How ethical are codes of ethics? Using illusions of neutrality to sell translations

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ABSTRACT

While codes of ethics undoubtedly represent most working translators' primary (or only) point of contact with the literature on ethics within the field of translation, scholars readily acknowledge that these documents offer contradictory and sometimes confusing guidelines. After synthesising a range of discussions of codes of ethics to outline key areas of weakness, this article goes on to question why it is that such major shortcomings are yet to be addressed. It argues that, despite ostensibly offering a set of rulings designed to aid translators in their daily work and ethical decision-making, these codes can also function as client-facing documents that indirectly help translation agencies and associations to sell translations and memberships. This is achieved by developing a sense of trust and confidence around a skewed image of the translation process and a fictional construction of the translator as a neutral conduit, which overrides genuine ethical insight to increase status and to reassure clients that their 'message' will remain intact. Not only does this present issues regarding transparency and integrity, it also forces us to question the assumption that the codes themselves are automatically ethical. Finally, I suggest changes that may enable us to build towards a code of ethics that offers an empowering image of translation as an active, multi-faceted activity that requires expert knowledge and judgement, while openly recognising its inevitably manipulative basis.

KEYWORDS

Ethics, codes of ethics, codes of conduct, translation associations, professional translation, business ethics, marketing.

1. Introduction

In recent years, the term ethics has come to represent something of a buzzword in the professional world and various domains of academia. With a desire to develop and display an increased awareness of our own roles and responsibilities, translation scholars and practitioners were as keen as any to embrace the subject as it came into vogue in the 1990s and subsequently resurfaced with ever more prominence in the post-9/11 era of global politics[1]. While sporadic work on ethics within translation studies can be found prior to the 1990s (for instance, Berman 1984), a growing number of influential scholars tackled the subject towards the end of the twentieth century (see Venuti 1998 and Pym 1997 for two key texts). Since then, its increased relevance in the last two decades is exemplified by the efforts made by scholars such as Mona Baker and Christiane Nord to incorporate ethics into their more recent works. The second edition of Baker's (2011) translation handbook *In Other Words*, for instance, devotes an entire chapter to the subject to reflect the discipline's (and her own) evolving interest since the book's initial publication in 1992. In 2001, meanwhile, Nord elected to modify *Skopos* theory's conception of 'Function' with the addition of a tripartite ethical notion of 'Loyalty' (Nord 2001).

From a theoretical perspective, a deontological approach to ethics, which concerns itself with universal moral principles that govern what one ought to do, has long been one of the prevailing strategies of framing ethical decision-making within translation scholarship and, on a practical level, codes of ethics represent one of the most obvious applications of deontology[2]. In recent years, these codes of ethics have become a must-have document for translation associations and, to a lesser extent, agencies; most professional associations now have a code that members are expected to follow. These codes function as the working translator's primary point of contact with ethics and represent both a key tool in defining ethical translation and informing ethical decision-making within the translation profession. A number of scholars, from Antoine Berman (1984; 1999) and Anthony Pym (1997; 2012) to Jean-Marc Gouanvic (2001) and Sarah Maitland (2012), have hinted at the potential of reading the act of translation as an entirely ethical activity and, applying this understanding of ethics, the codes' role becomes even more crucial. Pym (2012:15), for instance, views the ethics of translation as twofold: it contains "collective, professional aspects as well as the translator's individual morality" and "[i]f any decision includes moral aspects, it follows that any act of translation, and any theoretical treatise on it, can be read from the point of view of ethics." In this regard, our work as a translator is not merely a linguistic exercise. Rather, our choices have a moral component. We produce target texts that are influenced by our own specific, idiosyncratic worldviews and are embedded within a wider context. As Maitland puts it: "[a]s a mode that engages not just with the borders of language but the bearers of language — people, cultures and nations — even before we address the question of communication, translation is at base an ethical regime" (2012: 55). It is from this conceptualisation of translation that this article proceeds and the notion of translation as an ethically-bound activity carried out by a necessarily-situated agent — i.e. a non-neutral translator who is unconditionally constrained by their own idiosyncratic worldview — is central to the discussions that follow.

Within this context, there is an obvious need for codes of ethics to explore what exactly is required from translators. A defining element of any code lies in its ability to govern what is generally termed as 'employee' (in this case translatorial) behaviour and, as I will show, by failing to adequately explore the complexities of translational practice, they not only fail to function as intended but also fail to address truly ethical issues. Whether or not we agree with their proposed methods of producing 'ethical' translations, authors from Berman (1984) and Henri Meschonnic (2007) to Venuti (1998) and Gouanvic (2001) have all argued that the properly ethical aim of the translation act centres around the way in which we complete that act. As such, codes of ethics must address this crucial process.

I first set out to gain an understanding of the general state of translation-specific codes of ethics, highlighting regular calls for total accuracy and

neutrality as the most misrepresented guideline within these codes. Subsequently, by critically examining the ongoing use of this problematic image of translation, I seek to conceptualise the code of ethics in a new way. I explore the notion of a politicised, non-neutral document that represents an act of reassurance to the client and this in turn challenges the assumption that codes of ethics are automatically ethical. The codes used to frame much of this exploration are those of various UK translation associations. However, several of the works cited do discuss codes from associations and agencies based outside of the UK and a full list of all codes consulted is provided at the end of this article. This selection of codes is partly due to my own familiarity with the translation market in the UK, but is also heavily influenced by the fact that these codes bear many of the general features of a typical translation code of ethics used by numerous agencies within and beyond the UK. This enables the content covered within this article to apply to as wide a context as possible without risking a lack of applicability.

2. The state of codes of ethics – initial concerns

In order to uncover the institutionally-embedded nature of codes of ethics, it is first necessary to gain an understanding of their general status within academia. I achieve this by synthesising discussions of the codes to date. Within translation studies, aside from Andrew Chesterman's 2001 paper "Proposal for a Hieronymic Oath," which attempts to create a new code of ethics (and as such falls beyond the scope of this article), one of the only efforts made to assess the effectiveness of codes is Julie McDonough-Dolmaya's (2011) article entitled "Moral ambiguity: Some shortcomings of professional codes of ethics for translators." In addition to her invaluable analysis, which is discussed below, I have also chosen to include articles from interpreting studies in this corpus in order to sketch a more comprehensive image of the terrain. Indeed, Interpreting Studies scholars have regularly addressed the area. While Drugan (2011) notes that McDonough-Dolmaya's paper was (and still appears to be) the only published study to focus on codes specific to the translation profession, Nancy Schweda-Nicholson (1994), Marjorie Bancroft (2005), Sandra Hale (2007), Holly Mikkelson (2000/1) and others have all produced surveys of ethical codes in Interpreting Studies. Though the two areas obviously tackle professions with their own distinct challenges and traditions, the fact that codes of ethics are regularly shared between both translation and interpreting allows a great degree of cross-over — a dual focus exemplified by authors including M. Rosario Martin Ruano (2015) and Leong Ko (2006).

From a general ethical point of view, Hale's (2007) and Schweda-Nicholson's (1994) surveys of codes suggest a number of common principles, with the interpreter/translator's overall role, competence, impartiality, completeness and accuracy, conflicts of interest, confidentiality and continuing professional development representing the key recurring points of discussion. When considering the general limitations of current

codes, the consensus across all forms of translation and interpreting literature echoes thoughts outlined by McDonough-Dolmaya in suggesting that there is a sense of inconsistency and contradiction within and between codes while other notable observations also come to light. Most apparent among these is the widespread agreement that the codes are not sufficiently robust to provide adequate support to translators and interpreters in their day-to-day practice, something that Joanna Drugan and Chris Megone (2011: 187-8) attribute to both an obvious inability of the codes to refer to the infinite range of potential situations facing practitioners and problems of interpretation:

> [D]ifficulties in understanding arise because, on the one hand, codes do not interpret themselves, they require intelligent deployment. On the other, if they are mistakenly presented as a set of rules, they are bound to be inadequate to the range of particular situations faced by practitioners. As there will always be situations in which elements of the code enter into conflict or which the code does not cover at all, developing judgement requires more input.

In attempting to pinpoint the cause of such flaws in the codes, Kristiina Abdallah (2014: 131) suggests that translators are caught between two different ethical systems: the "utilitarian business ethics" that requires the translator to forge a trusting relationship with the client and to work quickly in order to get paid and to make a profit, and the "translators' deontological ethics as outlined in the various codes of conduct provided by professional associations." At this point, Abdallah argues that translators' professional ethics are context-dependent and that the highly complex nature of ethical dilemmas — which involve multiple actors and a range of divergent interests — ensures that clear-cut universal rulings are inadequate when it comes to informing ethical decision-making. Subsequently, she turns her attention to the ways in which students of translation can be better prepared to handle the ethical challenges that arise when translating, a focus on pedagogy that is discussed in more detail below.

The code's lack of straightforward applicability is also exemplified in cases recounted by working translators. Translator Oliver Lawrence has explained how, when attempting to clarify a tricky ethical situation with reference to the codes provided by the various associations of which he was a member, he was struck by the lack of concrete advice provided. After failing to reach a satisfactory answer by simply referring to the codes, he went on to call the associations for advice but was still unable to clarify the situation. Ultimately, he was left torn between competing responsibilities from his profession, the law and his relationship to the client, and was forced to conclude that while "[g]eneral principles and codes of ethics are all well and good … they come into their own only when interpreting specific cases in real practice." Despite showing sympathy towards the associations attempting to draw up codes, Lawrence (2016: n.p.) suspects that "more can be done" to improve upon the current documents.

In light of these initial issues, McDonough-Dolmaya concludes by asking "[s]o what, then, makes a translator ethical?" before positing that "[p]resumably, 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, given the lack of consensus among these codes, what constitutes this ethical behaviour varies from network to network and, when codes neglect to address certain topics completely (McDonough-Dolmaya gives the example of how to handle errors in the source text), translators may be given no guidelines at all. Building upon Moira Inghilleri and Carol Maier's belief that "there is no current consensus on the nature and status of professional codes of ethics" (Baker 2011: 102), these findings go some way to demonstrating that academic understandings of ethics within the translation profession are limited at best. Ultimately, more work is required to provide codes that are relevant to the day-to-day work of translation, though it must be noted that this need is clearly recognised by both academics and professional translation associations in the UK and the USA. Indeed, the continued attention given to codes of ethics within academia attests to this ongoing scholarly commitment, while the fact that many translation associations regularly update and scrutinise their codes demonstrates an appreciation that there remains room for improvement.

3. Accuracy, fidelity and the illusion of neutrality

Once non-translation-specific maxims such as confidentiality and respect for others have been put to one side, we are provided with an important observation from McDonough-Dolmaya (2011: 32) that enables us to pinpoint a key factor in many of the shortcomings outlined above:

> 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.

These "intriguing" principles see the codes of ethics begin to truly enter ethical territory in a translational context and include mentions of 'accuracy,' 'fidelity' and 'impartiality.' Here, the codes restrict the decision-making ability of translators and generally display a disregard for the intricacy and variable nature of the translation act. Indeed, some codes' requests are frankly impossible — the International Federation of Translator's (IFT) translator's charter, for instance, insists that "[e]very 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" [emphasis added] while the code of UK-based agency Language Empire — which, like many agencies, adopts a code similar or identical to those of translation associations — offers another particularly striking example:

> Interpreters and translators shall render the message faithfully, conveying the content, spirit and cultural context of the original message.
> This means the interpreter or translator shall interpret everything the speaker or document says without changing the meaning, conveying what is said and how it is said, without additions, omissions or alterations, but with due consideration of the cultural context of both the sender and the receiver of the message.

These rulings governing accuracy and neutrality are regarded by many of the authors tackling codes as a key area of discussion, with a universal belief that these simplistic and often ill-defined calls are problematic. Clare Donovan, for instance, draws attention to the way in which calls for accuracy and impartiality are embedded in confused and contradictory rulings. As she notes, "the Australian Association, AUSIT, states in its code under Article 5(iii) that "interpreters shall convey the whole message" and that they "shall not alter, make additions to or omit anything"" (Donovan 2011: 112) while also entitling interpreters to take "reasonable steps to ensure effective communication" where necessary. This sees the code simultaneously demanding "complete fidelity while allowing interpreter intervention to guarantee understanding" — a paradoxical relationship between guidelines that has been mentioned by other scholars such as Matthew Maltby (2010: 216), who notes that: "the NRPSI [National Register of Public Service Interpreters] *Code of Professional Conduct* fails to adequately qualify or quantify how 'impartiality' or 'neutrality' should be understood by interpreters and other interlocutors during interpreter-mediated exchanges, even though it features the term 'impartial' prominently."

In what is a revealing example of how easily the translator/interpreter's supposedly neutral positioning can slip, Maltby goes on to analyse Asylum Aid's (AA) code of ethics. In this analysis the scholar uncovers inconsistency and contradictions in how neutrality is presented, with interpreters being simultaneously expected to give the image of favouring neither interlocutor while also making decisions on the clients' behalf when linguistic problems arise, e.g. deciding when the client requires interpreting if they have some competence in English. AA advisors can also take an additional interpreter along with them to official hearings to assess (or even question) the performance of the official court interpreter. In this instance, the interpreter's role is certainly not neutral: they are clearly working for one side, albeit in something of a non-traditional role of critical linguistic expert. Maltby alludes to this in his statement that the interpreter is not only a quality control element, ensuring that a message is transferred in a suitable manner, but rather interprets "for us" i.e. for AA. Similarly, the Refugee Action code shows a basis in neutrality and impartiality presumably inspired by other institutional codes. However, once again there is a turn towards the interpreter being an active agent in the decision-making process, being able to provide advice where they feel appropriate based upon their level of professional experience. As Maltby (2010: 229) puts it, interpreters are permitted to have an "active, advocacy role as an additional advisor in client consultations," challenging or clarifying any information. However, this role

is restricted to an off-the-record basis, maintaining the illusion of neutrality and introducing "a double-faced conceptualization of the interpreter." This double role that is hidden from the client is clearly an unethical position from the perspective of the codes of ethics, forcing us to question the purpose of these codes while lending weight to the case for overturning the use of the image of translators and interpreters as transparent channels of communication.

Of course, despite being referred to together within many stipulations governing accuracy and fidelity, there is a sizeable difference between interpreting and translating on the key issues of accuracy and neutrality. The pressures on interpreters in this regard are distinct and accuracy seemingly holds a more prominent role within discussions of ethics within interpreting as a result of this pressing demand. However, I contend that despite being less explicitly apparent, the issue of accuracy holds the same ethical importance for translators and these revealing examples, which refer specifically to interpreting, provide important insight for the discussions of translation that follow.

4. Turning to pedagogy when solving issues

Perhaps surprisingly, given the clear shortcomings of current codes, Chesterman's "Hieronymic Oath" stands alone as an attempt to produce a modified code of ethics within translation and interpreting studies. While other scholars have produced work calling for fine-tuned, rewritten or otherwise modified codes, none to date have actually completed this crucial step of making the changes to the codes that they analyse. Instead, while codes are regularly labelled as inadequate or contradictory, what regularly ensues from many of these discussions is a turn to pedagogy, with several authors suggesting that students must be made aware of the contradictions and shortcomings within codes of ethics before outlining methods of putting this into practice. These include the implementation of teaching practices that employ real-life examples, case studies and role plays — a suggestion echoed by several authors including Drugan and Megone (2011) whose paper is specifically geared towards outlining why and *how* we should teach ethics in translation studies courses. Yet despite the authors reporting success within classroom settings, the decision to leave the codes unchanged is problematic. Indeed, while training emerging translators to develop a critical awareness of their role is undoubtedly important, in an activity that has struggled with its professional status due to its largely unregulated nature, there needs to be a concerted effort to make this information and ethical training immediately accessible beyond the classroom. Martin Ruano (2015: 142), for instance, asserts that in recent years "codes of conduct have been hailed as a means of progressing towards the professionalisation of a low-status activity," re-emphasising their status as one of the cornerstones of professional movement, yet she too seeks to find answers in the use of pedagogy. Not all translators are or have been translation students and widespread efforts should be made to

instil these valuable lessons within the translation profession more widely, particularly among those who have not received formal translator training. It is important to acknowledge that professional associations have made some effort in this area. The ITI, CIoL and ATA, for instance, have all emphasised their commitment to CPD (Continuing Professional Development), even at the risk of making themselves unpopular with some members; and importantly, training on ethics has figured prominently in their CPD provision. Ultimately, while pedagogy is a vital area of discussion, in such an unregulated profession where many translators and interpreters do not hold translation-specific degrees, surely making this information (i.e. how to 'act ethically') available to practising professionals through codes of ethics (or perhaps other means?) is equally important? More pressingly, however, given this clear reluctance to address the codes directly, we need to ask why, despite repeated assertions of deficiencies in a number of key areas, there is an almost universal focus on shifting the debate to the classroom rather than tackling the problem head-on. This requires us to look beyond the ostensible aims of a code of ethics and foreground the politics of these documents within the context of the nature of translation itself.

5. Institutionally-embedded documents: Selective images of translation

When interviewed in July 2016, Jen Calleja (Dziurosz 2016), translator in residence at the Austrian Cultural Forum London, commented that perceptions of translation still revolve around an assumed lack of mediation as well as attesting to the sense of mistrust that accompanies the act, with generally received ideas calling for a transparent flow between two languages. When discussing her work with a non-translator friend and explaining that "when translating, you have to alter the text," she recounted that "he was furious, said that's immoral and that you should 'just translate' it." Similarly, when discussing the need for translations to be produced with a specific context in mind at a conference, she was again confronted with dissenting voices: "No, that's wrong, as a translator you don't make that decision, you 'just translate' a text." Opposing this idea of simple transference, Calleja instead explains that, for her, translation is "the same with any reading of any text" and involves an individual communicating "their personal voice; viewing that translator as a voice that has been told a story and is further communicating it in a way that they personally can." Yet while Calleja offers us a valuable glimpse into an interpretive basis of translation that seemingly defies the general consensus, she is far from alone in her thinking.

Indeed, within translation studies this notion of interpretation has emerged in various forms. According to Chesterman, the idea of translation as interpretation dates back to what he labels the "manipulation school of thought" developed in the 1980s, while the framework underlying Baker's influential 2006 *Translation and Conflict* is based upon the notion that

"translations (and translators) can never be absolutely neutral, objective, since every act of translation involves an interpretation" (Baker 2008: 10), again providing us with the image of the translator as holding a necessarily interpretive role. This model of translation provides an important counterpoint to the image put forward in codes, and the reluctance to fully embrace this mediatory role despite its repeated re-emergence is central to understanding the persistence of the skewed version of translation offered by codes of ethics.

In the example cited above, Refugee Action call upon the image of neutrality when it is convenient for them, presenting the interpreter to clients as a transparent conduit while simultaneously calling upon the interpreter's partiality. Indeed, in both of the cases examined by Maltby, the organisations seek interpreters who are ideologically predisposed to helping their cause, endorsing active intervention that can be of benefit to them. More generally, Donovan (2011: 112) identifies a need for associations to maintain the illusion of the conduit model in order to provide clients with a reassuring image of the profession:

> [T]here is the need – in the light of the sensitivity of the interpreter's mediation – to reassure speakers and clients generally as to the impartiality of the interpreter, the adherence to strict confidentiality and the complete accuracy of the rendition. But this has to be reconciled with the profession's claim to authority over the way the message is re-expressed.

For Donovan, this dual concern has been actively incorporated into the codes and become "broadly accepted by practitioners and clients alike." Indeed, translators and interpreters themselves are willing to emphasise professional neutrality and confidentiality as pillars of their professional practice as this stance "protects them from awkward and even threatening criticism and deflects potential pressure from powerful clients" while also enabling them to retain authority over their output (*Ibid*.: 112-3). Though most translators are undoubtedly aware of their interpretive input when translating, there nevertheless seems to be a reluctance or inability to alter the image of total neutrality that proliferates. Perhaps this is down to a lack of time to educate every client on the level of accuracy/fidelity they can expect, a lack of authority to question the image of the translator provided by agencies or even a willingness to allow this image to continue unchecked given the potential benefits it holds. In a bid to get work, when translating for agencies who enforce a code of conduct or joining a professional agency, translators are expected to accept the terms of a code of ethics that does not truly represent the way that they go about their activity. Clients, meanwhile, are presented with an image of translation that fails to inform them of the realities of the practice. Furthermore, although translators may well be aware that this image is not realistic, clients cannot be expected to have the same familiarity with the translation process. Indeed, many clients will have little or no experience (or interest) in the translation process, but this does not mean that they should not expect to be provided with honest insights into what they will receive. Within sales and marketing, 'puffery' —

or the exaggeration of a product or service's benefits by using hyperbolic, subjective descriptions — is perfectly legal yet, as Roger Bradburn (2001: 109) notes, there is a fine line between this kind of "sales spiel" and outright misrepresentation. According to Bradburn, "[m]isrepresentation is an objective statement about a product that is wrong. It is a lie — although even if you genuinely believe it to be true, if you give false information, you are guilty of misrepresentation never-the-less" (*Ibid*.). This is important as it forces us to be responsible for the representations of translation that we provide. Given that the codes are presumably intended to provide an objective image of translation, even a genuine belief in this erroneous understanding of the process is not enough to excuse the image that is provided.

Whether or not the image provided is a conscious effort to mislead, concerns remain and these idealised codes undoubtedly serve to allay clients' fears when it comes to accurate transferral of content and confidentiality. As Martin Ruano (2015: 149) notes "[c]laims for strict compliance with neutrality are often put forward as a guarantee for the professionalisation of translation and interpreting in the legal field." However, the propagation of this conflictual notion risks blinding translators to the consequences of their actions and she argues that, if neutrality is internalised by an inexperienced translator, they could well end up undermining the professional image that they strive to present. As she explains: "[t]ranslators accurately reproducing the substandard wording of many texts which have to be translated daily in international organisations or court interpreters mimicking the incoherent and disjointed discourse of uneducated speakers could well appear as incompetent rather than neutral" (*Ibid*.).

Despite many professional associations regularly updating their codes of ethics, the topics of accuracy and impartiality seemingly do not represent a key area of concern and it becomes clear that codes are not merely designed to teach translators to act in an ethical manner, but rather take on a more political dimension. Presenting a skewed image of the translation process within the codes not only impacts upon translators, but also reflects this image on a wider scale. The content within the codes also informs clients of the ethical implications of the translation task, reinforces the association or agency's professional status and provides authoritative statements that often go unquestioned. Indeed, just as translation is not a neutral activity, nor are these codes neutral. They are produced by various institutions in order to guide the actions of professionals in a specific, predetermined way, and cannot be separated from their context of application on the websites of translation agencies and associations who have their own interests at stake. Of course, agencies and associations serve differing functions and will employ these documents in different ways, but the codes represent a powerful tool in providing authority, professionalism and a marketable notion of moral goodness in both cases.

Despite the outward appearance of translators representing the object of these documents, in reality the codes can also act as client-facing documents that provide an image of translation that is deemed to be more conducive to attracting clients — i.e. the allure of total accuracy and impartial conduits for a message is more economically-viable than a subjective account of the activity. The first page of the Institute of Translation and Interpreting's (ITI) code, which offers an introduction to the ITI (who they are, what they do) and outlines the purpose of the code, subtly implies a target for the document and hints at the financial stakes involved with the mention of their desire to welcome corporate members. Lines such as 1.3, which informs us that "[a]dherence to the standards of conduct, competence and practice set out in this Code of Professional Conduct ("the Code") are fundamental requirements of membership of the Institute" and that "[t]he Code sets high standards for the Institute's members" could be presented to both prospective members and clients alike, offering a very marketable, "ethical" image of the institution. Importantly, while the need to offer an enticing image of translation to clients is more immediate in the case of translation agencies who gain their income directly from those clients, the associations also benefit from this image. As well as offering corporate memberships, more clients turning to the association in general means a more attractive offering to potential members.

Commenting upon codes of ethics on a wider level, Patrick Erwin (2011: 535) calls attention to a dual purpose for codes that implies such political investment. As he explains, "codes of conduct are … commonly used to govern employee behavior and establish a socially responsible organizational culture." While all previous analyses of codes of ethics within translation studies have examined the extent to which these codes successfully govern employee (i.e. translatorial) behaviour, translation scholars are yet to fully consider the role that these documents play in enhancing an organisation's standing, something that is implied in Erwin's acknowledgment that codes establish this "socially responsible organizational culture," whereby even having a code of ethics is a part of promoting the success of a business.

Clearly, however, the increased presence of codes does not automatically indicate that they are being actively employed, and a vacuum existis between the code and the practice. According to Avshalom Adam and Dalia Rachman-Moore (2004: 237), who approach codes of ethics from the perspective of general business ethics, the majority of employees find that pre-existing social norms have a much greater influence on their ethical conduct than the code of ethics. This tendency to base behaviour on a less formally-developed model of action is certainly mirrored in the case of translation — perhaps necessarily due to the codes' failure to accurately reflect the demands of the activity. Indeed, rather than following the letter of the codes of ethics, translators seem to employ methodologies that are developed more intuitively and based on keeping the client happy and

getting more work. As well as being reflected in Calleja's understanding of translation outlined above, this has certainly been true of my own practice as a freelance translator. With a number of agency contacts explicitly setting out methodologies for their translators to follow that contravene guidelines found in codes of ethics, I soon learned that a course of action prioritising the kind of accuracy called for in codes of ethics would quickly lead to a shortage of work. For instance, a senior editor at one translation agency advised me in an email that translated pieces should read like an original piece of English journalism and that all translators should aim to get away from the French style and structure — while sticking to the facts of the original — so that it betrays no hint of having been translated. This is by no means an isolated example; when working for another agency, the head of the company (a translator himself) provided similar advice. When sending me a source text for translation, he advised that I try not to overwrite, remarking that English is not by general consensus as verbose as French, it being a language where 'less is more' and advocating a methodology that made wholesale changes and omissions, emphasising the mediatory, interventionary role played by the translator. Ultimately, though the current codes may fail to adequately reflect the realities of the practice, this does not necessarily mean that translators are acting in an unethical manner.

Clearly, the regularly-used image of translation as an unproblematic transfer of meaning that takes place in a neutral vacuum does not fairly reflect the act of translation. Translators take on an active, interpretive role when tackling a text, and simply sticking closely to a source text in terms of lexis, structure, sound, metaphor etc. is not preferable, or even possible in many instances. Not only is this image of translation damaging to translators in devaluing such a complex activity, it also presents a false image to clients who expect the unobtainable and should instead be made aware of what is happening to their texts. This responsibility lies with the supplier of the service — translator, agency or association — and the code of ethics provides an ideal place to outline such a process. Some clients will of course simply expect the translator or agency to 'just translate' and inclusion within a code of ethics allows for this eventuality. The clients do not have to be invested in the translation process but, if they do decide to explore this process, the image they are provided should be realistic. Similarly, in the case of individual translators working with direct clients, they should be expected to provide an honest depiction of their input if the client questions the translation process.

Briefly returning to the focus on pedagogy explored in the previous section, I contend that the codes' embedded nature is perhaps at least partly responsible for scholars shifting the emphasis of their enquiry. Based on the analysis in this section, rewriting a code is not simply a linguistic matter of editing a number of paragraphs. Rather, it involves scrutinising the codes' function, positioning and implementation. For any changes to be made, the codes must be extracted from their inevitably situated context. By moving

the discussion to the classroom, the scholars discussing these codes (many of whom are translator trainers) are shifting debates to an environment within which they have control and can implement any necessary changes. Translation training also affords the time and a dedicated space for students to fully engage with a complex issue such as ethics. Of course, if we reflect upon the scholars' own subjective, non-neutral positioning, one could also conclude that there are other, less pragmatic factors involved. Indeed, the decision to move towards translator training draws attention to the value of a formal education in translation. Just as translation agencies and associations have their own interests in producing and implementing codes, we cannot ignore the potential of translator training as a line of business for higher education institutions and other centres. It is arguably in their professional, financial and academic interests to call ethics into question to add justification and appeal to the courses they offer. Rather than making this ethical know-how freely available in easily-accessible codes, it is restricted to an academic context.

Currently, the profile of the translator is that of a neutral, totally objective, unquestionably competent, honest, ethical being endowed with unshakeable integrity[3]. By reiterating this image of the neutral, conduit translator or interpreter and simultaneously concealing the fact that interpreting and translation involve a reworking of texts or indirectly enabling interpreters to rework the texts, the codes fail to refer to actual practice but nevertheless serve a valuable (if questionable) purpose for the code providers. Given that any translator seeking to produce professional translation cannot realistically adhere to the standards of conduct and practice set out by any code, we are left with the ever-growing sense that these codes are not primarily aimed at guiding 'ethical' conduct among translators. Instead, as well as attracting members (of course, members will not be attracted to the association unless they will benefit from increased status and the likelihood of more work) the codes also appear to act as client-facing documents used to provide a carefully-curated — and false — image of the process of translation and the profile of the translators working in their name.

This combination of an unrealistic (and, as Martin Ruano explains above, arguably undesirable) image of translation and the idealised image of a fictional, dehumanised translator serves to provide the client with an attractive yet grossly unrepresentative view of the translation profession and industry. This continued reliance on an inaccurate portrayal of the translation process could be seen as a desire on the part of translation agencies and associations to increase reliance on their offerings and to provide clients with an image that they believe they want to see. While still ostensibly taking on the form of a document packaged for consumption by working translators in a bid to add a professional sheen to an unregulated profession, the codes represent an economic opportunity to attract a client and this dual purpose simultaneously enhances and disguises the codes' economic status and potential. Indeed, a code of ethics does not have the

same status as a more traditional marketing text seeking to promote or sell a product but, when employed to provide an attractive image of a product (in this case, of accurate, neutral and ethical translation), it undoubtedly holds implicit marketing potential.

6. A code of ethics for codes of ethics

As codes of ethics have been adopted only relatively recently (and given the lack of research into their political dimensions), there is little precedent for tackling a code that is more symbolic than realistic as I have suggested is the case with current translation codes. By this I mean that translation codes hold an important role in defining the professional activity and yet do not adequately or fairly reflect the way that the professional activity functions. In 2013, however, charges were made against Samsung by French rights groups Peuples Solidaires, Sherpa and Indecosa-CGT, who accused the company of misleading advertising by promoting a code of ethics that they failed to uphold, with labour abuses uncovered by China Labor Watch at their factories. This prompted Europe's first investigation into the contradictions between the ethical commitments of a company and the real-life practices, aiming to prove that the ethical image that a brand seeks to portray can constitute an advertisement and subsequently mislead consumers. As William Bourdon (Mundy 2013), the human rights lawyer who filed the complaint, explained: "Samsung benefits financially from the ethical image broadcast to the general public," referring to the case as "the first attempt to obtain judicial sanction of this babble-language of multinationals." Though there is undoubtedly a disparity in the scale and severity of the cases, this example offers a clear indication of the advertising potential of an ethical stance and suggests that companies are beginning to be scrutinised in this regard. Indeed, it seems that the tactic of using ethics as a marketing strategy is steadily becoming a more widely-recognised phenomenon. With ethics taking on increasing importance in recent decades, marketers have long been aware of consumers' preferences for ethical companies, meaning that ethics itself becomes a selling point. However, despite codes of ethics not being a traditional means of advertising, these translation documents are certainly highly visible. On the ITI site, for instance, it appears that prospective fee-paying members are regularly directed to the Code of Conduct via hyperlinks and within the 'Find a Professional' section — where potential clients will seek to gain information on the services on offer — the Code is mentioned almost immediately as a positive selling point offered by the institution.

As Mark Schwartz (2002: 28) notes, beyond governing standards of conduct, codes also aid in the promotion of a public image. Yet the ethical validity of the code in fulfilling this role is rarely questioned. He adds: "An assumption appears pervasive among both academics and the business community that codes of ethics are *prima facie* ethical in terms of their content and use"— a charge that can certainly be levelled against research emanating from translation studies. Indeed, to date there has been no

discussion of the basis of these codes: it is readily accepted that they can be improved upon but there is no suggestion that the flawed guidelines at the centre of these codes are the result of anything more pernicious than a simple misunderstanding or lack of thought.

Schwartz goes on to challenge the fundamental assumption that corporate codes are always ethical and sets about sketching a moral framework that the codes themselves should adhere to, a task that enables him to "ethically audit" companies for compliance. Although it is beyond the scope of this article to carry out such an "audit" on a code or to create an ethical framework that can be utilised in fully assessing the effectiveness of a translation code of ethics specifically — a task that would require an in-depth exploration of the properly "ethical" way to translate — the universal framework that Schwartz provides can be employed here to reach some general conclusions about the status of these translation codes. Schwartz himself openly admits that assigning "universal" moral standards for his framework is a difficult task and accepts that these standards can only remain preliminary without an extended, philosophical justification for their inclusion. However he (Schwartz 2002: 29) nevertheless feels that by consulting sources ranging from employee feedback to business ethics literature, he can establish initial legitimacy. The list of universal moral standards drawn up reads as follows:

> 1. Trustworthiness (including notions of honesty, integrity, reliability, and loyalty);
> 2. Respect (including notions of respect for human rights);
> 3. Responsibility (including notions of accountability);
> 4. Fairness (including notions of process, impartiality, and equity);
> 5. Caring (including notion of avoiding unnecessary harm);
> 6. Citizenship (including notions of obeying laws and protecting the environment).
> (Schwartz 2002:29-30)

Of these standards, "Trustworthiness" is immediately called into question in the translation codes of ethics. In a passage expanding upon notions of honesty and integrity within the standard of trustworthiness, Schwartz explains that this maxim calls for companies to "[b]e honest to stakeholders" and "[s]tick to values despite financial loss," both of which are directly violated in the case many translation codes, with clients being provided with a false image of the process that can potentially lead to increased economic gains. Clearly, despite continued efforts to explore codes of ethics, there remains a need for these documents to be addressed more fully within translation studies and the translation profession.

7. Conclusions

As demonstrated in the previous section, questioning the ethical status of these codes is an important step to take. This overturns a troubling assumption that "as long as codes are at least somewhat effective in either reducing harmful behavior or promoting good behavior, then codes of ethics necessarily possess ethical legitimacy" (Schwartz 2002: 28-9). Ultimately, based on the analysis carried out within this article, doubts remain that

translation codes of ethics do either of these things when it comes to actual translation practice. The model for 'good' translation put forward by the codes — the notion of complete and entirely impartial meaning transfer — is unrealistic and potentially harmful, failing to acknowledge the necessarily mediatory role played by the translator, and it seems doubtful that most translators stick to these guidelines.

Returning to Schwartz once again, he (2002: 28) notes that when proposing changes to codes of ethics, "[t]hose making recommendations … typically offer little or no normative justification" and this shortcoming must be taken into account when considering any future progress. In order to produce truly ethical and representative codes, any alterations must be justified based on considerable work into the precise nature of ethical translation. Another obvious factor when considering how to negotiate the issues described here would be the question of whether or not agencies and institutions would be open to using a code that provides an image of translation as a subjective, inherently-imperfect activity. If not, any rewrite of a code that aims to provide translators with a genuinely insightful and helpful guide on best practices within the act of translation must re-purpose the existing codes and create a new space for such documents. Even then, it is not enough to simply have a satisfactory ethical code in place. It is not until code penetration has taken place — when the code of ethics is actually representative of actual practice within a company — that these documents can take on truly ethical status and this adds another challenge to be addressed. Rather than merely rewriting or rewording the existing codes and assuming that their presence alone is enough to modify behaviour, any new code would have to be explicitly presented to new translators as a useful guide in assisting their work in order for it to complete the process of integration required for code penetration to take place.

One potential method of tackling this problematic presentation of translation is the option of deleting any questionable references to translational 'best practice' completely, and the IAPTI (International Association of Professional Translators and Interpreters) code represents one such example that follows this course of action. Chief among the group's objectives is the desire to "promote ethical practices in the field of Linguistic Translation and Interpretation" and this aim is perhaps an indicator of their decision to follow such a methodology. With a greater appreciation of ethical issues at the core of their existence, it would be no surprise for their code of ethics to demonstrate a greater awareness of the potential ramifications of forwarding a guide to best practice that is overly stringent or makes light of the complexity of the translation process and ignores the general consensus among translators that such a "neutral" methodology is neither realistic nor desirable. The purpose of the code is made explicit from the outset: "The aim of this Code of Ethics is to establish the minimal professional standards of good practice expected from IAPTI members." This in itself is not surprising – we would expect all codes to set a similar purpose — but the content that follows is unexpected in that it

does not tackle all of the key areas mentioned above. While the code integrates guidelines on competence ("Only accept jobs for which they [members] are able to guarantee a proper standard of quality to their clients") and confidentiality ("Respect confidentiality with regard to any and all materials received from their clients"), there is nothing on only translating into a "native" language — one of the few points of consensus in terms of best practice — and only one ruling on general translation practice, with members simply required to "[c]arry out translating or interpreting tasks thoroughly and responsibly." There are no mentions of accuracy, objectivity or fidelity here, and yet this omission does not result in any greater clarity. With translation viewed as a fundamentally ethical activity, in that all translational decisions are a form of ethical intervention, simply advising an inexperienced (or experienced) translator to go about their work "thoroughly and responsibly" will by no means guarantee satisfactory, or ethical, results, and an expanded code that provides additional depth and nuance is required. In truth, though the IAPTI code avoids tackling accuracy at all, the code remains inadequate in this regard, failing to address translatorial behaviour in any capacity. Deleting any references to tricky subjects may seem to be a simple solution, yet this example proves that such a course of action is undoubtedly problematic and also forces us to neglect a crucial tenet in defining a code of ethics — that codes are primarily intended to govern "employee" behaviour — and, without delving into translational practices, risk becoming a general, professional document of little practical value to the professional translator. That said, what the IAPTI code does is prove that it is possible to refrain from setting out a false image of the translation activity, seemingly offering a code that is much more transparent, if no clearer, than those of many other associations.

Conceptualised as a politicised, non-neutral document whose functions include providing reassurance to the client, the code of ethics takes on a radically different shape. Particularly for a document based around highlighting the importance of moral standards such as honesty, integrity and transparency, the translation code of ethics' own ethical credentials are undeniably questionable. Ultimately, for codes to move beyond their current position as inconsistent and often unhelpful status symbols for agencies to add an air of authority and professionalism, there is much more at stake than the language used. As with so much in translation, it is a question of context. Removed from narrow economic interests, the code of ethics could be employed to proliferate an empowering image of translation as an active, multi-faceted activity that requires expert knowledge and judgement, while openly exploring its inevitably manipulative basis. This would require a more nuanced description of the translation process and an acceptance of this interpretive input. In this instance, clients would be presented with a perhaps less appealing proposition for their texts — the awareness that their 'message' is in the fallible hands of a human being, or the contention that their message is open to multiple interpretations even when not translated, will perhaps provoke distrust — yet an openness surrounding the true

complexity of the task should eventually elicit more respect for translation as an activity and, at the very least, clients would be presented with a more representative image of the services that they are paying for.

Disclaimer: I am not affiliated with any of the associations, agencies or networks mentioned in this article.

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Biography

Joseph Lambert is currently teaching French and Translation Studies at the University of Hull. His primary area of research is the ethics of translation and his PhD thesis sets about developing a new theory of translation ethics by synthesising ideas from ethical theory, hermeneutics and translation studies. He is also an experienced freelance translator and is keen to explore the relationship between theory and practice in translation.



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Notes

[1] See, for instance, the 2001 special issue of *The Translator* entitled "The Return to ethics." In his introduction, Anthony Pym notes that the return to ethics in Translation Studies emerged as part of a "very general social trend" in the 90s (2001:129).

[2] At this point it is important to note that the terms code of conduct and code of ethics are used almost interchangeably in translation studies literature and professional documentation despite some attempts to delineate the two. Indeed, Joanna Drugan insists that there is a clear distinction between the two, citing the example of the Société Française des traducteurs (SFT – French translators' organisation) who followed the ATA in adopting a 'Code d'Éthique Professionnelle' [Code of professional ethics], which members are bound to follow. However, the SFT provides an English translation of this code on their website under the title of 'Code of conduct' (https://www.sft.fr/clients/sft/telechargements/file_front/51907_deontologieanglaisweb.pdf.pdf (consulted 11.05.2018)). This flexibility of terminology demonstrated by the SFT

code calls Drugan's contention into question and reinforces the general trend for using the terms interchangeably.

[3] Examples demonstrating these calls include stipulations that "[m]embers shall carry out all work entrusted to them with complete impartiality," "[m]embers' personal, private, religious, political or financial interests should not conflict with their duties and obligations to their clients," "[m]embers are expected to act with integrity in all their professional and business activities. This means acting with honesty, fairness and impartiality at all times and not allowing themselves to be improperly influenced either by self-interest or the interests of others,",and "[m]embers shall maintain complete confidentiality at all times and treat any information that may come to them in the course of their work as privileged information."