From Stagnation to Innovation: Codes of Ethics and the Profession Today

Short version: "Codes: From Stagnation to Innovation"

[A]: Introduction

Despite scholars periodically drawing attention to their limitations, translation codes of ethics remain well-established, institutionally-embedded documents across the profession.[1] At the most basic level, they provide principles of practice for translators and are hugely visible, powerful, and indeed marketable tools. Yet, beyond that, they act as a symbolic badge of honour conferring elevated status to and trust in the profession and its institutions (Baixauli-Olmos 2021: 311), and they serve as important tools in teaching ethics on translation degree programmes. In the context of translation specifically, academic engagement with codes remains relatively sparse, and the standout contribution to the field is still Julie McDonough Dolmaya's 2011 "Moral ambiguity: Some shortcomings of professional codes of ethics for translators." Jo Drugan (2011) notes that McDonough Dolmaya's study of seventeen translation codes of ethics was (and remains at the time of writing) the only published study to focus on codes specific to the translation profession and many of her conclusions are still relevant today. Beyond translation, there are several surveys of codes in Interpreting Studies (see Bancroft 2005, Hale 2007, Mikkelson 2000/1, Phelan et al 2020, Schweda Nicholson 1994) and the fact that these codes are shared between practices allows for a cross-fertilisation of insights. Together, this body of work highlights the common range of principles covered in translation and interpreting codes, with competence, impartiality, completeness and accuracy, conflicts of interest, confidentiality, and continuing professional development flagged as the most deeply-embedded areas of concern.

A key aim behind these principles is the desire to facilitate "the aspiration of the professional community to become recognised and established" (Baixauli-Olmos 2017: 250), and codes are regularly included in the advanced stages of frameworks of professionalisation (Dybiec-Gajer 2014: 2-3). Yet as noble as these aims may be, the codes' impact in forwarding these goals has been limited at best. Indeed, even within the handful of specifically translation-focused articles on codes, we find considerable shortcomings including problems with coverage, enforcement, internal conflicts, specificity, and the nature and content of the guidelines. However, despite this range of concerns, the codes' presence and prevalence has not diminished in recent years, as attested by their ubiquity within association websites across the globe. More recently, while suggesting that McDonough Dolmaya's paper remains the authority on shortcomings in translation codes, Andrew Chesterman reiterates that "many national (and international) codes of ethics are in need of revision" (2019: 672) and points towards a range of "loose ends" that still exist in the area, including when a translator can or should intervene, their divided loyalties, and the expanding range of stakeholders involved in the translation process.

In this paper, I analyse a corpus of twenty codes to explore the development of these documents over a decade on from the publication of McDonough Dolmaya's foundational paper and focus on their link to translation practice. Among other interesting conclusions, McDonough Dolmaya noted that "codes often do not address many of the issues translators are encountering as part of their practice" (2011: 45), echoing the "Great Divide" (Jemiellity 2018: 543) in Translation Studies (TS) between theory and practice. Calling upon TS literature and surveys of practicing translators, I highlight two key gaps between codes and the profession today: the ever-shifting and increasingly

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[1] Though translation is my primary area of focus, codes are regularly shared between translation and interpreting so many of the insights here apply across these domains.

central role of technology and questions of rates. Subsequently, I question why there is such continued resistance to revising these documents before finally examining several "outliers" within my corpus to consider potential means of addressing the issues highlighted.

[A]: An updated picture: the corpus of codes

The corpus selected for this analysis consists of twenty codes from a range of sources, varying by institution (agencies, associations), practice (translation, interpreting, sign language interpreting, editing), and geographical location (UK, Spain, Japan, among others – though the majority of the codes are available in English to accommodate my linguistic limitations). Although the broad and rather ad-hoc nature of the selection process is a potential limitation, the scope of the corpus, its geographical breadth, and the origin of the sources (coming from local, national, and international bodies), mirror the selection process of other influential studies in the field to a significant degree. For instance, Phelan et al (2020) also studied twenty codes available in English from a range of international, regional, and national associations (2020: 93) while McDonough Dolmaya (2011: 29-30) sought to cover codes on a global scale. My aim is to be similarly representative rather than comprehensive, and yet I diverge from prior selection processes to increase the range of sources. While McDonough Dolmaya limited her selection to profession-oriented translation networks listed on the FIT's website, with the aim of covering a representative sample from profession-oriented translation networks around the world (2011: 29), for example, I chose to include codes from a broader range of practices (for instance, the The National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD) 'Code of Conduct') and smaller-scale bodies (such as Bristol City Council's Translation and Interpreting Service (BCCTI)). In addition, the inclusion of codes from beyond the direct scope of translation and interpreting – the Editorial Freelancers Association's 'Code of Fair Practice' (EFA 2007) is included, for instance – provides valuable insights from codes in parallel domains, to which I return below. Finally, it is also worth noting that the Japanese Association of Translator's guide to 'Working with Translators' is not a "code" in the traditional sense – the typical bulleted set of principles designed to govern behaviour and decision-making processes – but instead takes the form of a short narrative section on ethics that is published within an explicitly client-facing section on the JAT website.[2] This extended range is designed to simultaneously illustrate the general and paradoxical homogeneity of codes within a notoriously heterogeneous profession and facilitate the process of unearthing innovative or otherwise good practice that would not be apparent within a more constrained corpus.

In Table 1 below, I break down the coverage of key, "traditional" principles in each code as well as including two pressing areas – rates and technology – to inform discussions below. Green highlighting indicates that a given guideline is present in the code, while red means that it is missing. The range of "traditional" principles chosen is adapted from findings from influential prior surveys of codes (primarily Bancroft 2005, Phelan et al 2020, Schweda-Nicholson 1994). Phelan's comprehensive study in the context of public service interpreting (2020: 93-98) covered seven principles – the six "traditional" principles in Table 1 as well as role boundaries. I chose to omit this principle from this study due to space constraints, coverage elsewhere (see Phelan et al (2020: 111-

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[2] In this vein, it is also worth noting that I use the term "code of ethics" throughout as something of a catch-all to include variations such as "code of conduct", "code of practice", and "code of fair practice" (unless quotation document titles). Despite the differences that exist (see, for instance, Drugan and Megone (2011: 186)), these terms are often used almost interchangeably, and Phelan argues some associations use generic titles or even titles that "are not always thought through" (Phelan 2020: 90).

119) for detailed coverage of role boundary issues and questions of advocacy in public service interpreting), and the pressing nature of the other two areas selected. The eight guidelines can be broken down as follows:

Accuracy: a commitment to translating meaning in an accurate or faithful manner.

Competence: honestly reflecting expertise and qualifications, and/or working to "appropriate" standards.

Confidentiality: a commitment to keeping client information confidential.

Conflicts of interest: a commitment to disclosing any conflicts of interest pertaining to a client or project.

CPD (continuing professional development): a commitment to continue developing professionally-relevant skills.

Impartiality: a commitment to being impartial or neutral.

Rates: any mention of rates that professionals can/should charge.

Tech: any reference to use of technology in the profession.

As shown in Table 1, confidentiality and competence are universal principles across the corpus (this is largely in keeping with previous studies in interpreting – see, for instance, Phelan 2020: 93-8).[3] Confidentiality is usually mentioned in the form of a blanket statement, e.g. SATI members shall "treat all information that comes to their attention in the course of their work as confidential" (SATI n.d.) and, notwithstanding concerns including questions of legality and application, these more general professional principles (competence, CPD, and conflicts of interest fall into this same category) are superficially uncontroversial inclusions in codes. Elsewhere, the vast majority of codes still enshrine core principles such as accuracy (70%) – usually with reference to complete neutrality and fidelity – and impartiality (65%) despite reservations about the nature of these guidelines (see, for instance, Inghilleri 2012 for a critique of impartiality and Lambert 2018 for a critique of accuracy).

A striking observation is the relative consistency between codes and the fact that the vast majority have remained static over time. Indeed, of the fourteen codes that are clearly dated, only OTTIAQ (2020) and ATC (2019) have been updated since 2017 and many are much older. Most remote was the FIT Translator's Charter, which was last updated in 1994, and codes that have been updated in recent years exhibit only minor changes. For instance, 2013 and 2016 editions of the ITI's code are available, and yet the differences between the two are purely aesthetic. Beyond this chronological persistence, codes have also remained largely unchanged across space, languages, and even practices, and the same principles reported in past studies are enshrined across most codes.

However, while these codes have remained static, the profession has continued to develop, with translators still battling pervasive issues including low status (Dam and Zethsen 2008a and b, 2009, 2010, Katan 2011, Monzó-Nebot 2019, Pym et al. 2012) and a lack of regulation (Katan 2009a, b), as well as confronting increasingly pressing concerns over automation (Pym and Torres-Simon 2021, Nunes Vieira 2020), shifting quality expectations, and the Uberisation of the industry (Fleming 2017,

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[3] Phelan et al found that confidentiality was the only ever-present guideline in their corpus, with impartiality (17/20), competence (14/20), accuracy (14/20), CPD (13/20), and conflicts of interest (11/20) following behind. The authors also list topics including advertising, credentials, sanctions, and taxes as "other" areas covered in some codes (2020: 98-105), and these may well be fruitful future avenues of enquiry.

Firat 2021). Importantly, codes are intended to function as a mechanism within processes of regulation and the conferral of status to a profession. From a functionalist approach to professions, the "existence of professional associations and formal codes of ethics and legal status" are "elements that distinguish professions from occupations" (Kujamäki 2021: 3) and their institutionally-embedded nature may thus be seen to increase professionalism. However, the exploratory analysis of codes in Table 1 suggests that notable gaps remain. Indeed, coverage of rates and technology in particular is strikingly low. Below, I explore these two areas in further detail. This analysis is necessitated by their status as pressing, overarching ethical concerns among translators today, which are paradigmatic of the gulf between these codes and the practice they seek to codify. In addition, they are both emerging areas of interest from an ethical perspective in TS (Bowker 2021, Lambert and Walker 2022), have been flagged as "gaps" in codes in previous TS research (McDonough Dolmaya 2011, Bowker 2021), and regularly feature in industry surveys of translator's ethical concerns (Inbox Translation 2020, ITI 2020).

CODE OF ETHICS	Accuracy	Competence	Confidentiality	Conflicts of interest	CPD	Impartiality	Rates	Tech
ASETRAD	red	green	green	green	red	red	green	red
ATA	green	green	green	red	green	green	green	red
ATC	red	green	green	green	red	green	red	red
AUSIT	green	green	green	green	green	green	red	green
BCCTI	green	green	green	red	green	green	red	red
CIOL	red	green	green	green	green	green	red	red
EFA	green	green	green	red	red	red	green	red
FIT	green	green	green	green	red	green	green	red
IAPTI	red	green	green	red	red	green	green	red
ITI	green	green	green	green	green	green	red	red
JAT	green	green	green	red	green	green	red	red
MICT	green	green	green	green	red	green	red	red
NAJIT	green	green	green	green	green	green	red	red
NCIHC	green	green	green	green	green	green	red	green
NRCPD	red	green	green	green	green	green	red	red
NRPSI	green	green	green	green	red	green	red	red
OTTIAQ	red	green	green	green	green	green	red	red
RBSLI	green	green	green	green	green	green	green	red
SATI	green	green	green	red	green	green	red	red
SFT	green	green	green	red	green	green	green	red
Total /20	14	20	20	13	13	13	10	2

Table 1. Principles across the corpus of codes and two prominent gaps

[B] Rates of pay

The overall picture when it comes to rates of pay in translation is concerning. Translators continue to see their ability to determine rates and to prioritise economic interests severely limited, something that has been flagged in several recent industry polls. In a survey of 1,510 freelance translators (Inbox Translation 2020), 59% of respondents identified "low rates of pay" as the leading challenge of being a freelance translator, with downward pressure on rates cited as a specific area of concern. Rates also ranked as the most common ethical issue facing translators in the ITI's Spring 2020 Pulse

Survey (ITI 2020), with 42% of respondents selecting "rates/conditions asked to accept" when asked which ethical issues they had faced in the previous three years. This is nothing new: McDonough Dolmaya also found that rates were the most pressing ethical issue discussed among translators within the "Ethics and Professionalism" forum on TranslatorsCafe.com (2011: 38) and yet, despite being ever-present in professional discourse in recent times, they remain largely absent in codes. As shown in Table 1, 50% of codes covered include no mention of rates, which is in-keeping with McDonough Dolmaya's findings, and nine of the ten codes that do mention rates do so with loose reference to the principle of fairness (in various guises). ASETRAD and the FIT call for rates that are "dignified", IAPTI asks that they are "decent and effective", while OTTIAQ asks that they are "fair and reasonable". Meanwhile the ATA and the ITI call for translators to ask for "due recognition" for their work. Beyond these loose principles, it is very rare to find specific guidance on factors affecting price setting, and none of the codes mention figures above or below which translators should price their services (there are mitigating factors, such as legal limitations on price-fixing to take into account, and these will be discussed below).[4] Just two codes (loosely) outline procedures for how to bill clients, i.e. agree the fee beforehand, etc. (OTTIAQ, RBSLI), and three discuss volunteering (ITI, ASETRAD, SFT).

One interesting outlier in this respect is the JAT code. This "code" takes the form of a short block of text within a static webpage entitled "Working with translators". This page is embedded within the association's website and is supported by an entire section on rates of pay, which discusses cost at length and is explicitly client-facing (a format and approach discussed in more detail below). In addition to the JAT code, SFT and OTTIAQ are the only ones that lay out a range of factors influencing rates. The SFT code notes that translators "shall be remunerated according to their level of experience, training and expertise, the complexity of the work to be translated, the amount of research required, the deadlines to be met, and any expenses, investments and costs that may be incurred" (SFT 2011, my translation). This rare exception offers a glimpse of the way in which codes can (and occasionally do!) begin to unpack rates and an interesting counterpoint to the potential claim that these documents are not the appropriate place to discuss these issues (certainly, translation technology has only recently started to emerge as a "relevant" topic for ethical enquiry). It is also worth noting that the EFA offers an entire section on setting and negotiating fees – pointing to the potential value of insights from parallel domains (discussed below). As an (aspirational) aside, it is notable that extended sections on fees are a prominent feature in more remote, yet well-established and somewhat comparable domains such as law (the American Bar Association's "Model Rules of Professional Conduct" (ABA 2020: Rule 1.5), for instance) or accountancy (the Institute of Financial Accountants' "Code of Ethics", for instance).

[B] Technology in codes (or the lack thereof)

The picture in relation to technology is even bleaker. While McDonough Dolmaya noted that "software and technology is where the codes are clearly lacking" (2011: 44) a decade ago, nothing has changed in the intervening years. Not only is technology already and increasingly central to the translation profession (Doherty 2016, Zetzsche 2020), it is also increasingly being considered from an

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[4] A notable exception is covered in McDonough Dolmaya (2011: 32), where three South American associations studied do include rate calculations in their codes or within supporting documentation, an apparent geographical anomaly and a potential call for future studies to widen the search for insights.

ethical perspective in TS (see, for instance, Bowker 2021 for an incisive image of the range of concerns in the domain), cutting across a huge swathe of vital ethical concerns such as confidentiality, fair practice, rates, environmental sustainability (see, for instance, Cronin 2020), quality and copyright, and ownership of resources (Moorkens and Rocchi 2021: 325-6). And yet the gulf between these documents and actual practice risks is widening further. For instance, Bowker notes that the advent of neural machine translation in recent years "will undoubtedly give rise to additional gaps in these codes of ethics" (Bowker 2021: 269). In the current corpus, none of the codes surveyed mention technology in a truly engaged manner. At most, we find a tenuous link in relation to CPD in the AUSIT code, which recommends that members keep up to date with technological advances pertinent to their practice in order to continue to provide quality service, and a fleeting reference to technology in the NCIHC code (NCIHC 2004: 21): "Professions are dynamic systems and adapt to changes in their environment. New knowledge is created, different methodologies discovered, and new technologies created."

Such striking absences call into question the codes' value as an actively updated form of ethical guidance as they fail to align with current practice on several key levels, and it is worth reiterating that, despite this, these documents do have a telling impact upon professional translator's work. Kruger and Crots' (2014), for instance, suggest that the principle of accuracy is still central to professional translators' image of the "ethical translator." They found that literal translation was the most common strategy when dealing with ethically problematic texts – 68% of the respondents followed the methodology – which they equated with traditional ideas of fidelity to the text being viewed as an ethical obligation. Clearly, these codes can and do hold an important role in shaping and underpinning practices and, given that translators have engaged with many of these challenges for decades now, why are they not covered?

[A]: Why do codes fail to represent the profession? Legal issues, limitations, and social responsibility

Kristiina Abdallah (2011: 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", which calls the codes' focus into question at a fundamental level. Related to this mismatch, others have noted that codes are useful "to earn legitimacy (Arrojo 2012) and public trust (Mikkelson 2000), thus elevating the status of the profession (Hale 2007, 104)" (Baixauli-Olmos 2021: 311), but are not a site of the kind of in-depth education required. Joanna Drugan and Chris Megone (2011: 187-8), meanwhile, draw attention to problems stemming from the context-based nature of translation, noting both an obvious inability of the codes to refer to the infinite range of potential situations facing practitioners and problems of interpretation. In relation to areas that are not covered, there is the argument that discussions of rates and technology, for example, fall beyond the codes' scope as a code of ethics is not designed to provide an answer to every specific problem (Mikkelson 2016: 84). However, the fact that areas such as rates are consistently highlighted as key ethical issues in both profession-based and academic studies negates this justification. Implementing topics of interest to practitioners is a powerful means of bridging the theory-practice gap (Asiri 2016, Baixauli-Olmos 2021: 309, Ozolins 2014), and these areas have long been viewed as a top priority among translators.

On a more pragmatic level, many countries adopt rate-based legislation to which codes of ethics must adhere. For instance, the SFT follows regulations relating to pricing and competition within the French Commercial Code (SFT n.d.), while the ATA were forced to update their rate policy in the 1990s. The association had previously published results of a compensation survey that was deemed to indicate what translators should charge, thus falling foul of antitrust regulations, which prohibit price-fixing activities (ATA n.d.). While the ATA faced no sanctions, the Federal Trade Commission did rule in a separate case that the International Association of Conference Interpreters (AIIC) had acted illegally when publishing minimum rates that members must charge in the US (FTC 1997) and this has seemingly been enough to deter similar actions elsewhere (see, for instance, ITI 2016: 11). It is also worth noting that many associations do cover pricing beyond their codes, and this is further mitigation for the absence. For many, supplementary "literature" is available on their websites, including guides to buying translations (the eBook *Translation: Getting it Right*, published in ten languages by leading associations worldwide, contains a section entitled "How much will it cost?", for example), and many offer workshops on rates, negotiation, and contracts. These various publications and events offer glimpses of efforts to address the situation, but there is no link to codes.

It can also be argued that the sparse nature of guidance on rate-setting is indicative of a wider economic vacuum in the translation profession, something that is echoed in TS literature and translation teaching to a significant extent, exacerbating translators' feeling of being at risk and under threat (Lambert and Walker 2022). And this link to the "bigger picture" offers a range of interesting insights. If we consider wider aims in TS research and general models of business ethics, we uncover another potential factor in the failure of codes to align with professional concerns. For a number of years, contemporary professions have (at least ostensibly) been motivated by "altruistic" rather than financial concerns, reflecting "the idea that a profession should be a service to society and not be practised just for the practitioner's personal gain" (Tyulenev 2015: 23), and translation has made strides to be considered in a similar vein, with translation bodies often presenting their services as altruistic (in part via codes of ethics, many of which include an engagement to society at large).

However, translation has now long been framed as an inevitably social and partisan activity in an academic context – with a complex and often conflicting range of needs and interests to consider – and the agents at the heart of the "profession" are restricted by these notions of altruism, which can be seen as running counter to professionalisation efforts (Dybiec-Gajer 2014: 6). Codes testify "to the claim that the group recognizes an obligation to society that transcends mere economic self-interest" (Luegenbiehl 1983: 41), but this desire to "transcend mere economic self-interest" has arguably constructed a vacuum leaving translators vulnerable to the practices of other agents for whom this commitment to social responsibility is less profound and facilitated the development of self-perpetuating "poverty cults" (Jemielity 2018: 535). While the view of codes as "the crystallisation of ideology and the political aspirations of professional organisations" (Baixauli-Olmos 2017: 268) can be framed in the more optimistic, socially-conscious manner of the FIT's vision of "improving the economic conditions and social climate in which the translator carries out his activity" (FIT 1994), a more pessimistic viewpoint can also be upheld. As "conscious and deliberate mirrors of the ideology of associations", which "do not necessarily try to reproduce actual practice" (Baixauli Olmos 2017: 263), but rather reflect the professional organisation's overall vision, a less charitable view could easily instead label codes as client-facing marketing tools. In this view, they indirectly help translation agencies and associations to sell translations and memberships by fostering 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" (Lambert 2018: 269). While associations

all publish these documents to transform and organise the field in a certain way, there is no reason that it should not be a way that is beneficial to them.

A final complicating factor is the fast pace of technological change, which, when considered alongside other limiting factors, forces us to question whether we are asking codes to do too much or indeed looking in the right place to make these changes. Professionals and scholars largely accept that they are limited, and we can productively discuss ethical issues in other forums – social media platforms, industry documentation, professional workshops/conferences, and educational institutions. An immediate response, however, is that despite these challenges these documents can undoubtedly be improved, and they are highly visible and powerful from a client perspective. Furthermore, beyond feeding into translatorial understandings of ethics in the profession, they are also deeply-embedded in translator training. Indeed, Floros notes that "many training institutions today give prominence to professional codes of ethics when called to provide ethical guidelines to future translators and interpreters" (2021: 339) and this is reflected in the competence frameworks employed by many of these institutions, such as the European Master's in Translation (EMT), European Master's in Conference Interpreting (EMCI), and Conférence internationale permanente d'instituts universitaires de traducteurs et interprètes (CIUTI) (*ibid*. 340). Floros also posits that a turn towards social responsibility seems imminent in students' ethical training (*ibid*. 341-2), meaning that we could perhaps better reflect our range of ethical commitments by transforming Abdallah's aforementioned dual distinction into a tripartite split between utilitarian business ethics, the codes' deontological guidelines, and emerging calls for social responsibility. Ultimately, codes can offer better general answers at the very least and, if re-worked with this tripartite model in mind, can arguably both advance and bring greater harmony between professional understandings of ethics, the development of status and professionalisation, and translator training. In their current state, the documents fail to even mention general problems in relation to technology and arguably undermine translators' ability to offer flexible quality levels or to challenge problematic industry rate-setting practices. If we yield to these mitigating factors, simply accepting that the codes fail to reflect in-force ethical systems and are not a space to tackle concerns relating to this actual practice, how can they continue to be presented as "binding" self-proclaimed definitions of "standards of best practice" designed to provide professionals "with a framework for making decisions on ethical professional and business conduct" (CIOL 2017: 2)? Perhaps the time has even come to move beyond these "traditional" notions of what codes do.

[A]: From stagnation to innovation

The image provided thus far is not a particularly flattering one. Not only do persistent issues remain unaddressed, but this inaction is compounded by a shifting professional reality. Here, I discuss several potential means of improvement and innovation in order to move beyond the current impasse. Many of these insights are drawn from the corpus itself. Indeed, while gaps and issues remain throughout, the breadth of domains from which these texts are drawn means that there are several instances of emerging good practice. I have divided these into three distinct sections, some touching upon specific, innovative areas of practice and others being particularly striking exemplars.

[B] Rewordings, revisions, additions, and omissions

Perhaps the most apparent starting point is to make changes to the existing documents, and this is a point reiterated by Chesterman, who regards (regular) updates as "an obvious first step"

(Chesterman 2019: 672). The ATC code, which is aimed at translation companies rather than translators themselves, hints towards the potential of this seemingly simple methodology. Unlike many codes, they cover data security and touch upon quality, asking that members "take reasonable steps to ensure that all parties involved in a linguistic commission are aware of their obligations regarding data security" and "ensure that quality control checks appropriate to and in line with the contract or commission document are carried out" (ATC 2019: 8). Building upon this, other codes could simply add sections referring to issues relating to technology, rates, or anything else deemed appropriate, and could also potentially delete any more questionable references. An example of this in relation to problematic notions of accuracy and fidelity can be found in the IAPTI code, which removes references to translational "best practice" completely. Of course, the question of precisely what content should be added, changed, or removed is not a simple one. While McDonough Dolmaya suggests that we turn "to discussion forums in practice-oriented networks … when revising or writing a code of ethics" (2011: 45), this aim is complicated by the potential for agencies or institutions to resist such changes. Again, in relation to fidelity, Lambert argues that associations may be reluctant to provide an image of translation as a subjective, inherently-imperfect activity and this may require that codes are published in a different space or re-framed entirely (explored further below) for code penetration to take place (Lambert 2018: 285).

Another case that is worthy of considerable attention here is the RBSLI code, which contains several innovative features. Firstly, the webpage includes a video version in British Sign Language, which points towards important strides for accessibility that could underpin other codes, and it opens by citing Chesterman's core notions of ethics developed in his 2001 "Proposal for a Hieronymic Oath" – a demonstration of the potential for academic work to feed into codes to a much greater extent. Elsewhere, Chesterman himself notes the value that his conception of virtue ethics in translation could hold for the development of codes of ethics, i.e. incorporating the idea of "striving for excellence – even when this means breaking code guidelines and fidelity norms" (Chesterman 2019: 673). Building upon this clear and well-established academic basis, the RBSLI's underlying methodology is very forward-thinking, and claims to move away from "'rule based' codes to reflect the reality of modern interpreting and translation as a practice profession", promoting professional responsibility and viewing the practitioner as a participant who "takes responsibility for promoting effective communication" rather than being "a neutral, invisible conduit" (RBSLI 2015). In the context of confidentiality, the code similarly moves away from the typical blanket deontological rulings in stating that:

> It is the practitioners' responsibility to determine the positive and negative effects of maintaining confidentiality and impartiality. There is a legal obligation for professionals to disclose suspected concerns regarding abuse or potential harm. Disclosures should be managed in a responsible way that respects cultural differences.

Ultimately, foregoing common images of neutrality sidesteps a significant complaint, while the code's claim to move away from a rule-based approach would seemingly point to the value of aspirational codes of ethics, expressing desired moral values of a profession or company and projecting these to the outside world rather than demanding perfection of its members. The code is not perfect, occasionally lapsing into abstract guidance and ignoring elements such as rates or technology, but it is accessible, aspirational, research-based, and reflects moral independence to a significantly greater degree than many others in the domain, and thus represents a model of innovative practice.

[B] Reframing: Paratextual inclusions and client-facing formats

Expanding upon these potential improvements and building towards the "re-framing" mentioned in previous sections, several codes within the corpus include paratextual elements such as introductions, commentaries, and explanations that can facilitate understanding and interpretation. This usage of paratextual content – "offering guidance on the meaning and applicability of ethical principles" (Baixauli-Olmos 2021: 309) – is another means of bridging the theory-practice gap and is generally viewed as good practice. The AUSIT code, for instance, offers explanations for each of their guidelines. Yet once again, the simple addition of content does not automatically mean improvement and innovation. In the case of the AUSIT code, their explanations occasionally serve to reinforce problematic points. For instance, their explanation of accuracy is rather problematic: "Accuracy for the purpose of this Code means optimal and complete message transfer into the target language preserving the content and intent of the source message or text without omission or distortion" (AUSIT 2012: 5). The NCIHC code finds more success, providing an extended explanation of the nature of ethics and the process of drafting a code, demystifying the process of drawing up guidelines somewhat while providing more of a space for dialogue between the association and its members (and clients).

Going one step further in reframing a code – in terms of the format this time – the aforementioned JAT "code of ethics" is embedded within a wide-ranging, explicitly-client-facing web page, with a clear aim of educating potential clients and other bodies interested in translation. Although rates of pay are not considered within their ultra-concise "code", the page contains an entry entitled "How much will it cost?", which consolidates this client-facing nature and offers some accessible guidance on rates that is useful in terms of alerting non-translators to the difficulty and cost involved in translation (a rare move), all while inverting the traditional code format. Nowhere do we find commandment-like principles, but rather a narrative conversation linking translators with their buyers. That said, despite this new format, the "Translation ethics" section still enshrines some of the familiar principles covered above. They state that "[translators] are also required to maintain impartiality, take all reasonable care to be accurate, be responsible for the quality of their work, continue developing their professional knowledge and skills, and respect and support their fellow professionals." As mentioned above, other associations do have similar narrative offerings beyond the scope of ethics, but the JAT example hints towards the possibility of a new, post-code format. Importantly, however, if ethical guidance or information does face clients, it needs to be realistic – for instance, promising neutrality and absolute fidelity only serves to provide a skewed image of what translation involves and underplays the translator's active role (Lambert 2018).

[B] Insights from parallel domains

A final means of developing these documents is the potential of insights from codes and ethical guidance in parallel domains. Other comparable (and indeed non-comparable) fields have tackled issues with codes that mirror those faced by translation and interpreting and, in many cases, have explored innovative solutions. Of course, translation is a distinct practice, and yet many of the ethical principles that we adopt are common to other areas. On the topic of rates, the EFA code includes an entire chapter on fees within their code, something that is notably absent in translation codes. This section offers significant detail on setting and renegotiating fees, surcharges, payment schedules, and more, making it a pertinent exemplar for translation-specific codes seeking to bolster their ethical provision.

Linked to this importance of looking beyond our immediate context, which has been remarked upon by Drugan in relation to medicine, law, and social care (Drugan 2017), is the role of academic literature on codes. While code-based literature within TS is scarce, as noted above, there are applicable lessons to be drawn from wider literature on the development of these documents. Fields such as health care and psychology have explored the area in greater depth than TS and their findings are often illuminating. For instance, discussing the context of South African psychologists, Burke, Harper, Rudnick, and Kruger offer practice-based steps to revising a code that are potentially useful in the context of translation. Their starting point is the assertion that "[a]n ethical code should be more than static, authoritarian-phrased rules" and that "[a] revised code should, ideally, provide solutions for practitioners (empower), and not add to their confusion (disempower)". They then go on to discuss the importance of recognizing the range of contexts practitioners work in, the importance of dynamic, evolving principles based on "research and consultation among and between practitioners", including surveys to "assess the strengths and weaknesses of the existing code, and grammatical and ethical analyses of the present code" (2007: 118-119). Final considerations cover the review of ethical teaching strategies and the proposal of suggested minimum outcomes from training, with research indicating that it is not sufficient to merely work through a code with students but, rather, that "more comprehensive exposure to ethical theory would equip prospective professionals to make more informed ethical decisions", "a thorough understanding of past abuses of psychological practices should form the foundation of any training of potential practitioners", and that we must take responsibility for our actions (*ibid.*). These insights provide invaluable lessons on code revision and the pedagogical importance of ethical training – something that is still developing in translation. The EMT competence framework, for instance, calls for translators to "[c]omply with professional ethical codes and standards (confidentiality, fair competition etc.)" (EMT 2017: 11), a hugely limited and problematic aim considering the present analysis.

[A]: Conclusions

Undoubtedly, factors such as the context-based nature of translation, legal constraints, and the fast pace of technological change all hinder progress, but there is clear scope for improvement and codes can go further in fostering ethical development among translators. Although Baixauli-Olmos convincingly argues that "professional rules and guidelines, as presented in codes of ethics, are not to be understood as static notions, but rather as open, adaptive, fluid, progressive, dynamic and changing entities" (2017: 261), the reality does not live up to this image and nowhere on the documents is this aim made clear. In the case of many of the codes studied, they are very much static in terms of form and content. The entrenched, seemingly incontrovertible positions they stake, with few notable changes being made in format or content, only serve to further alienate this utopian vision of a progressive, dynamic code. Arguably, it may be too late to make changes to these codes, but the outliers considered, particularly the JAT and RBSLI codes, demonstrate the possibility of a potential "post-code" approach. Documents that address missing elements, reduce contradictions, educate clients, call upon theory, and offer a more realistic image of the way the practice is carried out may start to address some of the pressing concerns. Perhaps even "codes" that disregard the "traditional" format all together and seek to embed ethical guidance in an entirely new, more accessible format are the way forward. The present analysis will hopefully act as an initial call to associations and institutions to consider revamping their ethical provision. In the context of translator training, meanwhile, codes of ethics must be used judiciously – if they are to be used at all – and considered critically as a training source, and it is doubtful that they are robust enough to

enable students to engage with the questions of social responsibility flagged by Floros and others. Hao and Pym, meanwhile, found that "professional ethics" ranked lowest in their study of translation skills required by Master's graduates when embarking upon their careers (Hao and Pym 2021: 163), further questioning the place of these profession-oriented codes in the translation classroom (and arguably how we teach these topics).

Ultimately, these documents are linked to questions of status, of safeguarding our future, of protecting our interests, and shaping understandings of translation. As Baixauli-Olmos puts it, codes "are the framework upon which professions are built" (2017: 250) and "textual embodiments of professional power struggles" (*ibid.* 262). We must consider how (and which) ethical principles can assist us in consolidating our position as translators when facing contemporary challenges and threats. Unfortunately, those that are currently enshrined – calling upon a foundation rooted in neutrality and invisibility – do not achieve this. The translator inevitably stakes out a position in the world and should be conceptualised as an active intermediary rather than an invisible, neutral conduit in order to empower professionals and shape wider understandings. Debates surrounding translation's place in society continue to rage on, and our ethical and professional commitments will continue to evolve.

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