

‘A sea of troubles’: ethical dilemmas from war zones to the classroom

Abstract

Research in public service interpreting shows that practitioners have traditionally developed decision-making skills on the job in a trial-and-error manner and without formal supporting guidance. Studying the behaviour of professionals in the workplace through case studies, however, can serve to support interpreter training in relation to decision-making *in situ*. The literature in applied ethics is rich in examples of situations outside of interpreting in which individuals face seemingly unsolvable conflicts; discerning between a *true* ethical dilemma and a *difficult* challenge requires a structured approach regardless of profession.

Although interpreters benefit from knowing the rules, laws or codes that apply to their profession at local and international levels, like other professionals who work in war zones, they may find themselves in situations where they may disagree with the rules of war (*jus in bello*) or the reasons behind the conflict (*jus ad bellum*). The professional translator/interpreter may be freelance, or work for a government or institution participating in the conflict from a biased viewpoint, he/she may have not been informed of the ethical stakes concerning the assignment. That is why the ethical quandaries that may ensue from the acceptance of the assignment may vary in obligations and responsibilities, and thus in the perceived justice, neutrality and/or ethical awareness of the actors involved.

In this article I briefly explain some of the main concepts and paradigms used in the disciplines of applied ethics, ethics of the professions, the study of morality in psychology, among other philosophical concepts that can be applied to the study of translation and interpreting in conflict situations. I first explore the notion of moral development and the ethics of war by drawing on findings from other academic disciplines and professions, including medicine, law and education. I then apply these insights in theorising what constitutes an ‘ethical dilemma’ as a starting point for the study of ethics in the interpreting lab. Finally, I explore the meta-ethical consequences of what could be called the “absent curriculum” in translation and interpreting; I conclude that there are many ways to include ethical education in a lecture, and we may be in need of importing concepts from a variety of other disciplines.

1. INTRODUCTION

*“Vita brevis,
ars longa,
occasio praeceps,
experimentum periculosum,
iudicium difficile.”¹*

In 1947, twenty-three doctors and medical administrators were tried in Nuremberg, in what were known as the Medical Trials, for crimes of war and against humanity, including medical experimentation on patients. The defendants put forward evidence and arguments in order to justify their actions during war; they argued that there was no such thing as standard universal research

1 “Life is short, and Art long; the crisis fleeting; experience perilous, and decision difficult.” (Hippocrates, 5 BC).

ethics, that they had not broken any laws, that the US also used prison inmates as guinea-pigs and that the war was to blame for the conditions of the experiments.

Both the Nazi defense and American prosecutors used the Hippocratic Oath to their advantage: the argument on the Nazi side was that human experimentation is not covered by the oath and, what is more, they did not consider the oath appropriate for National Socialism because it is a pagan, or aristocratic, document. The Nazi defense argued that Hippocrates, in the letters attributed to him, stated that he would not heal barbarians. To them, this meant that in a war situation a doctor is not obliged to help the other side. The Nazi doctors who were on trial believed that they had always abided by the Hippocratic Oath, that they had always stood by *their* patients.²

Students often ask me, as I did my lecturer when I first learnt about the working conditions of public service interpreters in Spain, why, if doctors abide by a single code of conduct, do translators and interpreters not create a single ethical code. Instead of settling for the answer I received as a student (“because that would be prescriptive”), I ask them the following questions: “Does patient confidentiality extend to the family of patients with inherited diseases who could be putting the lives of their children at risk?” “Are euthanasia, or abortion, morally accepted exceptions to the Hippocratic Oath in your country?” “Is the Hippocratic Oath applicable in modern times and situations, and in every culture?” This usually provokes a discussion on whether prescriptive rules, such as laws, or regulations, are necessary for the well-being of a community, and the extent to which they are right or wrong at a given time. At what point, and on what basis should laws and rules be revised and improved in order to help citizens or, indeed, professionals, in their day-to-day tasks?

In this article I first explore the notion of moral development and the ethics of war by drawing on findings in other fields of study such as psychology, philosophy or applied ethics³, and a variety of professions, including medicine, law and education. I will then apply these insights to theorising what constitutes an ‘ethical dilemma’ as a starting point for the study of ethics in the interpreting classroom. This will serve as a basis for exploring the meta-ethical⁴ consequences of what could be called the “absent curriculum” in translation and interpreting.

Throughout the article I refer to and, when necessary, briefly explain some of the main concepts and paradigms used in the disciplines of applied ethics, ethics of the professions, the study of morality in psychology, among other philosophical concepts that can be applied to translation and interpreting in conflict situations. I will do so by adopting a constructivist approach to knowledge: the discussion is not presented according to different paradigms or schools of thought, but will proceed from the more straightforward to the more complex notions, giving examples that will allow the reader to understand why certain ideas are pertinent and applicable to translation and interpreting in conflict situations.

2. MORAL DEVELOPMENT AND THE ETHICS OF WAR

² For further discussion of the Hippocratic Oath, see Bragg et al. (2011).

³ Ethics could be roughly defined as the branch of philosophy which deals with morality (Etxeberria 2002); deontology as the branch of ethics that studies moral codes or rules of a given profession (Hortal 2002); and applied ethics as the branch of ethics that deals with moral problems in society and in professional ethics (Beauchamp 2003).

⁴ Certain authors distinguish between normative ethics, divided further into normative theory and applied ethics (see, for instance Darwall 2003) and meta-ethics. Meta-ethics could be described as the structure of the way we think and talk about ethics (Etxeberria 2002), and dealing with it would arguably take ethics to a third level of ethical thought in the field of translation and interpreting, as in any other field or profession.

As is the case in a number of disciplines, including translation and interpreting studies (Pöchhacker, 2004), the field of applied ethics is constituted by a wide variety of paradigms and approaches, all of which contribute not only to enriching philosophical and practical debates on a variety of worldviews, sub-disciplines and professional practices, but also to advance moral thought and to prove, or disprove, age-old patterns of beliefs.

In this section I discuss connections between cognitive-developmental approaches and basic definitions of concepts in applied ethics, as a necessary first step in developing a clear language through which to discuss ethical issues in a given profession. I also draw on some of the most important approaches in the study of ethics, in order to focus on modern virtue ethics in conflict situations. Using a constructivist approach to knowledge, I will develop a conceptual basis on which arguments about ethics in translation and interpreting can be built; by studying ethics in violent conflict, lessons can be learned for interpreters in public services in more general terms.

A foundational model that is empirical in nature, is Lawrence Kohlberg's cognitive-developmental approach, according to which there are six stages of moral development (Kohlberg 1973), which changed the way psychologists viewed socialisation. Instead of assuming that society determines what is right or wrong, Kohlberg realised it was the individual who decides this. "The individual interprets situations, derives psychological and moral meaning from social events, and makes moral judgments" (Rest 1994: 2).

Kohlberg argued that conformity to social rules can at times be morally wrong, in the same way that nonconformity can sometimes be morally right (Rest 1994: 2), and defined six stages or basic problem-solving strategies that "comprise a developmental sequence" in which "each new stage is an elaboration of the previous one" (Rest *ibid.*: 5). Kohlberg's six stages can be summarised in the following manner:

- Stage 1. The morality of obedience and punishment,
- Stage 2. Self-interest and simple exchange,
- Stage 3. Interpersonal accord and conformity,
- Stage 4. Authority and social-order maintaining orientation (the law),
- Stage 5. Social contract (consensus) and individual rights,
- Stage 6. Universal ethical principles (non-arbitrary social cooperation).

These stages can be measured by means of tests that Kohlberg published throughout his career, in which he used ethical dilemmas and asked the subjects of his research to reason what they would do in a given situation (see, for example, Kohlberg *et al.*, 1987/2011). Children move from one stage to the next as they grow up, and not all individuals reach the upper stages, as we can see in the following example:

The tragedy of Richard Nixon, as Harry Truman said long ago, was that he never understood the Constitution, a Stage 5 document. No public word of Nixon ever rose above stage 4, the law-and-order stage. His last comments in the White House were of wonderment that the Republican Congress could turn on him after so many Stage 2 exchanges of favors in getting them elected. The level of reasoning in much of the White House transcripts was similar, including the discussion of laundering money. While the tragedy of Richard Nixon was that he never understood the Constitution, the triumph of America is that the Constitution understood Richard Nixon. It is not free citizens who are bound in "the chains of the Constitution" (Jefferson's phrase) but men who attain power without Stage 5 understanding or acceptance of the justice, rights and principles enshrined in the Declaration (Kohlberg, 1976: 11).

Politicians, responsible for starting wars in the first place, as well as for passing laws or creating the policies and protocols professionals working in a war zone must abide by, could also benefit from improved ethical training. Understanding the distinction between the three levels: Deontology, Ethics and Metaethics (see footnote 3) is necessary in order to discuss ethical issues in any profession (see, for example, Brander de la Iglesia, 2012). Similarly, being aware of the fact that acquiring problem-solving strategies is a learned skill that can be measured in stages is essential when talking about improving ethical training for public servants, the military, teachers or translators.

Psychologists such as Kohlberg, among others, have, for many decades, undertaken studies on the acquisition of moral thought, as have experts in philosophy and ethics, as well as other professionals of a variety of fields dealing with work ethics. From a critical perspective, the fact that research on ethics in interpreting has been undertaken for the most part by practitioners unaware of how other researchers map the field of applied ethics provides us with the opportunity to analyse existing literature by looking at it through a different prism, or indeed through many others.

Let us take, for example, Darwall's classification (Darwall, 2003)⁵: Is the choice of moral principles in, say, a given case study in interpreting, self-interested or is it grounded in a moral idea of reciprocity, reasonableness or fairness? Are other practitioners' approaches to research in applied ethics more akin to consequentialism, or perhaps even to Aristotle's virtue theory?

Chan (2012) advocates for an approach in modern virtue ethics⁶, specifically in conflict situations:

The simplicity of the decision-making process proposed by utilitarians and deontologists may fail to take into account morally salient facts and to recognize the moral complexities of hard choices. Thus, determinacy may be purchased at too high a price. The ethics of war is concerned with many complex dilemmas and it may be to the advantage of virtue ethics that it does not oversimplify the choices that are faced in wartime. In fact my criticisms of just war theory as a rights-based deontological ethics include the problem that the conditions providing a leader or a soldier with the right to do certain things in war do not give sufficient consideration to the intolerable harms that result when these things are done (Chan, 2012: 65).

According to this viewpoint, utilitarianism does allow for harm to be built into the equation, but it is nevertheless too easy for utilitarians to "offset the harms" (Chan, 2012). He believes that the best way to look at conflict situations is through the prism of modern virtue ethics (as opposed to utilitarianism or deontological approaches, which have been standard approaches in workplace ethics in the past few decades).

Beauchamp's 2003 paper is perhaps one of the most enlightening, useful for scholars of other areas wishing to understand how philosophers view ethics in the workplace. According to this author, on the one hand, moral quandaries can be studied from a top-down approach to ethical studies in a given discipline, where general norms are applied to specific situations, a "perspective that emphasizes general norms and ethical theory" (Beauchamp, 2003: 7).

5 Darwall (2003) distinguishes the following approaches to the study of ethics: 'contractarianism' (which formulates that "whether an action is right or wrong depends on whether it accords with or violates principles that would be the object of an agreement, contract, or choice made under certain conditions by members of the moral community". According to this view making the right choice depends on what rules are in everyone's interest.); 'contractualism' (the difference between 'contractarianism' and 'contractualism' is that in the former the choice of values is self-interested and in the latter the choice of principles is grounded in reciprocity or fairness); 'consequentialism' ("the moral rightness and wrongness of acts are determined by the non-moral goodness of relevant consequences"); 'deontology', which we have defined previously, and 'virtue theory' (Darwall, 2003).

6 'Virtue ethics' is presently, together with deontological and consequential approaches, one of the three most important methodologies in normative ethics. It highlights the virtues, or moral character, of the actors involved, whilst deontology emphasizes duties or rules, and consequentialism deals with the consequences of actions (Hursthouse, 2013).

On the other hand, moral quandaries can be studied from a “bottom-up approach” (Beauchamp, 2003, 8-10), that is, research on the ethics of interpreting can be undertaken by providing examples, or case studies, in order to explore how practical decisions are made. The author may draw conclusions from an example of an ethical quandary, whether fictitious or taken from a real-life situation.

Beauchamp’s various classifications are useful as an introduction to the language of applied ethics, and his 2003 paper is seen by many philosophers as a successful attempt at organising the existing literature on work ethics, and as a way of conceptualising what scholars in other disciplines might not be able to discern when exploring ethics from their own profession. Beauchamp (2003) provides us with a method, an instrument with which to start exploring applied ethics as academics.

As seen in Darwall’s classification above, there are countless ways to approach both general ethical principles and specific case studies; some theories may exclude others and, depending on the circumstances, one or more might be considered applicable (or perhaps more practical) for dealing with the type of ethical dilemmas facing interpreters in war zones. Indeed, the different actors involved in a single case study may follow not only a different set of laws or deontological rules each, but also conflicting worldviews and thus, different ethical principles altogether, as we will see in the example below.

3. GENUINE MORAL DILEMMAS AND THE LAW IN WAR

In July 2008 Erik Camayd-Freixas was summoned to interpret in the hearings of 306 illegal immigrant workers who had been arrested while working in a meatpacking plant. They had been accused of falsifying social security documents. Although they were individual cases, they were treated collectively; if they pleaded guilty they would be in prison for a month but, if they pleaded not guilty, they would remain in custody for more than a year pending trial, surrounded by criminals and unable to provide for their families.

Camayd-Freixas saw numerous irregularities during the trial: the prisoners had been chained, as if they were dangerous criminals, and they did not know which papers they were accused of having forged, as it was probably the traffickers who had provided them each with a social security card and number. But Camayd-Freixas’ contract as an interpreter and the deontological code of professionals in his area forbade him to speak to anyone about what he had seen, heard and interpreted. In addition, if he had spoken up at the time, the trials would have taken longer, and the immigrants would not have been able to return home in Postville (Iowa) immediately, where their family members were still in hiding, most probably lacking enough resources and unprotected until the heads of the family returned to town.

Presented with this moral dilemma, Camayd-Freixas reached what can be termed a hybrid solution: he waited until the end of the trial and then revealed everything in an essay that reached first the local press, causing a stir in the interpreting community and much debate among legal interpreters on “whether it was appropriate for a translator to speak publicly about conversations with criminal defendants who were covered by legal confidentiality” (Preston 2008).

In various essays, Camayd-Freixas treats this case study from an internalist perspective, which can be very useful when starting to discuss moral issues with younger generations of interpreters. He knew the rules and the probable outcomes of taking the different decisions available to him at the time; what is more, he foresaw the consequences, and acted accordingly. In the end he broke the rule of confidentiality, but only once the immigrants were safely back home. He *did* provoke the outrage of part of the interpreting community, but also the applause of those who understand that laws and codes are meant to protect people and their freedom, not curtail it, and of those who value human lives and dignity above all else. Camayd-Freixas brought the interpreting community’s

attention to the fact that, at times, pre-existing general norms may not apply to all situations. In fact, following existing norms may at times result in unfairness.

In his article Camayd-Freixas makes reference to common sense and justice, which may also provide proof of his having reached the sixth stage of moral judgment through what Kohlberg (1976), and Piaget before him, called “cognitive disequilibrium”; the situation he experienced provoked growth, movement to higher stages of moral development, leading also to growth in moral judgment.

As Beauchamp observes, research based on principles or theories (top-down approaches), on the one hand, and on cases or particular judgments (bottom-up approaches), on the other, are nowadays regarded as insufficient resources for applied ethics in themselves, as “neither general principles nor particular circumstances have sufficient power to generate conclusions with the needed reliability. Principles need to be made specific for cases, and analysis needs illumination from general principles” (Beauchamp 2003:10). That is why specialists in applied ethics are now widely supportive of a third approach called “reflective equilibrium”, or coherence theory (Beauchamp *ibid.*).

A practical example of this third approach is found in a case study on interpreting in conflict zones, by Riega Arrieta (2015) in her analysis of an authentic interpreting encounter in Afghanistan, where an *ad hoc* interpreter was considered to have failed to fulfill his role as mediator. It is likely in this case that the interpreter’s perceived failure was due to having had little formal training in interpreting and in ethics, and because he was trying to follow orders as a soldier, which included adherence to the deontological code of the US military. In this case, the question arises as to where accountability lies for the interpreter’s actions: the interpreter or his institutional employer? Arrieta’s analysis strongly suggests that certain rules, however useful in other interpreting circumstances, may not necessarily apply in life-or-death conflict situations where mediation is needed. Indeed, it is precisely in life-or-death situations that the most challenging moral dilemmas are found:

To call something a moral dilemma — as opposed to a purely practical problem or a (possibly idiosyncratic or merely) personal quandary — is to emphasize that the choice confronting the agent is one that essentially involves issues of moral significance [...] To call it a dilemma — as opposed to a problem that is fiendishly difficult, yet still possible, to solve — is to suggest that the interpretation of the situation as confronting the agent with the forced choice between two, mutually exclusive, equally attractive (or equally repugnant) options, is correct. (Davis 2003:488)

Interpreters, like other professionals who work in war zones, may find themselves in situations where they may disagree with either, or both, of the following: the rules of war (*jus in bello*⁷), however humanitarian these may or may not turn out to be, or the reasons why the conflict itself is taking place (*jus ad bellum*⁸). The professional translator/interpreter may be a freelancer, or work for a government or institution participating in the conflict from a biased viewpoint, and s/he may have not been informed of the ethical stakes concerning the assignment. That is why the ethical quandaries that may ensue from the acceptance of the assignment are likely to vary in terms of the obligations and responsibilities (see, for example, Inghilleri, 2010), and thus in the perceived justice, neutrality and/or ethical awareness of the actors involved.

As Chan (2012) observes, “conflicts of duty are facts of human life. In war-time, the moral certainties that guide choices are threatened by traumatic life-and-death struggles experienced by those who serve in the military”. Professionals in a war zone may not know the reasons why they

7 “The law or right to war”, the criteria that should be debated before deciding to initiate a war (Hallet 1999:283).

8 “The law or right in war”. The criteria that should be debated before deciding to use this or that strategy, tactic or weapon during a war (Hallet 1999:283).

are fighting, but they do know that their lives depend on the decisions they make in a split-second, which, in turn, depend on their training (or lack thereof) and their ability to trust and carry out the orders they are given.

They [soldiers] have only a narrow view of what they are doing and are under tremendous stress. When they think they might be doing something wrong, they find it hard to disobey orders or to expose the wrongdoings of others because they may feel that doing so would be an act of disloyalty or betrayal. When fellow-soldiers are killed by the enemy, they feel enraged and have the urge to take revenge. Prisoners and civilians have been killed as a result of such feelings. (Chan, 2012:78)

Professionals may later regret the decisions they made and these feelings of anger may change over time, as does ethical awareness both in children and adults. In this sense, it would be of interest to apply some of Kohlberg's findings about the development of ethical judgment in adults to professionals such as interpreters, doctors or soldiers in conflict areas, by setting up a longitudinal study. Like Piaget (1932) before him, Kohlberg (1973) presented moral dilemmas to children and adults of various ages in order to study their problem-solving strategies, using longitudinal data, every three years. His aim was to prove whether the change in moral judgment in the same subjects occurred in the ways postulated by theory, an experiment later replicated by Rest for the Defining Issues Test⁹:

There were the usual findings of gains in moral judgement with age, but it was also found that education is a far more powerful predictor of moral judgement development than merely chronological age, per se. The general trend is that as long as subjects continue in formal education, their DIT scores tend to gain; when subjects stop their formal education, then their DIT scores plateau. Consequently, if you wanted to predict the DIT scores of adults, you would do best by knowing their education level, not age or gender. (Rest, 1994:15)

This finding, which may now seem natural to us, was somewhat unexpected at the time, and changed the way psychologists and philosophers alike viewed moral development in every aspect of the discipline of ethics, including applied ethics to the professions. The acceptance that education may bring human beings to a higher degree of moral development gave way to a whole branch of studies in ethics which will be explored in the next section.

Others might argue that professionals in conflict areas will always encounter inescapable ethical dilemmas in the practice of their profession, however experienced, despite having received thorough ethical training. The mere existence of true moral dilemmas demonstrates that the theories we base any moral education upon are always imperfect and must be left open to improvement:

The explanation for this may lie in these philosophers' beliefs about what implications would follow from the admission that genuine moral dilemmas are possible. They worry that the admission that there are, or could be, genuine moral dilemmas could have problematical implications both for the intelligibility of our moral concepts and the coherence of our moral theories. The admission that there could be moral dilemmas might lead us to conclude that the moral concepts we use are untenable, or that the logical structures we take to underlie

9 Rest, working on and adding upon Kohlberg's model, discovered that there are at least four components determining moral development: moral sensitivity, moral judgment, moral motivation and moral character. This division helped him instrumentalise his theory in order to create a test that measures moral judgment, a test called the Defining Issues Test: "The DIT uses a Likert-type scale to give quantitative ratings and rankings to issues surrounding five different moral dilemmas, or stories. Specifically, respondents rate 12 issues in terms of their importance to the corresponding dilemma and then rank the four most important issues. It is important to note that the issue statements that respondents respond to are not fully developed stances which fall on one side or another of the presented dilemma". (Rest, 1994:11)

them are incoherent or otherwise fatally flawed (Davis 2003:487).

There is also the question of whether people's reports about their personal experiences provide us with sufficient grounds for believing there are genuine moral dilemmas (Davis 2003). By definition, true moral dilemmas are unsolvable, however rhetorical this definition may be. Thus, trainee interpreters learning from their lecturer through precedent (or what experts in applied ethics call the strategy of retrospective assessment) should be given the tools to distinguish true dilemmas from a variety of reappearing ethical quandaries. This challenge is especially visible in the literature on ethics in the interpreting profession (see, for example, Pym, 2001 or Baker, 2010).

Perhaps, as Davis asserts, "when we appeal to retrospective assessments, we are reminded both that humans are prey to ineliminable vulnerabilities and inevitable distortions of judgment and perception [...]. [The limitations can] explain why the moral quandaries seemed insoluble to him or her and to provide us with a basis for denying that they truly were insoluble" (Davis 2003: 493). Retrospective assessment would only provide us, then, with a personal or, at most, internalist perspective of a given situation.

Beauchamp distinguishes three modern approaches to applied ethics in any given profession: internalism (ethical approaches to deontology construed by the professionals themselves), externalism (for example, public opinion, laws or philosophical ethics) and, thirdly, mixed internalism and externalism, as explained as follows:

Members of the professions and other trusted institutions are bound by moral standards that are fixed not merely by their membership (an internal morality), but also by the moral standards of the broader culture or community (an external morality) [...] Internal moralities in the professions will vary accordingly because they are in significant measure dependent upon the external moralities (Beauchamp, 2003:6).

This third modern approach which combines internalism and externalism remains largely unnoticed in some professions, including in interpreting. Most literature on ethics in translation and interpreting studies still ignores previous externalist works in moral development (psychology), education, theories of ethics and applied ethics to professions which acquired the third level of ethical thought long before ours did. Arguably, research in translation and interpreting studies and educators in these disciplines would benefit from further consideration of metaethics (the ethics of ethics, or the structure of the way we think and talk about ethics). The following section outlines the ways in which this might be achieved.

4. METAETHICAL CONSEQUENCES OF THE ABSENT CURRICULUM

In 1994, McNeel wrote a paper in which he published the results of a study he had undertaken for many years on his students' moral development. He had noticed earlier that, in most universities across the US, ethics was being treated as a subject that was spoken of, when included in the curriculum, but not effectively implemented (McNeel 1994), notably due to the rise of disciplinary specialisation and an emphasis on "value-free inquiry" in the 20th century (Sandin 1989). He measured moral judgment through the use of the Defining Issues Test, or DIT (Rest 1994), first in his own freshman students, following which the results were compared with those of sophomore students. He then compared his college to other colleges throughout the US, and his results to those obtained in other fields of study. He also contrasted the results obtained in the DIT tests by students who had done volunteer work to those who had not, and those who had gone a year abroad to those who had stayed in the US before completing their degree, as well as other variables. He found,

among a number of interesting conclusions that students of certain professions scored higher in the moral development test than others.

McNeel's findings about the positive influence on ethical development of both living in other countries and helping others selflessly are of special interest to the translation and interpreting community because most students in that field are required to have knowledge of other cultures, including spending time abroad, and many of the translation and interpreting tasks or internships students undergo in universities are for NGOs. Empathy and the understanding of the Other are paramount to the education of translators and interpreters in general, and particularly interpreters in conflict areas.

Rest (1986) also administered the DIT to people of different ages and education in 40 different countries. In every country, the DIT scores increased with age and, most importantly, education, proving Kohlberg's theory that certain ideas are so basic to human interaction in society that they are relevant regardless of culture (Rest 1994). This research provides a basis for future studies concerning ethics in cross-cultural contexts, from different *Weltanschauung* (worldviews), including unanswered questions about the translation of those tests into different languages in the 1980s.

I attempted to measure the acquisition of ethical awareness in the interpreting classroom, using a simple experiment consisting in addressing the lack of ethical awareness in a group of students who, despite having received theoretical ethical training, did not seem capable of applying this knowledge to specific case studies in a critical manner. The main objective of the exercise was to improve the teaching and learning of Ethics in the interpreting class, by trying to take the students to a third level of ethical thought, that of metaethics¹⁰. In order to do this, the students were asked to perform tasks that developed their ethical awareness and strengthened their capacity for empathy in a professional situation (Brander de la Iglesia, 2012).¹¹

Similar attempts at measuring or quantifying ethics-related constructs in professional settings include testing accuracy, measuring ethical awareness in patients and health workers, quantifying the importance given to ethics by businessmen, etc. When exploring the literature in ethics in other professions, the general impression is that a significant difference could be found in ethical

¹⁰ See footnote 3 for the definitions of the three levels; Deontology, Ethics and Metaethics (not to be confused with Kohlberg's six stages of moral development).

¹¹ The group's initial training in ethics involved the traditional method used in many Spanish universities such as Salamanca, where the students attend a maximum of six hours of theoretical sessions (not specifically on Ethics, but including some workplace issues), as well as a newly-introduced seminar called Deontology for Translators and Interpreters, which focuses on deontological codes and tips to enter the translation market. Year after year, it seemed that interpreting students had no intellectual problem with memorising the theoretical difference between Ethics and Deontology, but that this was not improving their use and development of ethical awareness and empathy skills in practice.

Thus, I designed an action-research spiral in order to quantify ethical awareness in a group of fourth-year students. In the interpreting class, I explained the difference between Deontology and Ethics, including many examples, then gave students a different written case study based on a real-life situation. I asked the students to identify, in writing, as many ethical issues as they could.

I had previously identified at least ten ethical issues in the case study. Significantly, only one student found at least seven ethical problems; three students identified five; three more students spotted four, and the remaining four students noticed just three out of ten, in spite of the fact that the case study was similar to the examples we had seen in class. The results showed that careful explanation of theoretical concepts, together with practical examples, did not improve ethical awareness in that specific group of students, and that they had a tendency to identify only breaches of "the deontological code" (for full results see Brander de la Iglesia, 2012).

As the main objective of the exercise was to measure the acquisition of ethical awareness, in order to improve the teaching and learning of Ethics in the interpreting class, I then undertook two action research sessions in which the case study was discussed, and students were asked to role-play, adopting the position they had least identified with. By the end of the session, the students were capable of putting themselves in the shoes of people whose intentions and interests they had completely ignored at first, and to identify all the ethical issues in the case study (for further conclusions, see Brander de la Iglesia, 2012).

approaches, values and the importance given to ethical dilemmas between two sets of professions: the first includes medicine, healthcare-bioethics, humanitarian action, social work, and so on; the second comprises business, journalism and engineering (Brander de la Iglesia 2010a; 2010b). Whether the field of translation and interpreting belongs to the first, or second, set of professions, remains to be proved empirically. Translators and interpreters can also become entrepreneurs, or business owners. They could be considered communicators, mediators or social workers and thus, depending on the task at hand, they may have to abide by different values and codes. Much has been written on the ethics of all these professions, and even on the ethics of volunteer work.

McNeel (1994) *was* able to prove that the fields of business and education were more likely to show significant decreases in principled reasoning, due to an ethical crisis of sorts in certain disciplines where “an emphasis on teaching technical competence in a narrow area was associated with less concern about broader questions of human values and morality” (McNeel 1994: 29).

Interestingly, McNeel’s next (metaethical) move was to administer the DIT test to university lecturers. As a result of their answers, he created a specific course for them in the college he worked in, so that they, in turn, could teach their students about ethical issues. On the impact of university education on moral judgment, he wrote: “Growth in moral judgment appears to occur through mechanisms that fit nicely in a college or university community” (McNeel, 1994, 28), if that college or university purposely includes ethics in its curriculum. This poses the problem of whether ethics is included in the curriculum and how.

Eisner (2002), for example, distinguishes between the explicit curriculum, the implicit curriculum and the null, or absent, curriculum, which is his way of saying that an institution or indeed, any teacher, may, at any point, be sinning by omission. It is not only what we choose to teach, but also what we choose to omit that shapes the moral character of our students and their actions in the world. When applied to the acquisition of ethical awareness in translation and interpreting, this idea is captured concisely in the following extract:

University-level translator and interpreter trainers have long instructed their students to follow professional codes of ethics unquestioningly, and have been slow to provide them with the profound understanding of ethical issues (Baker and Maier 2011:2).

Deontological codes are to ethics what the law is to justice. Rules are necessary, as are traffic lights on a road, in any society or community. Codes of conduct provide the norms by which soldiers, doctors, or interpreters should abide when doing their job. Yet, regardless of the legal or deontological framework they work in, humans are moral beings and must therefore be responsible for the ethical decisions they make, whether these decisions correspond to what is expected of them by their peers, or not. The same applies to legal systems: any law-abiding citizen who, under normal circumstances, would never hurt a fly, may encounter a situation in which the fairest, or less unjust, decision turns out to be illegal, either because that law is unfair, or because the legal system, though generally accepted as good, does not allow for that specific situation to be solved legally *and* in fairness. Much like laws and traffic signs, rules and codes, essential to keep the peace in any community, need to be revised, improved and, at times, changed when the day-to-day use by professionals on the field requires it.

Ad hoc interpreters, for instance, are especially vulnerable in conflict situations (Tipton 2011). Institutions and Associations have, at times, tried to provide codes of practice to attenuate such difficulties. Red T¹², FIT¹³ and AIIC¹⁴ (2013) have created a practical guide for interpreters in war zones aimed both at them and their clients, in a pedagogical attempt to improve the working and living conditions of these civilians-turned-interpreters for an army, journalists, or NGOs. The

12 <http://red-t.org/>

13 <http://www.fit-ift.org/>

14 <http://aiic.net/>

document includes the rights and responsibilities of the actors involved, though it is still unclear whether these minimal guidelines will be acknowledged and respected in the field, and included in training.

It is not easy to find information on the subject of training interpreters for conflict situations; Riega Arrieta (2015), for instance, experienced difficulties in obtaining information about the ethical education available to interpreters in war zones. But whether they come from countries where they have been able to study translation and interpreting, or they have been recruited in the war area itself by foreign troops, there is evidence of a militarisation of ethics in the profession of interpreting, at least when it comes to interpreting for US troops. In Spain, Riega Arrieta was not allowed to access any Army data; in other countries, however, this information was freely available on the Internet, or had even resulted in the creation of formal training schemes in universities (namely well-known schools of interpreting in Geneva and Monterrey).

Professional interpreters around the world are put into precarious situations and are fighting to create a legal basis to protect their profession. These are two different non-exclusive debates: it is a moral obligation for professionals to support the protection of workers by means of laws and codes, but every so often, laws may fail to protect citizens, and flaws in the system may prevent those laws from being revisited or changed. Arguably, lecturers have a moral obligation to make students aware of both deontological and ethical issues in their profession.

The amount of available literature on applied ethics in other subjects and professions underscores the lack of metaethical thought in interpreting studies and interpreter education and, most importantly, the need for research into the metaethics of ‘academia as a professional setting’ in translation and interpreting. Works by philosophers such as Cortina (2005), the monograph entitled *Professional Ethics for Translators and Interpreters* by Hortal (2007) on the ethics of education and citizenship, or Martínez Navarro (2010), whose research explores the ethics of the teacher/lecturer as a professional, may provide the basis for a discussion of these issues in an academic context.

5. CONCLUSIONS

Despite efforts to broaden awareness of ethical issues and their theorisation in the interpreting classroom, students often find it conceptually convenient to consider a code of conduct as a single set of rules, as though carved in stone. Perhaps, as with the Ten Commandments, a single code would support the notion of the good and virtuous interpreter who will remain forever morally righteous if these rules set in stone and given to mankind by some heavenly being were simply obeyed. In truth, however, there is not one, single code of conduct, in the same way that there is not one single law for the good people that inhabit this vast world. Interpreters belong everywhere, in every culture, in different places, for every profession, straddling different worlds at the same time.

The codes available in each institution or association can only provide much-needed guidance for students and *ad hoc* interpreters on general issues; but, educators have a duty and responsibility to make sure that students understand that, like laws, codes can and *should* be revised and improved. When a given rule or law clashes with morality or ethics, with common sense, or simply fails to protect the community, it is perhaps the moment to abandon previous conceptions of ethics as a one-off, all encompassing process. It might very well be possible to conceive of a situation-based workplace ethics that evolves through time. Like laws, codes are not carved in stone; their purpose is to help the professionals, to protect them and to simplify their job, not the opposite. Like laws and traffic regulations, not one of the rules of a code of conduct in any given profession is without exceptions.

The question of how the contrast between (stage 4) prescriptive deontology and (stage 6) metaethical considerations can be dealt with in the interpreting classroom has not been sufficiently addressed in interpreting studies. Whether education plays a central role remains open to question. As we have seen in the previous section, Rest (1986) proved that ethical judgment increases with education across groups of different cultures and countries, showing that certain shared values are relevant regardless of culture. In the light of these findings, some could perhaps argue that a universal code for translators and interpreters could be attempted. The only reply that I can think of lies in Rest's own self-critical results of his experiment: "The instruments used in many of the cross-cultural studies involve translations of the DIT. Translating is a very vexing enterprise, and we do not know the equivalence of test scores from various translated tests¹⁵" (Rest 1994: 20).

Moral dilemmas may, or may not, be the same in every culture and language and thus they may, or may not, need to be adapted to the target audience for educational purposes. It seems that even James Rest remains in awe at the meta-meta-ethical¹⁶ experience of ascertaining that, what he perhaps thought was the simple task of translating a moral dilemma (with the purpose of measuring ethical judgment in peoples of different cultures, so as, in turn, to prove it increased universally with education), ended up becoming an ethical double-bind in itself.

This does not change the fact that moral judgment increases with education (moral judgment can be taught to healthy individuals); it *does*, however, force us to ask ourselves how to educate translators and interpreters on ethical issues and develop their moral judgment. It also raises the question of who is positioned to develop others' moral education, and how this can be achieved. In the case of the absence of ethics in the translation studies curriculum, at undergraduate or postgraduate level, including the education of lecturers, we may very well be in need of importing concepts from a variety of other disciplines rather than reinventing the wheel in the form of normative efforts. There are many ways to include (absent) ethical education in the curriculum in an interpreting lecture (Brander de la Iglesia 2012). Constructing ethical awareness as part of the collective knowledge or shared decision-making processes taught in a class, department or School, is an exercise in reflective self-critical thought, and requires the effort of the actors involved if they wish to remain ahead of the times, technically and with regard to metaethics.

Code or not, interpreters do take arms against a sea of troubles, whether they are working on a luxury cruise ship, on a dingy boat, or have been forced to learn to swim in order to survive. It is our obligation and responsibility as lecturers *not* to throw them a life-saver... carved in stone.

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15 See Rest, 1986, chap. 4 for further discussion of cross-cultural studies.

16 Beyond meta-ethical (for a full definition see McCloskey, 2013:3).

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