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Language policies for social justice—Translation, interpreting, and access

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Abstract

This is the introduction to the special issue on Language Policies for Social Justice. Using the ultimatum game as a lens through which to view resource allocation and language policies, the guest editors argue that dominant language communities are placed in an advantageous position to decide on the offer to be made to non-dominant language communities. This approach allows fairness norms to be explored in traditionally or emergently multilingual communities by drawing on translation and interpreting studies scholarship. Finally, the guest editors articulate how the articles in the special issue are positioned to advance social justice. It is argued that the articles achieve this aim by articulating how translation and interpreting studies scholarship can contribute at the law-making, policy-making, and practice level, impacting translation and interpreting practitioners as well as professionals working in situations which necessitate mediation and public services users.

Keywords: translation, interpreting, language access, language policies, social justice, ultimatum game, game theory

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1. Translation, interpreting, and the ultimatum game

In the ultimatum game, two players are given a certain amount of goods or money to share. One player, called the proposer, is given 50 euros and must decide how much to offer to the other player, called the responder. The proposer can decide on any amount to offer, be it nothing, everything, or something in between. If the responder accepts the offer, then the money is split between both players, based on the proposal. If the offer is rejected, neither player receives any money. Described initially in the early twentieth century (Guth, Schmittberger & Schwarze 1982), this game has grown in utility as an experiment in economics and as a behavioral test that elucidates the logics of distribution in asymmetric situations. The game implies power dynamics and differentials, particularly since each player can only influence a portion of the outcome. Whereas the proposer starts in a position of considerable advantage by dictating the terms of the offer, the responder ultimately has to choose whether to accept an offer even if it is less than ideal. The game has been replicated across disciplines to various ends (see Atkinson & Bourguignon 2000), yet the results tend to be consistent regardless of the study — proposers tend to offer forty to fifty percent of the goods in their initial offer, and responders reject any offer lower than thirty percent (Klein 2011).

Integral to this game are questions of fairness, cooperation, and justice. For instance, responders may reject what is deemed to be an unfair proposal. In contrast, proposers might act out of a sense of justice or altruism or in an effort to establish mutual cooperation maximizing potential benefit or fairness between players. The game, and its variants, provide a snapshot into human decision-making and a potential understanding of what might be considered irrational behavior. Based on the consistent results of the ultimatum game, humans working within these conditions can behave irrationally. On the one hand, players of the game seem not to take advantage of others when given the chance to maximize direct material benefits, and rather pursue (relatively) equal relationships (Fehr & Schmidt 1999). On the other hand, they turn down deals that would increase their current resources and prefer to reject what is perceived as unfair. It would seem, then, that human decision-making,

particularly when faced with decisions about whether or not to cooperate, is not always about increasing resources, but rather involves more complex ideas like fairness, dignity, and equality (Fischer 2014, 180). Fehr, and Schmidt (1999) refer to some of these situations as inequity aversion, that is, the preference to establish a balance between the interests of the self and those of others—and between those of others and one's own interests.

If this game models how humans behave in interaction, one may question how or why there are such significant resource disparities across populations, particularly if inequity aversion has been documented in these simulated situations. While the outcomes of the ultimatum game experiments may be optimistic in principle with relation to human behavior, the game reduces the complexities of negotiation and resource allocation that occur in socially embedded interactions. Negotiation is an ongoing endeavor that is not confined to a single offer and decision to accept or reject. Similar complications arise with respect to the primary focus being on a single resource, such that competing needs for different resources cannot figure into the decision to accept or reject an offer. As such, this primarily economic game, while illustrative of a potential desire to establish equity in resources, may not be sufficient to describe the complex realities of resource allocation when embedded in a social context.

Moving the game into a more socially conscious and embedded context, members of any given society cannot act as a unified responder as they do not have homogenous needs and wants. The plurality of voices in a collective society ultimately leads to heterogeneous perspectives on what constitutes fairness — as Edwards (2015, 147) notes, "[a]ttempts to homogenize humanity on the basis of some imagined species-wide normative right to shared fairness are forlorn." In that vein, the outcome of the game has proven to be influenced by the affinity between participants (Cram et al. 2018). Recent research has shown that when players are given the opportunity to interact prior to the game, the outcome results in disparities in behavior, with responders being more generous to individuals who share key identity aspects, such as cultural values (Chai, Dorj & Sherstyuk 2019). Conversely, results show how cooperation can be frustrated when participants do not share identity aspects (Apps et al. 2018).

This extended example raises questions about social justice, particularly when considering the human element. In recent years, social justice has become central in translation and interpreting studies, especially within the field of public-service interpreting and translation (Garber 1997; Prunč 2012; Bancroft 2015). Within the international community, translation is increasingly revealed as the means to create fair conditions for language minorities to access their human rights (Angelelli 2012; Mowbray 2017; Tesseur 2022). Despite this recognition, many societies have designed their institutions based on monolingual principles that eschew the complex, linguistic realities in which they operate (Preece 1997). In order to provide meaningful social experiences, governments and societies need to provide for ways in which those who do not speak the predominant language can access government services and programs. Translation has been said to be central to any language regime (Diaz Fouces 2002; Meylaerts 2011; Gazzola 2014), not only because communication is a human need (Angelelli 2012), but also for reasons of equal dignity and self-identity (see Peled 2015). As Ninyoles (1969) describes, language is simultaneously the social glue that holds together multilingual communities and a source of conflict by which communities are divided and separated. Scholars have remarked that translation has historically allowed democratic relationships to be established between and among linguistic communities while respecting their differences (see Fishman 1993).

The institutionalization of translation as a social practice and translation studies as an academic discipline (Bassnett 1998; Gile 2012) has brought international attention to phenomena that had been neglected or out of focus in translation studies. Following the evolution of societal values (Inglehart & Welzel 2010), one area that has come into sharper focus is the needs and voices of underprivileged groups. Whereas the translation and interpreting needs of diplomats and the parties to the global geopolitical arena had remained adequately provided despite remaining largely out of the reach of academic scrutiny (Kadrić, Rennert & Schäffner 2021), some outside of the diplomatic arena have remained underserved (see, e.g., Stapleton, Murphy & Kildea 2013; Gallez 2018; Tipton 2018). This inequity in the provision of language services has ultimately hindered and impeded access to social and personal development and wellbeing. This special

issue questions the underlying reasons for this mismatch and offers some insights into how translation and interpreting operate in societies, how the academic, social, and legal definitions of translation and interpreting clash across disciplines and stakeholders, and how those clashes may shed light on the reasons why some of our collective translation and interpreting needs are still unmet.

2. Commodification of language access

Questions of language access are often framed as an ultimatum game in resource distribution. Providing access to services and social spaces for non-dominant language groups is negotiated on the basis of resources that are made available for the game, even among major players. In international organizations, issues with the cost of the international system tend to focus on the cost of translation and interpreting, framed politically rather than economically (Gazzola & Grin 2013). Taking the number of beneficiaries per investment or the overall savings involved, facilitating language access seems like a logical decision, as the costs would continue, and multiply, even if institutions stopped translating—only borne by different social actors, usually with less resources and on multiple occasions (Piller 2016, 190).

Discussions related to the provision of translation in multilingual arenas have never been an issue of questioning the value and need for translation to facilitate communication among different linguistic groups. On the contrary, States have historically shown that they appreciate the strategic advantage and the dignity of speaking and being spoken to in their own language (see Fishman 1993), and they continue to show such appreciation by funding their own translation sections at international organizations or by the translations of instruments of special interest. Instead, questioning the act or provision of translation has involved challenging whether specific groups framed vis-à-vis languages should be granted access to specific spaces of communication. These decisions presuppose a power imbalance which is leveraged in these decisions. Ultimately, the relative positions of the various parties involved (i.e., who is the proposer and responder in the ultimatum game) remain a crucial element to understand the potential outcomes.

If we consider the access to various services as a resource, we are able to see these dynamics in play. For instance, those people whose needs and wants are satisfied by the use of a dominant language in education systems, cultural promotion, public information resources, court and health systems, and by advancing its knowledge and use in other countries (linguistic-policy actions commonly taken by states as regards their dominant language) are given an advantage insofar as they already have access to the majority of the resources. Reviewing language policies throughout history, a trend emerges where modern societies have wanted to reinvent themselves as monolingual and monocultural (see Gogolin 1994). In so doing, they have developed regulations to generate the tradition of the monopoly of one language and one culture, precisely those characterizing the groups that control the production of legislation (Lambert 2009), their particular "manner of imagining the real" (Geertz 1983, 184). This has allowed resources to be channeled to meet the needs of the dominant monolingual population, leaving other language communities, both those permanently established in the spaces that became (at least regulatorily) monolingualized—such as the signed languages or the non-dominant national languages—and those who are starting to live their lives in the same communities, as the responder, in hopes of an offer.

As a hypothetical scenario, let's consider what the ultimatum game might look like in relation to language communities and resource allocation. If the proposer were given 100 euros, how much money should be given to a language community that has been traditionally established in the area, has teams broadcasting news in their language and teachers at public schools? Would this number change if that language community was a non-dominant language community traditionally established in the area? Or is there a potential difference if the community used the dominant language? How much might be allocated if these structures were not in place but the community still lived in the same area? Can an equilibrium be reached between the three languages? These questions make sense in that game theorists believe that fairness norms are contextual (Andrejević et al. 2020), and that part of that context are the current distributive conditions. In a sense, the outcomes for newcomers to the game are likely to be unfavorable, who will receive lower offers if only because they

are starting the game without resources or very few. While this may make sense from a purely economic perspective, the question of whether these outcomes are fair is another matter. The answer may lie with the whole purpose of fairness. Also game theorists believe that fairness norms have evolved "for the purpose of giving one society an edge over its competitors in exploiting new sources of surplus" (Binmore 1994, 316). As it happens with the outcomes of the ultimatum game, we are faced with the question of whether societies feel related to other language communities, if they consider the non-dominant language communities as members or competitors.

Within translation studies the ingroup/outgroup question has been framed as for whom translation is responsible. The ethical models developed to date have shown considerable disparities in this regard. Some contributions have advocated for translators' being responsible to those directly involved in the translation situation (Chesterman 2001; Pym 2012). However, other contributions have described the role of translators as involving agency and the role to serve the political purposes of their larger societies (Cronin 2003; Drugan 2017), while the self has been incorporated within interpreting studies (Inghilleri 2011). Still others have introduced all those involved in the equation (Prunč 1997, 2008), instructing translators to ponder "also any foreseeable long-term social and cultural effects" (Monzó-Nebot 2020, 20). Rather than straddling different cultures, these latter positions represent translation as managing them. Rather than positioning translation as being in-between, they represent translation as being both. From a cooperative stance, this viewpoint would maximize results, but not necessarily monetary results—"[I]t is important in intergroup competition that a group not allow internal dissension to obstruct the opportunity to exploit a new resource to the full" (Binmore 1994, 394).

3. Resourcing translation for language access

The status quo has often dictated how language access is resourced for the linguistically and socially non-dominant, particularly in societies that position strangers as non-members and that other non-dominant language communities as competitors. Much in the same way that evolving circumstances and contexts have driven the development of the ethics of translation, so

too have global changes altered the composition of societies, leading to our current superdiversity with more numerous and interrelated groups (Vertovec 2007; Blommaert & Rampton 2011). In an increasingly post-industrial and post-materialist world in which people are more accustomed to expressing their own diverse identities while recognizing the right for others to do the same (Inglehart 2018), what constitutes fairness has been called into question. Those who had been traditionally silenced, whose needs and preferences had yet to be normalized (Foucault 1963), the strangers who are no longer supposed to remain transient (Simmel 1950), are increasingly seen as legitimate parties to the collective negotiation of how our shared social spaces and experiences will look in the future.

Yet hierarchies still organize resources unequally across language groups, distributing different degrees of dignities and esteem, allowing access to different spaces, and limiting the possibilities of some to benefit from social cooperation, and engage with the development of society. This special issue explores how societies, their members and their institutions, are facing those changes when offering resources to non-dominant language groups, particularly the resources to integrate translation as a means to offer symbolic and material integration.

This special issue of *Just. Journal of Language Rights & Minorities, Revista de Drets Lingüístics i Minories* starts with a look at the international legal system and its understanding of translation. The international legal system developed largely during the twentieth century in the aftermath of two world wars. In response to what Levene (2000) terms "the century of genocide," international law and human rights were developed with the aim to protect individuals and groups from multiple forms of state oppression. In international discourse on human rights, politics is understood as group preferences and state policy, and human rights so that individuals are protected against particular preferences and policies, and also to create a shared imaginary of the future that can be enacted by all the agents involved.

How that discourse frames language diversity, translation, and access becomes relevant as international discourse permeates national systems through binding and non-binding documents that shape the aims of national policies.

As Mowbray (2022) convincingly argues in this special issue, the expectations set on translation by the international system frame translation unrealistically, as a universal and omnipotent solution that can place any individual on equal footing with the dominant-language population. By revealing the assumptions taken in international law discourse—that translation is straightforward or easy; that translation is expensive and impractical; that translation is just about words; and that translation is neutral or apolitical—, Mowbray harnesses the work of scholars in sociolinguistics and translation studies to challenge the assumptions related to what constitutes translation in these international spaces. The results show the lack of knowledge of what translation is and what it can achieve. This questions (or explains) the inefficiency of international law in protecting language communities.

Bringing attention to national systems national systems, Pym, Ayvazyan, and Prioleau (2022) focus on how a particular political system faces its translation needs. The authors study the use of machine translation to deliver health-related information during the COVID-19 crisis in Catalonia. Recent scholarship has focused on how policies enacted in this context have largely misunderstood translation and interpreting. An essential dimension of the global pandemic has been the multilingual circulation of information and the need to make policy messages reach all linguistic communities as quickly as possible. The health of every member of a community had never been more clearly responsible for the health of the community as a whole. Like any other management mechanism, borders have been forced to bend before the empirical world (DeGooyer & Murthy 2022), and the right to health has been valued as truly universal—and hopefully inalienable, as individual waivers have evinced their risk for the species.

The instrumental nature of translation in this universal human right to health and the need to implement translation policies had been pointed out before the pandemic by, among others, Mowbray (2017). The author points to Article 12 of the International Covenant on Economic, Social and Cultural Rights and the interpretation made by the United Nations organization (Izsák 2013)—"In such crucial areas as health-care information and access, minorities may be placed in a position of disadvantage and vulnerability if information is not provided

in their languages." The pandemic has only stressed that human rights are universal and indivisible (Annan 2006). Whether in a crisis or otherwise, health requires the provision of economic, social, and cultural rights (Pūras 2020), and adequately observing any right requires a protection system integrated into the work of all public services (United Nations Special Rapporteur on minority issues 2017). Monolingual inertias, however, have been and continue to be an obstacle. As Piller, Zhang, and Li (2020) attest, "Global public health communication is characterized by the large-scale exclusion of linguistic minorities from timely high-quality information." Minorities, whose right to health has been undermined by structural disadvantages (Marmot & Friel 2008), have seen these challenges exacerbated by the ways in which governments have implemented their emergency communication plans, stressing the place of language as a social determinant of health (Federici 2022). As a result of the lack of information in minority languages combined with the imperative need for up-to-date information in an environment of accelerated changes, these communities have often turned to unofficial media and social networks for information. The unfortunate reality that these means of communication facilitated the spread of false, inaccurate, or confusing news has been especially damaging for minorities (see Piller, Zhang & Li 2020). The mistrust resulting from contradictions, gaps, and constant changes in information derived from these sources has resulted in what some have termed an infodemic (Zarocostas 2020).

Even before the start of the current pandemic, translation studies had seen in the analysis of emergency situations that access to translation services could be a social determinant of health (O'Brien et al. 2018). Technologies had been seen to reshape humanitarian action (Slim 2015), particularly humanitarian informative action (Greenwood et al. 2017). In their paper, Pym, Ayvazyan, and Prioleau (2022) focus on how the government in Catalonia used translation technologies, more specifically, machine translation to deliver key messages in non-official languages. By analyzing the translated messages, the authors show the failure of the policy in communicating efficiently with the target audience. In analyzing the possibilities to improve the use of machine translation, the authors point out the need for translation policies to thoroughly plan the use

of all translation-related resources, including machine translation. Rather than using technologies as a magical all-in-one solution that fits the needs of the powerful, a move to a rights-based approach that prioritizes the populations at risk is required (Greenwood et al. 2017).

Nevertheless, even well-designed or well-intended policies can fall short of the mark. The creation of a shared imaginary of how translation-related situations are to be addressed requires a careful implementation of specific measures in cooperation with all stakeholders offering the support they will need to implement changes and listening to their daily issues that impede actual implementation. Olen et al. (2022) set out to specifically investigate the overlaps of multiple stakeholders in relation to policies. By listening to both medical interpreters and pediatric critical care medical providers, the researchers explore the difficulties in providing translation and interpreting services for limited-English-proficient patients and families in pediatric interpreted medical encounters in the United States. Their analysis clarifies how system-level, interpersonal, and intrapersonal factors compound a situation that poses a number of challenges to implement existent policies, thereby risking the perpetuation of inequities for non-dominant language communities.

Distilling further the traces of the unrealistic perceptions on translation, Nordberg and Kara (2022) examine how national systems frame translation and interpreting under the pressures of neoliberalism, and the expectations created across professional groups, especially those that are supposed to cooperate with translators and interpreters. Stressing the transformations in public service provisions, the authors investigate the specific case of Finland to highlight the conflicts between the expectations and possibilities for professional interpreters to contribute to the fair treatment of migrant populations. Drawing on Fraser's (2008) perspectives on misrecognition as an inherited negative social capital that places some individuals at the bottom of the social ladder, the authors explore the structural changes in Finland along the narratives of public-service interpreters. They identify the obstacles interpreters face to fulfil their missions both in interaction with other social actors and structurally, describing the conditions that that have been created by policy and social changes. Their discussion points back to the unrealistic expectations on translation and the

ontological differences between those who are required to regulate its use and those who will be delivering the services. Especially relevant in their account is how the social welfare system restricts the resources offered perpetuating social asymmetries across linguistic groups.

Even though traditionally relegated from language policies and stigmatized as a sign of lack of autonomy of those in need of translation (von Busekist & Boudou 2018, 201), translation and interpreting are integral in approaches to diversity (Diaz Fouces 2002; Meylaerts 2011). In many cases, professional language mediation is met with resistance when non-dominant members of societies require linguistic mediation despite its ability to reconcile communication challenges. Learning languages is presented as a sign of goodwill rather than a cognitive and cultural effort, and failure to learn the language is presented as the fault of migrant populations who risk the continuity of the system. In their contribution, Gustafsson, Norström, and Åberg (2022) offer insight into how that discourse impacts migrants' self-perceptions and their initiative to claim their recognized rights to translation and interpreting. By waiving their rights to professional services, individual actions have an impact on the system where translation and interpreting vanishes under the inaction of social service providers, who rather than claiming their own right to translation and interpreting fail to use the means at their disposal to improve the lives of vulnerable populations.

4. Earning cooperation

This introduction opened with a game that is driven by the principles of fairness and cooperation. In laboratory situations and with single participants, fairness and distribution imply rather straightforward divisions of resources. However, the complex realities of multilingual societies in which the human element has established inequities prior to the start of the game complicates our understanding of how resources are allocated. As societies continue to change, translation and interpreting studies will keep reflecting on the policies and practices of translation and interpreting to address emerging realities. By establishing a dialogue with international human rights discourse, national policy-makers, professional groups, and disadvantaged groups,

the contributions in this special issue show paths to allow translators and interpreters to meet their assumed and presumed responsibilities within societies.

A common thread throughout the articles in this special issue is the question of translation as a right, and these contributions show how all the stakeholders involved, including interpreters and translators, evidence their own detachment from that idea. Yet these articles also show the explicit relationship between the ability for all individuals to communicate and the experienced inequities of these groups. As such, translation and interpreting squarely figure into the ability to reconcile disparities. This recognition of language services as an integral element of human rights presupposes that disadvantaged groups necessarily require their provision, and that their provision is not necessarily an allocation of resources to one group, but rather to both to facilitate communication for both dominant and non-dominant language groups.

With this special issue, the first of *Just. Journal of Language Rights & Minorities, Revista de Drets Lingüístics i Minories*, the guest editors have aimed to represent the various groups that need to cooperate when ensuring the right to translation and interpreting. As one of the primary aims of the journal, the issue engages scholars from a variety of disciplines, draws on participative methods to engage all stakeholders, and addresses issues at decision-making and policy levels in an effort to effect social and political impact. We are confident that the articles in this special issue help achieve that aim.

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