dilemmas on which TranslatorsCafe.com members were seeking advice.

Group	Thread topic	Number of posts
Rates	Are unpaid translation tests ethical and should translators agree to do them?	139
Rates	Is it ethical for translation agencies in developing countries to pay translators less than they would receive if they worked for an overseas agency?	14
Rates	Is a rate of 0.02 USD per word reasonable to	7

	accept?	
Rates/Conflict resolution	Should translators who provide low-quality work still be paid? Should I allow a client to refuse to pay me for a translation with just a few errors, when the client knew I was new to the field and agreed to a reduced rate to compensate?	64 21
Professional development	Should translators be required by professional associations to pursue continuing education courses?	222
Professionalism	Is it ethical for a translator to accept a large translation project from a client by claiming to be part of a network of qualified translators when in fact this translator will simply post a new job offer on another online translation network to find other freelancers to do the job for him/her?	20
Professionalism	How should members of online, practice-oriented networks show that they disagree with answers posted in terminology forums while still being ethical?	12
Professionalism	If translation agencies are allowed to join professional translation associations, shouldn't they be bound by a code of ethics for corporate members?	12
Professionalism	How should a translator deal with a client who cancels a job at the last minute, after it has been almost fully completed by the translator?	4
Professionalism	Should members be allowed to post numerous terminology questions in the forum if these questions could have been answered with a little basic research? Is this taking advantage of other members?	27
Accuracy	When translating a university transcript, should the translator use the course names provided by the client, whether or not these accurately reflect the course content?	21
Accuracy	What should one do when the client insists on having an ungrammatical or incorrect change made to a translation, even after the client has been offered other grammatical, correct options instead?	40
Accuracy	Should translators correct obvious errors of	5

	fact, typos and other ST mistakes in the TT? If so, how should they go about doing this?	
Accuracy	Is it ethical, when proofreading another person's translation for a client, to "demolish" the translation because of its poor style and grammar even though the terminology is perfect and the translation is accurate?	8
Subcontracting	Is it ethical to accept work from a client of an agency you work for if that client contacts you directly and you did not solicit the business?	11
Subcontracting	Is it ethical to agree to be the translator for two companies bidding on the same project?	30
Subcontracting	Is it ethical to bid on an end client's contract if the translator is a subcontractor? Should agencies have translators sign non-disclosure agreements to prevent this?	9
Advertising	Are spam mailings from translators advertising their services to other translators unethical? What about when the emails are written in a way that suggests the sender has already worked with the recipient?	20
Advertising	Is it ethical to electronically publish samples from one's own translations (translations done for an agency or translations of literary texts)?	11
Advertising	Is it ethical to post positive feedback about oneself on a forum where feedback and ratings for agencies/language service providers are listed?	12
Working languages	Is it ethical to translate into a non-mother tongue? (Two threads)	16 9
Software/ Technology	Should a translator accept work from an agency that requires him/her to buy the agency's CAT software to complete the project?	6
Software/ Technology	What should a translator do when an agency asks him/her to translate a text and use a cracked copy of Trados, which the client has provided?	27
Competence	Can one certify a translation if one is not a certified translator?	4
Competence	Is it ethical not to refuse work for which one is unqualified, uninspired or uninterested	12

	because one is motivated by a desire for money?	
Terms/working conditions	Should translators sign an agency's contract if it contains terms/conditions that differ from theirs or with which they disagree?	13
Terms/working conditions	Should translators include their terms and conditions with every quote sent to clients?	10
Texts for illegal or unethical ends	Unethical job postings: translating a student's homework	10
Texts for illegal or unethical ends	What should one do if one discovers that the translations one has been doing for a client are likely being used for illicit purposes?	7
Copyright	Do both authors and translators hold the copyright of translations?	11

Table 2: Thread topics in the "Ethics and Professionalism" forum on TranslatorsCafe.com

As Table 2 illustrates, a number of the issues raised by TranslatorsCafe.com forum posters are directly addressed in at least one code of ethics. Each group is worth exploring in detail.

The threads about *rates* and *conflict resolution* are addressed by several codes of ethics. The ATA, for instance, directly addresses unpaid translation tests, the AGIT, AATI and CTPU set minimum rates for their members, while the ITIA, ASETRAD and the IFT restrict translators from charging rates that fall below typical national/international rates, those of the target market or those set by law. According to these codes, then, a rate of 0.02 USD would not be reasonable if it did not meet the association's set minimum or the typical target market rate. Similarly, it would not be unethical, according to most of the codes, for an Argentinean agency to pay translators according to local market rates rather than international rates. Moreover, 11 of the 17 codes provide a way for translators to resolve conflicts with their clients, usually through arbitration via the association, and the ASTTI specifically obliges its members to proportionally reduce their fees when valid criticisms are made about their work (Article 5).

The thread about *professional development* is not, however, addressed by the codes, given that the thread questions whether or not professional associations should mandate continuing education courses, and not whether translators need to continuously update their skills. The more than two hundred postings do, however, show that the topic is contentious.

The questions posed in the *professionalism* threads are not as easily

resolved by turning to the codes of ethics. Ten of the seventeen codes oblige members to exhibit good general behaviour and decorum, while twelve state that members must support other language professionals. Thus, it would likely be deemed unethical to tell a client one is part of a network of translators when one is not, since this would essentially be lying and not good general behaviour. Likewise, TranslatorsCafe.com members would have to exhibit decorum when disagreeing with answers posted in the terminology forum. Some of the codes do have guidelines for employers/corporate members as well as individual translators (e.g. ATA, ITA, ITA, ITI, SATI), and most—if not all—the codes do seem to address the issue of translators who ask excessive questions of their peers: it would seem to contravene the good general behaviour principle stipulated in ten of the codes and the competence principle addressed by all seventeen codes, since members posting numerous terminology questions are likely unqualified to translate the text in question and should not have accepted the project.

Accuracy is addressed by twelve of the seventeen codes, but they do not specify what translators should do when the end user's needs (or in this case opinions) do not match those of the translator, who is presumably more qualified to make language decisions. The codes also disagree on whether translators should correct typos and other ST mistakes in the TT. Because the terms *fidelity* and *faithfulness* are not defined, it may be unclear to translators whether a target-oriented or a more literal translation of course names on a transcript is the ethical choice, even if the course names do not match those in the university program to which the end user is applying.

Subcontracting is one principle addressed in nearly all the codes, and most would consider it unethical to accept work from a client's client, even if this work was unsolicited. For instance, the ATA would prohibit members from accepting unsolicited work from the client of an agency for whom members are working, since that would interfere with the business relationship "between my client and my client's client" (Article I F.). Likewise, the ITI prohibits members from making direct contact with a client's client without his or her express permission (Article 4.4.3), and the NZSTI stipulates that if members discover the identity of a client's client, they must neither take advantage of this information nor communicate directly with these clients, except with permission from their client (Article 5). Moreover, confidentiality clauses in nine codes prohibit translators from taking advantage of knowledge acquired during their work (e.g. NZSTI, JTP, ITIA, ASETRAD), and such clauses would seem to prevent translators from bidding on a contract for which they are supposed to be the sub-contractor.

While just over half the codes address *advertising*, they do not discuss mass email campaigns or postings to electronic forums. Members would have to decide whether these are dignified, factual ways to advertise.

In terms of *working languages*, the codes of ethics do not provide much guidance on whether or not translating into a non-mother tongue is unethical. Only six of the codes address the issue at all, and some of them allow translators to work into languages in which the association has deemed them to be competent, whether or not it is their mother tongue.

Software and technology is where the codes are clearly lacking. OTTIAQ does allow translators to refuse or cancel a contract if they are asked by a client to do something illegal or immoral (Article 16), so this principle would allow (but not oblige) translators to refuse a contract that required the use of an unlicensed translation memory. Should the TranslatorsCafe.com poster refuse the contract that will be awarded only if he or she purchases the client's CAT software? The codes of ethics do not address this.

By contrast, the codes are quite clear about *competence* issues. All of the codes would agree that one cannot certify a translation if one is not a certified translator, nor can one accept work for which one is unqualified, regardless of one's financial need.

The questions about *terms and working conditions* are addressed by few of the codes. ASETRAD, AATI and the IFT urge members to accept only professional working conditions and to provide the same to subcontractors, so if translators disagree with the terms proposed by an agency, they should refuse the work. However, since so few codes address this issue, translators do not really have much guidance about what constitutes professional working conditions.

The two questions about *texts for illegal/immoral purposes* are directly addressed by the codes of ethics that discuss this issue. In both cases, the translator should refuse the job. Translating a student's homework, though not illegal, is likely to be regarded as unethical by most reasonable people, while texts that are likely being used for illicit purposes are to be refused by members of the five networks that address this issue. However, in the vast majority of the seventeen codes, the issue of illegal/immoral texts is not addressed, and translators may therefore find themselves without guidelines when they encounter situations described by the TranslatorsCafe.com posters.

Finally, although only two codes address *copyright*—and only to note that translators should respect copyright—the poster's question would presumably depend on the copyright laws of the SL/TL countries. Thus, this does not seem to be a point on which ethical codes can offer any advice.

4. Conclusions

So what, then, makes a translator ethical? Presumably, in the view of profession-oriented translation networks, an ethical translator is one who abides by the principles laid out in the network's code of ethics. However, this means that whether a translator is acting ethically when practicing the profession depends on what network he or she belongs to, as no general consensus about ethical translation behaviour seems to exist. Moreover, when the codes do not address certain aspects of the profession (e.g. errors in the ST), translators are left with no guidelines for ethical behaviour.

Clearly, the seventeen codes of ethics have a number of shortcomings. The principles most commonly found in the codes are those that apply to all service-providing professions rather than just translation in particular, and when the codes do address issues specific to translation (accuracy, working languages and immoral or illegal texts), the guidelines sometimes conflict and are often not very clear (e.g. only twelve codes address accuracy, and five don't define *fidelity* or *faithfulness*). Moreover, the codes often do not address many of the issues translators are encountering as part of their practice. Only half discuss rates and professional development, but these issues are the most discussed in the TranslatorsCafe.com forum. None stipulate how translators can make ethical choices with respect to the technology they might need in their practice, yet translators are increasingly using and being asked to use CAT software. In addition, guidelines about ethical advertising are perhaps not detailed enough to cover newer, electronic formats, such as emails, discussion forums and search engine ad words.

These shortcomings could possibly be addressed by turning to discussion forums in practice-oriented networks such as TranslatorsCafe.com when revising or writing a code of ethics. While those participating in the forums are not necessarily members of profession-oriented networks, the issues listed in Table 2 could reasonably be encountered by any practicing translator. A larger study of forums in other practice-oriented networks would likely illustrate other ethical issues that arise during the practice of translation. Such a study could be combined with surveys of translators to help illuminate other ethical issues for which translators need guidelines, indicate how the codes of ethics could be improved, and provide better data about who is facing these ethical issues (e.g. newcomers, experienced translators, members of profession-oriented networks). The surveys and forums could then be used to prepare more comprehensive ethical guidelines for language professionals and to ensure these guidelines are reflecting current trends in the field.

Appendix: Codes of ethics

American Translators Association (ATA). Code of ethics:
http://www.atanet.org/certification/eligibility_requirementsform.php

Asociación Argentina de Traductores e Intérpretes (AATI). Code of ethics:
http://www.aati.org.ar/codigo_etica.htm

Asociación Española de Traductores, Correctores, e Intérpretes (ASETRAD). Code of ethics:
<http://www.asetrad.org/index.asp?op=9>

Asociación Guatemalteca de Intérpretes y Traductores (AGIT). Code of ethics:
<http://agitguatemala.org/etica.htm>

Association of Translators and Interpreters of Ontario. (ATIO). Code of ethics:
http://www.atio.on.ca/info/ByLaws/Code_Ethics_EN.pdf

Association suisse des traducteurs, terminologues et interprètes. (ASTTI). Code of ethics:
http://www.astti.ch/joomla/images/stories/Statuts/code%20de%20d%E9ontologie_form_at%E9.pdf

Australian Institute of Interpreters and Translators (AUSIT). Code of ethics:
<http://www.ausit.org/eng/showpage.php3?id=650>

Colegio de Traductores Públicos del Uruguay (CTPU). Code of ethics:
<http://www.colegiotraductores.org.uy/Codigo%20Deontologico.pdf>

Indian Translators Association (ITA). Code of professional conduct:
http://www.itaindia.org/information_set.pdf (see pages 2-3).

Institute of Translation & Interpreting (ITI). [UK]. Code of professional conduct for individual members: [http://www.iti.org.uk/pdfs/newPDF/20FHConductIn_\(04-08\).pdf](http://www.iti.org.uk/pdfs/newPDF/20FHConductIn_(04-08).pdf)

International Federation of Translators (IFT). The translator's charter: <http://www.fit-ift.org/en/charter.php>

Irish Translators' and Interpreters' Association (ITIA). Code of practice and professional ethics:
http://translatorsassociation.ie/component/option,com_docman/task,cat_view/gid,11/Itemid,16/

Israel Translators Association (ITA). Code of professional conduct and business practices:
<http://www.ita.org.il/uploaded/Recognition%20Application%20Form%202010.doc>

Jednota tlumočnicků a překladatelů (JTP) [Czech Republic]. Ethical code:
http://www.jtpunion.org/spip/article.php3?id_article=472

New Zealand Society of Translators and Interpreters (NZSTI). Code of ethics:
<http://www.nzsti.org/assets/uploads/files/codeofethics.pdf>

Ordre des traducteurs, terminologues et interprètes agréés du Québec (OTTIAQ). Code of ethics:
http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/C_26/C26R178_2_1_A.HTM

South African Translators' Institute (SATI). Code of ethics for individual members:

http://translators.org.za/sati_cms/downloads/dynamic/sati_ethics_individual_english.pdf

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Biography

Julie McDonough Dolmaya, PhD, is a certified French to English Translator with OTTIAQ and teaches translation at the Glendon Campus of York University. Her research interests include translation networks, translator blogs, and website localisation. Recently, she launched the Words in Transit initiative, which aims to bring together translation students, non-profit organisations and professional translators so that students can gain practical work experience before graduation. She is the secretary of the Canadian Association for Translation Studies and blogs about her teaching and research at www.mcdonough-dolmaya.ca.



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- ¹ All of the codes discussed in this paper apply to translators, although some also apply to interpreters and/or terminologists. Thus, to facilitate comparisons—and for reasons of space—this paper will discuss only those principles that apply to translators, since every code outlines the principles by which an ethical and professional translator is expected to abide.
- ² Of the profession-oriented networks listed on the IFT website, only the CTIC (Chile) and the SFT appeared to have an English, French or Spanish code of ethics but did not appear to have made this code available on their websites. Email requests for a copy of their codes of ethics were sent to both the CTIC and SFT in December 2008 but were not answered.
- ³ All seventeen codes, along with the abbreviations for the associations that published the codes, are listed in the appendix.
- ⁴ While ProZ.com is a larger online, practice-oriented network (and indeed advertises itself as the “largest network of translation professionals” <http://www.proz.com/membership/campaign>), it did not have a forum devoted specifically to ethical issues in translation, while translatorscafe.com did, facilitating research. However, one disadvantage of the TranslatorsCafe.com ethics forum is that it is not always possible to determine the country of residence of members who posted messages several years ago, as their profiles have often been removed from the system. This means that some of the posters may reside in countries not represented in this study. Moreover, the TranslatorCafe.com forum posters are not necessarily members of a professional translator association, regardless of their country of residence. Despite these two shortcomings, the forum postings on TranslatorsCafe.com can still be considered *representative* of situations translators may face. They have been used to show how the codes of ethics could be applied to practical translation problems.
- ⁵ See, for instance, the following codes of ethics from professional accountant associations, all of which contain confidentiality and competence clauses: http://www.imanet.org/PDFs/Statement%20of%20Ethics_web.pdf <http://www.aicpa.org/research/standards/codeofconduct/pages/default.aspx> and http://ocaq.qc.ca/ang/2_protection/2_3_deontologie.asp.
- ⁶ See, for instance, the following codes of ethics from professional engineer associations, all of which contain confidentiality and competence clauses: <http://www.nspe.org/Ethics/CodeofEthics/index.html>, http://www.peo.on.ca/Ethics/code_of_ethics.html and <http://www.mtengineers.org/pd/NSPECodeofEthics.pdf>.
- ⁷ The AUSIT code stipulates that members are “expected to maintain and enhance their language skills by pursuing further relevant study and experience” (Article 7a), that of OTTIAQ states that members shall “as far as [they] are able, contribute to the development of [their] profession by sharing [their] knowledge and experience with other members and students, and by taking part in the courses and various activities of the Corporation” (Article 36), SATI notes that all members shall “undertake constantly to pursue self-improvement in order to improve the quality of their work,” the ITI obliges its members to “endeavor to undertake continuing professional development, as appropriate, in order that they can continue to offer the highest possible standards of work by maintaining and updating their language skills, subject knowledge, or any other skills or knowledge necessary for their work” (Article 4.3A), while the CTPU states that “el Traductor Público procurará una permanente y necesaria actualización de sus conocimientos, por cuanto el dominio de los idiomas en

que actúa y el conocimiento de las áreas en que trabaja es *conditio sine qua non* para el desempeño de su profesión” [Sworn translators will constantly and necessarily update their knowledge since mastery of the languages in which they practice and knowledge of the areas in which they work is essential for practicing their profession]. The ATA has mandatory professional-development requirements (members must accumulate 20 hours of credits every three years to continue to be a certified member). Finally, the codes of both the Indian Translators Association and the Israel Translators Association are directly modelled after the ATA Code of Professional Conduct and Business Practices. They stipulate that to be able to transmit the original message faithfully to satisfy the needs of the end user, members need to make ongoing “efforts to improve, broaden and deepen [their] skills and knowledge” (Article A4 of the Indian code and 1d of the Israel code. The Israel code uses “strengthen [their] skills” instead of “deepen”).

- ⁸ Both ATIO and OTTIAQ, for instance, note that members must set “fair and reasonable” fees for their services (Article 3.4.1 and Article 23, respectively). OTTIAQ also discusses the factors its members should consider when determining their rates, including their experience, the difficulty of the text, and the importance of the project. Similarly, SATI stipulates that members should be “guided by the principle of equitability” when negotiating fees and refrain from charging “excessive” rates, while the AATI prohibits members from charging excessive rates to clients who are inexperienced or ignorant or who are in great need of a member’s services (Article 24). Interestingly, of the nine codes of ethics that discuss rates, only one—that of ASETRAD—specifically mentions the possibility of translators providing services for free to non-profit organisations. It also obliges members to advise the organisations of the market value of these translation services (Article 3b).
- ⁹ This principle is, in fact, directly contradicted in the IFT Translator’s Charter, where Article 3 stipulates that “The translator shall refuse to give to a text an interpretation of which he/she does not approve, or which would be contrary to the obligations of his/her profession.” Here, translators are acknowledged to interpret STs when translating them.
- ¹⁰ Both Proz.com and TranslatorsCafe.com have no membership requirements other than a valid email address and limited personal information such as one’s name and country of residence. One is not, of course, prevented from supplying false details.
- ¹¹ The responses were also excluded because of the limited information available about respondents. The lack of membership requirements means that individual profiles of each respondent would have to be consulted to determine how much experience he or she has (or claims to have) as a translator and whether or not he or she belongs to a profession-oriented network. However, many of the posters are no longer members of the network—and their profiles are consequently no longer accessible—while many others have made their personal information private so that it cannot be accessed by anyone but the member him or herself.