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Ethics in translation practice: A comparison of professional codes of conduct

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The interest in and understanding of ethics among translation scholars has changed dramatically since the publication of Andrew Chesterman's proposal for a Hieronymic Oath (Chesterman, 2001). Early definitions of ethics based on *equivalence* (Newmark, 1991), faithfulness, loyalty (Nord, 1997) and trust have been put aside in favour of more recent notions of translator ethics grounded in accountability (Baker & Maier, 2011) and social responsibility (Drugan & Tipton, 2017). Practising translators who abide by codes of ethics/conduct are bound by principles of honesty, integrity, linguistic competence, confidentiality, and trust. This paper begins by presenting a brief literature review of the main developments in translation ethics from the early linguists to contemporary interpretations. There then follows an analysis and comparison of several professional codes of conduct from the main international associations of translators and interpreters with the benchmark, the Association of Translation and Interpreting Professionals (APTRAD). It is one of the more recent translator associations and has a code of conduct adopted in the last six years. The objective of this paper is to determine which theoretical definitions of ethics are reflected in the codes of conduct and to discuss their usefulness for translators in their daily practice. The paper ends with recommendations for changes to codes of conduct to make them more relevant to practising translators.

1 Introduction

Over the past 20 years there have been significant developments not only in the understanding of ethics in Translation Studies (TS), but in the link between theoretical discussions of ethics in translation and the ethics applied to translation practice. The move from early definitions of ethics based on *equivalence*, faithfulness, loyalty, understanding and trust, to more recent notions of translator ethics, grounded in the translator's accountability (Baker, Maier, 2011) and social responsibility (Drugan, Tipton, 2017), and of the engaged and committed agent (Baker, 2006) have marked contemporary discourses on ethics in translation.

Translator associations have also debated ethics, albeit with a mainly practical and non-theoretical focus, and in large part, the solution was found in the adoption of codes of conduct¹. These codes were in existence long before the more recent moves towards discussions of social responsibility and accountability, witnessed in TS. Translator codes can be traced back to as early as 1957, when the International Association of Conference Interpreters (AIIC) adopted its code of ethics (Boeri, 2002). The first evidence of a document solely dedicated to translators was the *Charte du traducteur*, adopted by the International Federation of Translators (FIT, 1994)² in Dubrovnik in 1963, and modified in 1993. This was closely followed by the American Translators Association's (ATA) adoption of a code of ethics. There is little evidence of other translation specific codes prior to 2000, however it is very probable that they «existed but remained undocumented» (Baixauli-Olmos, 2001: 299). Translator codes have focused overwhelmingly on principles such as honesty, integrity, linguistic competence, confidentiality and trust. The purpose of this paper is threefold: 1) to outline theoretical definitions of ethics represented in translator codes; 2) to discuss the usefulness of translator codes in daily practice; and 3) to make recommendations for improvements to translator codes to make them more relevant to practising translators.

1 There is an incoherence in much of the literature with some authors referring to translation codes as codes of conduct and others as codes of ethics. For simplicity, the term *translator codes* has been adopted.

2 It is important to note here that the *Charte du Traducteur* was excluded from the analysis as FIT is a «grouping of associations of translators, interpreters and terminologists» (FIT, 1994) and not an association in itself.

To achieve this, the translator code of a relatively young translation association, the Association of Professional Translators and Interpreters (APTRAD)³, whose code was adopted in 2014/2015,⁴ will be compared with those of four major international associations, the Australian Institute of Translators and Interpreters (AUSIT), the UK-based Institute of Translators and Interpreters (ITI) and the American Translators' Association (ATA) (Figure 1). The majority of these associations, although international in reach, have a large national membership base. This paper will then analyse real-life scenarios, to see whether the translator codes were relevant in these situations and how definitions of ethics from TS could have been applied.

Association	Date founded	No. of members	Code first adopted	Code last updated	Country of origin
APTRAD	2014	587 ⁵	2014/15 ⁶	2016	Portugal
ITI	1986	+ 3000	2005	October 2016	United Kingdom
ATA	1959	+ 10,000	1966	October 2010	United States of America
AUSIT	1987	+ 750	-----	2012	Australia

Figure 1: Summarised association information

2 Definitions of ethics in translation studies

Approaches to ethics have changed as different schools of translation thought have made their mark on TS. In the early 1990s, the focus was mainly on describing translations and considering their role in the target system (Toury, 2012). Chesterman, in his 2001 critique of approaches to ethics, analysed and reworked the principal approaches to ethics into a four-category model (ethics of representation, ethics of communication, ethics of communication and ethics of service) with a view to proposing a Hieronymic Oath that would help to regulate the translation profession (Chesterman, 2001).

3 APTRAD was formerly known as the Portuguese Association of Translators and Interpreters and the statutes state that the “common denominator” among members is the Portuguese language. <https://aptrad.pt/index.php/estatutos/>

4 The logic behind this choice was that a more recent translator code might reflect some more contemporary theoretical concepts of ethics, especially related to risk, cooperation, accountability and social responsibility.

5 www.aptrad.pt consulted on 9 February 2021.

6 The Chair of APTRAD was unable to provide specific information regarding the exact date on which the code was adopted.

The discussion that follows will trace the evolution of translation ethics over the 20th century into the 21st century, illustrating how ethics disappeared from translation theory, or was certainly not «among the most popular themes for study» (Koskinen, 2000:18).

2.1 Early linguists

In the work of the early linguists (Jakobson 1959, Catford 1965/1969, Newmark 1988, and Nida 1964) translating ethically was equated with linguistic *equivalence*, which was «concerned with moral and with factual truth» (Newmark, 1991:1). The concept of *equivalence* featured prominently in Mona Baker's «In other Words: a Coursebook on Translation» (1992). Under this model, ethical translation was extremely prescriptive, source text-focused and translation-focused rather than translator-focused. *Equivalence* was sought at all levels (linguistic, semantic). If meaning is transferred clearly, accurately and faithfully from the source to the target, one has an ethical translation, a «good mirror» (as Chesterman called it in his 2001 review of earlier positions). Translations were expected to be true to the source and were later described as being a «sign of the original» (Chesterman, 2001:140).

2.2 Functional approaches to ethics

Functionalist theory arose at the end of the 1970s and early 1980s, at approximately the same time as Descriptivist approaches, breaking with the linguistic tenets of the past. However, as they were originally written in German, they only came to the forefront of TS in the 1990s. Under functionalist theory, translations were produced with a specific purpose or *Skopos* (Vermeer, 1989), in contrast to the overwhelming focus on source-text oriented approaches, as promoted by the early linguists. The translator was viewed as «the expert» (Vermeer, 1986:222) In 1997, Nord added the concept of loyalty to the functionalist theory of the «commission» and the «brief» (Nord, 1997). Under the loyalty principle, the translator «commits [...] bilaterally to the source and target sides» (Nord, 1997:113). A loyal (*ethical*) translator is someone who is accountable to the author of the source text, the client or commissioner, the target audience and the profession. Chesterman (2001), in his review, suggests that this type of ethics confers a certain invisibility upon the translator as they are merely fulfilling the clients' orders. An ethical translation or ethical translator according to Nord's concept of ethics, is one who «complies» with the

purchase order and the mutually agreed terms of service. Loyalty must not be confused with fidelity or faithfulness, as loyalty refers to «social relationships between people» (Nord, 1997:125).

2.3 Descriptive Translation Studies

According to Chesterman, «norms-based ethics» (2001:141) arose from within Descriptive Translation Studies and relates to target culture expectations. Norms vary over time and between cultures; an ethical translation is «in accordance with the norms, not surprising the reader or client» (Chesterman, 2001:141). Ethics as a concept orienting translation processes was not explored by the Descriptivists, possibly due to their focus on the description of the translation within the target culture, and not on the translator as an agent in this process.

2.4 Ethics of Difference

Cross-cultural communication is the goal of dialogue with the Other and an ethical translator works towards enabling this process. Ethics of difference has its origins in Berman's theory of receiving the Other as an Other, rejecting ideas of domestication, not turning a voice from another culture into one's own voice (in this case into that of the translator) (Pym, 2015). Translation is «parler de la communication, de la transmission, de la tradition; c'est parler du rapport du propre et de l'Étranger» (unpublished text, Berman, 1999), respecting difference and being able to demonstrate this difference in the target text. For this author, this strategy amounted to an ethical translation. As Pym (2015) points out, very few translators could actually be ethical according to this line of thought, as few translators actually picture the author as they translate.

Building on Schleiermacher's (Munday, 2008) concept of foreignisation, ethical translation according to Venuti (1995) was resistant and not fluent. In this paradigm, the reader would be aware that they were reading a translation and the translator would have some kind of visibility. This approach reflected global developments at the time and was a reaction against the hegemony of the English language. However, if ethical translations are intimately linked to communication with the Other, then non-fluent and resistant translations would not necessarily be easy to read. They could potentially cause cultural divisions and a cultural elite, thus actually becoming unethical (Pym, 2015).

2.5 The disappearance of ethics

Discussions about ethics disappeared or were certainly not «among the most popular themes for study» (Koskinen, 2000: 18) in the early 1980s and 1990s. When Anthony Pym heralded a «Return to ethics» (2001) in 1992, marking a break with the definitions of ethics based on *equivalence*, fidelity and accuracy, the role of translation/translator ethics in the modern and globalised world was thrust to the forefront of TS. This «return» reflected major advancements in technology, science and governance. New challenges were facing translation theorists and new or revised concepts were required for a newly globalised world.

Cooperation was put forward by Pym in 2000: «The goal of any translation project should be long-term cooperation between cultures» and has been since developed further by him (Pym, 2020). In a recent online presentation to students at the Hong Kong Baptist University,⁷ Pym described successful cooperation as a «win-win» situation. Discussions related to cooperation lead naturally to the concept of trust, which although traditionally associated with norm-based ethics (cf. Chesterman 2001), gains relevance again, because cooperation only really functions properly when there is trust between all of the involved parties (Pym, 2020). If expectations are not met, and cooperation fails, «a translator risks losing trust and by extension the public image of the whole profession may be affected» (Chesterman, 2021).

2.6 Accountability and social responsibility

No review of ethics in TS can be complete without considering the concepts of accountability and social responsibility. Accountability sees translators being accountable not only to their clients or commissioners but to society and in particular to the «community to which they belong» (Baker & Maier, 2011:1). Social responsibility views translators and their work within a global context, of how translators can work to benefit others; scholars consider the role and influence of translators in scientific and technical advancements and argue that translation can «support better living as an ethical goal» (Drugan, Tipton, 2017:1). Its rise in importance within TS can be attributed to a certain extent to the increasing importance of issues of social responsibility in other professions. Drugan and Tipton (2017) equate social responsibility not

7 This presentation led to the publication of an article entitled «Cooperation, risk, trust: A restatement of translator ethics», published on 30/11/2021 in *Stridon – Journal of Studies in Translation and Interpreting*, <https://doi.org/10.4312/stridon.1.2>

with individualistic ideas of what is in fact best practice for society but «how translation can support better living together» as an ethical goal. Notions of social responsibility (and irresponsibility) differ from one person to the next and are «not ideologically neutral», however it does help to understand how translators can be involved in working towards a more socially equal and fair world (Drugan, Tipton, 2017).

3 Professional codes of conduct

Facing the same global pressures and demands as the scholarly world, translation associations also began to advocate more actively for codes for their members from the year 2000 onwards. Codes have discussed in several scholarly papers (Ozolins, 2014a; Arrojo, 2012; Ko, 2006; Drugan, 2013, McDonough-Dolmaya, 2011; Lambert, 2018), with substantially more academic output focusing on the role of codes for interpreters (Ozolins, 2016; Phelan, 2020; Ozolins, 2014b; Ozolins, Baxiauli-Olmos, 2017; Angelelli, 2006). The most recent contribution to the translator code (Baxiauli-Olmos, 2020) debate sought to reflect current scholarly thinking on codes, highlighting that papers either «touch on the topic in passing» or provide a «balanced descriptive view of the texts» (2020: 313). Baxiauli-Olmos writes that attention needs to be paid to «the who, the when, the how, and then even more crucially, to the why and to the what for» (2020: 313).

To the best of my knowledge, to date, three major in-depth studies on translator codes and professional practice have been conducted. Julie McDonough-Dolmaya (2011) discusses the shortcomings of 17 professional codes of ethics, including the FIT's *Charte du traducteur*, making comparisons between the practicality and usefulness of the codes, and the concerns raised by translators in an online translation forum. In this analysis, she sought to establish which codes outlined principles that were also cited by members of an online translation forum as being relevant to their translation work ethic. McDonough-Dolmaya compared the codes «line by line to determine which principles occurred most frequently» (2011: 30). Three of the codes analysed in this paper were also subject to examination by McDonough-Dolmaya (AUSIT, ITI, ATA). Joseph Lambert's (2018) contribution to the debate on translator codes departs from the premise that codes of conduct are a translator's main «point of contact» with ethics in translation studies and considers whether they are used by translation agencies and associations to sell translations and membership (Lambert, 2018). Lambert dedicates a whole section to analysis

of the concepts of «accuracy, fidelity and the illusion of neutrality» (2018), in which he questions how translator codes can still include concepts that are extremely difficult to abide by. Accuracy and fidelity will feature prominently in my analysis of definitions of ethics found in translator codes (see Figure 2). The third example is Joana Drugan's 2011 analysis of approximately 27 codes of conduct in a non-professional translation setting and her comparison with standards of practice and guidelines governing non-professional settings, such as for example, Adobe Community Translation⁸ or Doctors without Borders⁹. She sought to understand what professionals could learn from the standards of practice employed in a non-professional context. She highlights the evident «scope for exploitation, abuse and driving down quality standards in some [non-professionalised] sectors» (Drugan, 2011:121).

Before embarking upon an in-depth analysis of translator codes in the order they were adopted, it is important to make a technical note on the use of terminology. The four codes analysed in this paper use the terms *code of conduct* and *code of ethics*. For the purposes of this study, Wood and Rimmer's definition will be adopted, as I seek to establish which ethical definitions underpin the principal international translation associations. According to them, «the code of ethics enunciates the philosophical values of an organisation, while the code of conduct contains the practical guidelines that enables the ethos of the code to come alive» (Wood & Rimmer, 2003:184).

3.1 American Translators Association

Founded in 1959, it is the oldest of the translation associations in this analysis. The most recent version of the code of ethics and business practice dates back to 2010. The ATA code stipulates translators are to «convey meaning between people and cultures faithfully, accurately, and impartially» (ATA, 2010). There are references to confidentiality and loyalty to clients via service agreements. Translators are to seek recognition for their work, and recognition within the profession. There is a link here to concepts of visibility, however not in the Venuti sense of resistance (Venuti, 1995), but in the sense of being a member of good-standing in the profession. The ATA Code of Ethics and Business Practice is the shortest of the four codes but manages to address the main points outlined in the other codes in a more direct and brief manner.

8 <http://tv.adobe.com/translations/guidelines>

9 <http://www.doctorswithoutborders.org/aboutus/charter.cfm>

It is accompanied by a commentary which emphasises that «faithful, accurate and impartial translation conveys the message as the author or speaker intended with the same emotional impact on the audience» (ATA, 2010). Here *equivalence* of message, intent and emotion are required of the translator, a direct reference back to the early linguists' concepts of an ethical translation. The commentary on the code is overwhelmingly source-language dominated, with little reference to the target culture. Interestingly, the commentary section contains information on members of the ATA who have been sanctioned for failure to adhere to the code: A member (July 2017) was censured privately for breaching section one of the ATA's Code of Ethics and Professional Practice: «to convey meaning between people and cultures faithfully, accurately, and impartially» (ATA, 2010). Clearly, without further information, any judgements are merely at face value here, but the idea of being sanctioned for not conveying meaning faithfully, accurately and impartially seems somewhat radical and a rather literal application of the translator code. It is likely that this was an extreme case but would also mean that any translator applying concepts such as Venuti's visibility (1995) or Mona Baker's activism (2006) could also be in infringement of the ATA's code of conduct.

The commentary is highly prescriptive: translators should not «clean up» (ATA, 2010) objectional language for the target culture. In this particular instance, the intentions may be good, but there are several implications for the translator, for the translator's free choice, for judgements based on the *Skopos* of the text and for their accountability.

3.2 Institute of Translators and Interpreters

The ITI Code of Conduct seeks to provide comprehensive guidance on how translators should act, how they should translate, what is expected of a translator, how to conduct business, to behave ethically, how to interact with other translators (respect/loyalty/the Other), disciplinary action and the role of translators' own ethics or beliefs: «Members' personal, private, religious, political or financial interests should not conflict with their duties and obligations to their clients» (ITI, 2017). Responsibility (ethics of service, in Chesterman's 2021 critique) is a key feature of the code and members are expected to be responsible for their work and be accountable to others for their actions. The association devotes a whole section to translation and concepts of fidelity and *equivalence* dominate the discourse.

In article 3.2, the ITI outlines a caveat to the «fidelity of meaning», in which there is scope for adapting the translation to the target culture context (Chesterman's norm-based ethics), however it is always subject to agreement or at the request of the client (loyalty to the client). It is noteworthy that the choice of the modal *shall* in «members shall at all times [...] ensure fidelity of meaning and register» reflects the obligation inherent to translating faithfully. This wording would also seem to suggest that there is no room for an activist translator (Baker, 2006) or for a translator to take a calculated risk, even if below in the section on responsibility, translators shall take «sole responsibility and liability for work that they accept from clients, whether or not this is delegated or subcontracted» (ITI, 2017). Concepts of loyalty arise with regard to the contractual arrangements, «To define in advance by mutual agreement and to abide by the terms of all business transactions among ourselves and with others» (ITI, 2017). Translators are required to be «honest and truthful» when advertising their services (ITI, 2017).

Not only does the ITI code seek to regulate how translators perform their craft (accurately, faithfully, based on *equivalence*), but it also provides guidelines on how to run a business. In ethics of service (Chesterman, 2001) truth is paramount. This is reflected in the following paragraph:

Members should not be party to any statement that they know to be untrue, misleading, unfair to others, or contrary to their own professional knowledge, either by making it themselves, or acquiescing to its being made by others. (ITI, 2017)

If one takes this at face value, and a translator believes anything to be untrue or misrepresented, they can reject the service, refuse to translate or simply decline on ethical grounds. It is also stipulated that translators «shall draw the attention of their clients to any significant ambiguities, errors, omission or imprecise language in the material on which they work» (ITI, 2017). This could be understood as a link to theoretical concepts of translator loyalty lying with the client (Nord, 1997). Alternatively, it could also be viewed from a cooperation standpoint, where for the translation assignment to be successful, clarification is required otherwise communication might fail.

3.3 Australian Association of Translators and Interpreters

Unlike the other associations studied in this corpus, AUSIT has a code of ethics which provides the «values and principles guiding decisions» and a code

of conduct «for exercising judgement in practice» (AUSIT, 2012). In the preamble to both documents, the principles of impartiality and confidentiality stand out, all related to an ethics of service to the client where trust and loyalty predominate. The use of «strive for excellence» (AUSIT, 2012) is a direct reference to Chesterman's oath (2001) and the word «collaboration» could easily be replaced by cooperation (AUSIT, 2012). Under point 4: «Interpreters and translators are not responsible for what the parties communicate, only for complete and accurate transfer of the message» (AUSIT, 2012). Translators are instructed not to «strengthen or alter the messages being conveyed» (AUSIT, 2012) which seems to imply that there is not any room for ethics of activism or foreignising, let alone creativity.

The code of conduct section catches the attention of the reader immediately due to the provision of examples and explanations. Although this is not performed to quite the same degree as the ATA code of conduct, the principles governing the code are clarified. The use of the words *brief* and *commission* in the code of conduct are a direct reference to Skopos theory and Nord's (1997) functionalist concepts. Although the other codes mention the need to clarify the job details in advance and to enter into a contract, this is the only code under analysis that uses these terms explicitly.

Although both the code of ethics and code of conduct are characterised by the need to transfer meaning completely and impartially to the target language, the AUSIT code does however make reference to the «requirements of the target language culture», taking into account the norms target language and culture. Although the ITI Code does mention «recreating the cultural context of the target language», there is a caveat: this is only permitted if the client instructs the translator to do so. This is another example of how concepts of loyalty permeate the wording of codes of conduct.

3.4 Association of Professional Translators and Interpreters

As the youngest of the translation associations with a code of conduct from 2014/15, expectations were high that as ethical positions had evolved in TS, often in response to diverse ethical circumstances, they would be reflected in a more recent translator code.

From the outset, the code title establishes «Código deontológico» (Deontological code) that this particular document outlines the rules and regulations for its members. On a first reading of this code, it is apparent that it was

inspired by or based upon codes such as the ITI. This is noticeable in the preamble which sets out the purpose of the code. Under the general principles there are five paragraphs that stipulate the overriding principles:

The term «obriga-se» (you are obliged) in article 1 of Chapter 1 of the code is used repeatedly, implying the translator's obligation to comply with the terms of this code. Immediately, the eye is drawn not only to the use of the word «fidelidade» (fidelity) but also to «fielmente» (faithfully) used in the same paragraph. Here the translator is required to translate meaning faithfully from one language to the other. Key words here are transfer of meaning and *equivalence*. Similar to the ITI Code of Conduct, members of APTRAD are prohibited from unfair advertising or misrepresentation of their qualifications and expertise (Article 4)¹⁰ (Aptrad, 2015). There is a clear link between this idea and the model of ethics of service, as summarised by Chesterman (2001), in which the virtue of trust is embedded. Translators are to be trusted to present themselves ethically to clients, colleagues and the profession as a whole.

The second part of the code focuses on aspects of responsibility (trust) to clients, competence, responsibility to client, to the profession, to colleagues and to society as a whole. This seems at face value to be a reference to the translator's social responsibility.

It is stipulated that translators should only work into their native languages («6a. Traduzir exclusivamente para a respetiva língua materna» (Translate exclusively into the mother tongue), whereas the ITI code stipulates both mother tongue and «language of habitual use» (ITI, 2017) This is unusual as the practice of translation into a non-native or non-habitual language is common in countries such as Portugal.

3.5 Discussion

The four codes were compared in terms of keywords related to ethics, as defined in TS. I searched for the most frequently appearing concepts of ethics mentioned in the first part of this paper. I attempted to associate a series of keywords with each ethical position or definition of ethics in TS. These keywords are illustrated in Figure 2 and took into account word-formational variants such as faithful or faithfulness, accuracy or accurate.

10 «É nomeadamente vedado ao tradutor e/ou intérprete fazer publicidade enganosa e, em especial, reivindicar títulos, diplomas ou qualificações que não possui.»

	APTRAD	ITI	AUSIT	ATA
Faithful	1	1	1	1
Accuracy		1	1	1
Equivalence	1	1	1	1
Fidelity	1	1		
Clarity				
Truth	1	1		
Service		1	1	
Loyalty	1	1	1	
Legally binding				
Expertise	1	1		
Invisibility				
Confidentiality	1	1	1	1

Figure 2. Summary of most frequently occurring key words

As cited by McDonough-Dolmaza (2011), some concepts are common to all codes of conduct. She found that confidentiality and competence appeared in all 17 codes of the codes she analysed. In my own study, confidentiality was common to all codes, a concept that is closely linked to Nord's analysis of loyalty (1997). «Expertise» was mentioned in the APTRAD and ITI codes, which is perhaps the closest to competence, although the APTRAD code makes reference to a «dever de competência», which would most accurately be translated as duty of care. This clause includes specialist knowledge, translating exclusively into a mother tongue and continued professional development. It is important to note that in some cases, the concept, for example, *equivalence*, was not mentioned directly, but it was implicit. An example of this would be «fielmente restituindo o sentido do documento» [faithfully transferring the meaning of the document] (Aprtrad, 2015). Somewhat surprisingly, the youngest of the translation associations subject to analysis, APTRAD, continues to perpetuate principles of accuracy, faithfulness, fidelity, loyalty and confidentiality, even though the theoretical conceptualisation of ethics has evolved to consider the role of the translator in a wider and more globalised context. The only code that mentions the translator's responsibility to society is that of Aprtrad (2015).

Chesterman's (2001) critique, presented as ethics of service, communication, norms and representation, continues to dominate discourse among translation association codes of conduct. This raises questions as to why one continues to see these definitions of ethics in translator codes. Perhaps it could simply be

an example of the gulf between theory and practice often cited by translators and rejected by some translator-academics (McNatt, Glassman, Glasmann, 2010). Or perhaps the codes of conduct are actually deliberately «unrealistic» and part of a «self-serving face-saving move» (Baixauli-Olmos, 2021: 309) to present translators as an ethical and reliable professionals within society.

3.6 Case studies

Lambert (2021) states that codes are a «translator's primary contact with ethics and represent both a key tool in defining ethical translation and informing ethical decision-making» (2021:167). In the next section of this paper, this statement is put to the test in three examples drawn from either my own professional experience or that of my colleagues. These situations will be analysed first in light of the codes of conduct, followed by a reflection upon the definitions of ethics in translation studies.

Situation 1: *Agency contacts translator to translate extracts from a diary (Portuguese into English). An agreement is entered into. The translator has a commission/brief and a contract. Prior to the assignment the translator was only shown extracts of the diary. Halfway through the task, the translator suspects that the source text is in fact a translation of Kate McCann¹¹'s diary.*

Some years later, the translators hears that the diary has been leaked to the newspapers and the suspicion is confirmed.

An initial analysis here would not seem to raise any particular issues. All of the codes of conduct mention the importance of entering into an agreement with the client. The ATA code makes an explicit reference to «abid[ing] by the terms of business transactions» so even upon suspecting something was in fact ethically questionable, the translator was complying with translator codes. Clause 2.2 of the ITI Code of conduct mentions conflicts of interests related to the members' «personal, private» interests, but in this case it was only a suspicion that the text might in fact have been Kate McCann's diary in translation. Article 3.2 states that members «should avoid actions or situations that are inconsistent with their professional obligations», again this clause is incredibly vague (ITI, 2017). The codes of conduct studied in this sample

11 Madeleine McCann, a British girl, disappeared from Praia da Luz, in the Algarve, Portugal on 3 May 2007. To date, media speculation continues over her fate. For further information see: <https://www.bbc.com/news/topics/c8255n4mp88t/madeleine-mccann-disappearance>

would not have directly enabled the translator to take a decision on whether to proceed with the translation. From a theoretical point of view, according to Pym (2020, 2021), this situation could be assessed slightly differently. Co-operation works on the principle of a «win-win» situation (Pym, 2020). If the translator had considered whether all parties would benefit from this translation, then perhaps their reaction mid-commission would have been different. Such an approach would have allowed the translator to contact the agency and at least question, if not cancel the assignment.

Situation 2: *An NGO contacts a university translation department asking for several translations of a brochure for a human rights project. The project is pro-bono. It is not the first time the NGO approaches the university.*

The APTRAD code of conduct stipulates in article 8 that translator fees «deverão corresponder a uma compensação económica adequada pelos serviços efectivamente prestados, que deverá ser paga em dinheiro» [fees should correspond to a payment for the services rendered, which should be paid for in money]. This would therefore seem to exclude providing services for free. However, perhaps it could be argued then that if this example does not involve professional translation (asking students to complete the translation, with no payment being made), then maybe the code is not applicable? However, if we consider here the idea of the socially engaged and socially responsible translator who is accountable to the community (Baker & Maier, 2011), and inserted within a global effort to work towards a more equal world, then this assignment is ethically acceptable based on more recent translation theory on ethics (Drugan, Tipton, 2017). However, is this not an example of possible exploitation? Of not taking the translation profession seriously. Are codes of conduct just a way of representing translators to their clients as a trustworthy professional category (Baixauli-Olmos, 2021: 309)?

Situation 3: *In the aftermath of the first lockdown in Portugal, an experienced medical translator approaches a client regarding translating a self-publishing author's book. It turns out the author is anti-vaccination and against the pharmaceutical industry. What should the translator do?*

This example might be considered by some to be beyond the scope of professional codes of conduct and lie within the realm of what one might call “personal ethics”. In this particular case, the translator withdrew her interest

in the project, due to incompatibility not only with her personal ethics but her professional work ethic, as she works with and for the pharmaceutical industry. By endorsing this translation project, she would have been in conflict with her own principles. As this example took place in Portugal, the first part of call would be the APTRAD code. It states that translators must «não aceitar missões suscetíveis de comprometerem gravemente a sua dignidade ou a da profissão» (not accept assignments that are likely to severely and adversely affect their dignity or that of the profession). Arguably this clause could potentially have been relevant here, but in terms of the decision-making process and withdrawal from the assignment, the APTRAD code does not provide details on scenarios or situations that would assist a translator when commissions breach their own personal beliefs or work ethic. The ITI code mentions conflicts of interest «Members' personal, private, religious, political or financial interests should not conflict with their duties and obligations to their clients.» This clause highlights the importance of personal beliefs and ensuring they are not in conflict with a client, but it refers to duties and obligations, which in this case the translator did not have as she had not yet entered into an official agreement.

3.7 Recommendations

Translator codes are outdated and do not facilitate communication or cooperation. As demonstrated in the three examples above, they do very little to assist translators in decision-making processes. I would therefore like to make some recommendations that will hopefully stimulate the debate on translation in ethics in both TS and among professional practising translators. In my opinion translator codes should:

- 1) Regulate the profession and not the task of translating itself. I recommend the removal of all aspects that prescribe how a translation should be performed, especially the concepts of *equivalence* and *fidelity*.
- 2) Address the future role of translators within the context of global change and technological advancement and specifically given the increasingly important role of machine translation.
- 3) Provide real-life examples of ethical situations and the solutions arrived at by translators in commentaries accompanying translator codes.

Discussions should be promoted on:

- 1) The *Skopos* of translator codes, considering whether they are in fact for translators or whether they are for the translators to show society that they are a trustworthy group, as argued by Baixauli-Olmos (2021:309).
- 2) Cooperation among translation associations. As demonstrated in the examples above, although the codes of conduct were not very useful in helping translators make ethical decisions, the concept of cooperation was useful.
- 3) Codes of conduct in TS and the UN Sustainable Millennium Development Goals¹² as a way of promoting social responsibility and accountability among translators.

I also recommend the surveying of professional translators on their ethical needs and requirements as it is important to understand from translators exactly what they require in their daily practice. In addition, translation associations should be encouraged to offer training sessions or courses on ethics in translation, in particular on cooperation and risk.

4 Conclusion

As a professional translator, a member of several translation associations (AP-TRAD, CIOL, TREMEDICA, among others) and a PhD candidate, I approach ethics and translator codes from multiple standpoints. My analysis of the translator codes of three major international translation associations and one smaller and more recent association show that translator codes have not followed the developments in TS and that they are still rather outdated not only in their approach to translators, but also to the craft or process of translation itself. They do not necessarily represent a translator's first contact with ethics (Lambert, 2021), and as demonstrated above, do not help translators when faced with ethical dilemmas. The time has come for translators to get involved in an active debate on translator codes so that they begin to represent translators' needs in practice, and not just in theory.

12 17 UN Sustainable Millennium Development Goals <https://sdgs.un.org/goals>

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Ética na tradução: uma comparação de códigos de conduta¹³

Palavras-chave: ética do tradutor, ética da tradução, códigos de conduta, associações de tradução, estudos de tradução

No âmbito dos estudos da tradução, o interesse e compreensão da ética mudaram drasticamente desde a publicação da proposta de Andrew Chesterman para um Juramento Hieronímico (Chesterman, 2001). As definições iniciais de ética do tradutor, assentes na equivalência (Newmark, 1991), fidelidade, lealdade (Nord, 1997) e confiança, foram postas de lado a favor das noções mais recentes de responsabilização (Baker e Maier, 2011) e responsabilidade social (Drugan & Tipton, 2017). Os tradutores profissionais que respeitam códigos de ética/conduitas estão vinculados pelos princípios de honestidade, integridade, competência linguística, confidencialidade e confiança. Este artigo começa por apresentar uma breve revisão da literatura sobre os principais desenvolvimentos na ética da tradução, desde os primeiros linguistas até às interpretações contemporâneas. Segue-se uma análise e comparação dos códigos de conduta profissional das principais associações internacionais de tradutores e intérpretes, tendo como referência a Associação de Profissionais de Tradução e Interpretação (APTRAD) – uma das associações de tradutores mais recentes e que adotou um código de conduta nos últimos seis anos. A finalidade deste artigo consiste em determinar quais são as definições teóricas de ética refletidas nos códigos de conduta e discutir a respetiva utilidade para os tradutores na sua prática diária. Por fim, o artigo apresentará recomendações de alteração aos códigos de conduta de forma a torná-los mais relevantes para os tradutores em exercício.

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Etika pri prevajanju: primerjava poklicnih kodeksov ravnanja

Ključne besede: prevajalčeva etika, prevajalska etika, kodeksi ravnanja, prevajalska združenja, prevajalske študije

Med strokovnjaki s področja prevajanja se je zanimanje in razumevanje etike v veliki meri spremenilo, ko je Andrew Chesterman objavil predlog Hieronimove prisega (Chesterman, 2001). Prve opredelitve etike, ki temeljijo na ekvivalentnosti (Newmark, 1991), zvestobi, lojalnosti (Nord, 1997) ter zaupanju, so se umaknile novejšim pojmom, ki temeljijo na odgovornosti (Baker in Maier, 2011) in družbeni odgovornosti (Drugan in Tipton, 2017). Prevajalce, ki pri svojem delu spoštujejo etični kodeks oziroma kodeks ravnanja, zavezujejo načela poštenosti, integritete, jezikovne kompetentnosti, zaupnosti in zaupanja. Pričujoči prispevek uvaja kratek pregled literature o poglavitnih napredkih prevajalske etike, od prvih jezikoslovnih do sodobnih interpretacij. Sledi analiza in primerjava nekaterih poklicnih kodeksov ravnanja glavnih mednarodnih združenj prevajalcev in tolmačev, ki se zgledujejo po Združenju poklicnih prevajalcev in tolmačev (APTRAD – Associação de Profissionais de Tradução e Interpretação), enem izmed novejših prevajalskih združenj, ki je sprejelo kodeks ravnanja v zadnjih šestih letih. Cilj članka je ugotoviti, katere teoretske opredelitve etike se odražajo v obravnavanih kodeksih ravnanja in katere razprave potekajo o njihovi uporabnosti za prevajalce v vsakodnevni praksi. Avtorica članek sklene s priporočilom o spremembah kodeksov ravnanja, da bi bili v praksi za prevajalce uporabnejši.

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