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The ethical task of the translator in the geo-political arena From Iraq to Guantánamo Bay

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This paper explores the relationship between the social, the ethical and the political in translation activity, based on military linguists' accounts of their work in the context of the "war on terror". In particular, it examines the social conditions, drawing on Bourdieu's concepts of habitus and field, that contributed to the construction of an "ethics of the translator" in the context of Guantánamo and Iraq. The paper also explores a number of relevant philosophical theorizations of human rights, politics and the law to explore the complex nature of the ethical. It argues for a translation ethics that is not guided by professional codes of ethics based on the notion of impartiality but that is instead informed by the nature of the ethical encounter itself – where "the right thing to do" cannot be calculated or predetermined, but can only ever be decided in the event itself.

Keywords: interpreting; ethics; conflict; interrogation; human rights; geo-politics; Guantánamo Bay

Translators are pivotal players in global events, operating at the grinding edge of their associated conflicts and controversial politics. Though largely vulnerable to exercises of power outside of their control, translators can come to represent all things to all people in conflict situations, embodiments of both the heroes and the villains of the international political stage. In Iraq, for example, some translators have found themselves working within military units where the distinction in role between that of liberator/peacekeeper and belligerent combat soldier has not always been easily maintained. Iraqi local hire translators hired by British or US forces face the possibility that they or their families will be attacked or killed by insurgents in Iraq who view them as enemy "collaborators" (BBC 2007). And in Guantánamo, translators wittingly or unwittingly contributed to a policy of detention that has been widely condemned, even by US allies, as a flagrant violation of international law and human rights.

In situations of conflict, translators frequently come face to face with a subject whose human rights have been violated, withheld or in some way constrained by national or international interests. In such situations, the challenge for translators exceeds questions of linguistic or cultural judgement; it involves ethical and political judgement as well. These circumstances require a conceptualization of an ethics of translation that critically incorporates some of the fundamental concepts of self and other, constraint and freedom, that underlie all translation activity. They require an ethics of translation that takes as its starting point the actual social conditions in which translators operate, particularly in situations of conflict, when a translator's apparent role as mediator may conceal his/her actual role as a pawn in a literal or a metaphorical war.

This paper explores the social conditions that have contributed to the construction of an “ethics of the translator” in the context of Guantánamo and Iraq. It discusses the political and legal fields in which translators (or linguists, as they are referred to in the military) working in these contexts are located. It introduces a number of relevant philosophical theorizations of human rights, politics and the law to explore the complex nature of the ethical in relation to Bourdieu’s concepts of habitus and field. The relationship between the ethical and the political in translators’ work is examined based on military linguists’ accounts of their work in the context of the “war on terror”.

Translators who operate in actual war zones vary from those accompanying national and international journalists, to local hires or bilingual US citizens contracted to work with the US military, to members of the military who are both native and non-native speakers of the language(s) required. This suggests that there will be a number of different “fields” and habitus operating in and on the geo-political contexts in which translation activity occurs. Bourdieu’s claim that the habitus socially predisposes social agents to pursue the “objective structures” of a field, i.e., its values and regulating principles – that is, that habitus normally drives practice – suggests that disruptions to the habitus/field relationship in the “zone of uncertainty” that characterizes the social nature of translation activity will necessarily disturb this predisposition (Inghilleri 2005; 2007). This raises the possibility that the convergence of distinctive fields and habitus in the geo-political arena, coupled with the contingent nature of the translator role, may precipitate reflection upon the limitations of the habitus, providing translators with greater distance from the process of being produced and spoken by the fields in question. The tacit knowledge that allows social agents to make sense of what is happening around them relatively unquestioningly, what Bourdieu refers to as *illusio* (Bourdieu 1990, 115), can in such situations be brought into conscious reflection.

The political and legal fields

The violations of human rights that took place and continue to take place in Guantánamo and Iraq can be linked to the means chosen by the US administration to conduct the “war on terror” following the September 11 attacks on the World Trade Center in New York. The principal decision of the Bush administration to rule by executive fiat radically altered the “objective structures” of the political field, where many unprecedented decisions were taken. Among these was the decision to label the conflict a “war on terror” with no definite end. This allowed captured prisoners to be denied the status of “prisoners of war” as required by the Geneva Convention, and instead to be labelled “enemy combatants” with no status or rights under international or domestic law. Under these conditions, captured prisoners were also denied the basic democratic right to *habeas corpus*, a judicial mandate to a prison official ordering that a prisoner be brought to the court for a determination of whether or not that person is imprisoned lawfully and whether or not he/she should be released from custody. A writ of *habeas corpus* is generally recognized as the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.

During this same period, the Office of Legal Counsel in the US Justice Department created a memo pertaining to the interrogation of detainees, including the justification of interrogation methods that violated US obligations as a signatory to the Torture Convention (Luban 2006, 52–53). The memo offered legal advice on what would be a defence if the administration got into trouble, and provided the legal opinion that prohibitions on “cruel, inhuman, and degrading treatment” as stated in the Geneva Convention did not apply to non-citizens being held by the United States outside the

United States, including in Guantánamo Bay. The legal branch of the US thereby helped construct the legal façade for the torture policies set out by the administration (Neuborne et al. 2006, 14).

One result of this simultaneous redrawing of the “objective structures” of the political and legal fields was that the detention centre in Guantánamo Bay became in effect an interrogation camp, designed to extract information from enemy combatants with no legal rights and no international protection of their human rights, purportedly to prevent another terrorist attack. Part of the training for the soldiers and linguists who were stationed at Guantánamo involved training in such interrogation. The legal scholar David Luban suggests that in a liberal democracy, the rule of interrogation techniques is that “every bit of a subject’s environment is fair game for manipulation and deception” (Luban 2006, 49) in an effort to dominate the subject’s mind and induce him into providing information in order to defuse the “ticking bomb”, i.e., some catastrophic event that the interrogation is designed to prevent:

The liberal ideology of torture presupposes a torturer impelled by the desire to stop a looming catastrophe, not by cruelty. Implicitly this image presumes that the interrogator and the decision maker are the same person. But the defining fact about real organisations is the division of labor. The person who decides whether the prisoner presents a genuine ticking bomb case is not the interrogator. The decision about what counts as a ticking bomb case – one where torture is the lesser evil – depends on complex value judgements, and these get made further up the chain of command. *The interrogator merely executes decisions made elsewhere.* (Ibid., emphasis added)

In Guantánamo, this “disconnect” between those further up the chain of command, i.e., the state, and the interrogators proved highly problematic for many of those stationed in the camp, including the translators, as it became more and more apparent that the majority of the detainees they were questioning had no information of a “ticking bomb” nor any involvement with terrorism whatsoever. Nevertheless, they were obliged to continue to use interrogation tactics designed to extract information which they increasingly came to understand was simply not there.

Luban also suggests that in a liberal democracy, the one thing that prevents this type of interrogation from turning into abuse and torture is the Geneva Convention – a “clear set of bright-line rules” that are drummed into would-be interrogators “with the intensity of religious indoctrination” (ibid.). The decision by the administration to forego the rules of the Convention in the “war on terror”, however, meant that translators involved in interrogations working in and for the military found themselves operating in a “legal black hole”. They came face to face with prisoners who had no legal rights and interrogators and others who executed practices based on a fundamental disregard for human rights. Under these conditions, a complex relationship unfolded in relation to the ethical, political and social nature of their task.

The right to have rights

Events in Iraq and Guantánamo saw the state transformed from a vehicle of law into an exercise in lawlessness in the name of national protection. Under such conditions, the exercise of the relevant individuals’ “right to have rights” became severely undermined. One of the most influential writers on the question of human rights, Hannah Arendt, in her early classic work *The origins of totalitarianism* (1952), introduced the much-discussed notion of an individual’s “right to have rights”. For Arendt, the loss of access to a public

space for human beings suffering a loss of human rights excluded them from political life and relegated them to the private sphere which she described as “unqualified, mere existence”:

The paradox involved in the loss of human rights is that such loss coincides with the instant when a person becomes *a human being in general* – without a profession, without a citizenship, without an opinion, without a deed by which to identify and specify himself – and different in general, representing nothing but his own absolutely unique individuality, which, deprived of expression within and action upon a common world, loses all significance. (Arendt 1952, 302, emphasis added)

In making this distinction between public and private life, Arendt attempted to address the tendency for human beings excluded from civil society to lose the very qualities which made it possible for other people to treat them as fellow human beings. Hence her assertion that “it is far more difficult to destroy the legal personality of a criminal, that is of a man who has taken upon himself the responsibility for an act whose consequences now determine his fate, than of a man who has been disallowed all common responsibilities” (ibid., 300), that is, who has effectively been abandoned by civil society.

Although Arendt remained convinced of the need for both international institutions and territorial borders in the form of regional powers to offer protection to the stateless, these were not intended to serve as conduits for nationalism or foreign policy imperatives. The idea of a “right to have rights” for Arendt necessarily implied limited state sovereignty, backed by laws designed to limit state power. Her conception of law in relation to politics was “that which identifies what is right with the notion of what is good – for the individual, or the family, or the people, or the largest number” (ibid., 299).

The state of exception: bare life and sovereign power

The political philosopher Giorgio Agamben has drawn on Arendt’s idea of the “abandonment to unqualified, mere existence” (ibid., 302) that characterizes human beings denied their political and legal rights by a sovereign state in his theorization of the increase of power employed by governments during states of emergency. He invokes Carl Schmitt’s definition of the sovereign as the one who has the power to call a “state of exception” during which citizenship and individual rights are diminished, superseded or rejected (Schmitt 1985). Agamben cites the “war on terror” as a recent example of the “state of exception” which produces a “legally unnameable and unclassifiable being” (Agamben 2005, 3; and see Butler 2004; Žižek 2005).

Agamben refers to the ontological state of individuals or groups living under the conditions of a state of exception as “bare life”. The notion of “bare life” emerges from the distinction made by Arendt between the private and the public spheres. Arendt had compared individuals without rights to “human beings in general”, as both lacked access to the public sphere from where both a political identity and the legal protection of that identity, the “right to have rights”, were derived. For Agamben, however, in the state of exception “human beings in general” are simultaneously exposed to the force of politics and abandoned by a law that no longer serves them. A “state of exception” is established where a law is indefinitely suspended, though not repealed, resulting in a paradox: to be abandoned by the law means to be subjected to the force of the law, while the law simultaneously withdraws from its subject. The law is thus “in force without significance” (Agamben 1998, 51).

While Arendt believed that the law, underwritten by limited sovereignty and international institutions, would serve as a source of responsibility and judgement in civil society, Agamben is more pessimistic. For Agamben, when the law ceases to monitor the powers of the state (which he believes for sovereign powers is not the exception but the rule) life is separated from its “form-of-life” (Agamben 2000, 4.3–4.4). This separation is viewed as a form of violence – a violation of freedom that has become the constitutive condition of political existence, leading to an unresolvable tension, characteristic of modern democratic states, which “want[s] to put the freedom and happiness of men into play in the very place – ‘bare life’ – that marked their subjection” (Agamben 1998, 9–10; and see Benjamin 2004).

Agamben’s response to the “state of exception” is to call for a “coming community” in which humanity is restored to its own potentiality, a community that does not depend on any categories of identity (such as national, ethnic, racial) nor on religious or human rights institutions from which to judge what constitutes for its members a unified and happy life (Agamben 2000, 8.8).

Agamben’s is a view of humanity based in what he refers to as “whatever being”, “exemplary being” or “purely linguistic being” (Agamben 1993, 10.1), an experience prior to linguistic traditions which bind identities and create political divisions. As Agamben writes, “[t]o a word that does not bind, that neither commands nor prohibits anything, but says only itself, would correspond an action as pure means, which shows only itself, without any relation to an end” (Agamben 2005, 88). It is this recoverable “being in language” which Agamben views as the basis for common responsibility, an irrevocable exodus from any sovereignty, and a non-statist politics:

It is only in a land where the spaces of states will have been perforated and topologically deformed, and the citizen will have learned to acknowledge the refugee that he himself is, that man’s political survival today is imaginable. (Agamben 2000, 8.8)

This is, for Agamben, the “messianic” homeland of humanity and the future potential of politics.

Translation and the ethics of interrogation

It is interesting to contemplate such a life – and the role of translators in a community in which words “say only themselves”. It sounds somewhat similar to the holy grail of “impartiality” that is normally anticipated in translation codes of ethics. In Iraq and Guantánamo, however, there were understandably no intimations of “exemplary being” amongst the soldier–linguists. They played a pivotal role in the interrogations of the prisoners, participating fully either as translators or in order to physically and verbally insult and mock prisoners in their own language. However, in the accounts of translating during interrogations by two of the soldier–linguists, Eric Saar in Guantánamo and Kayla Williams in Iraq, an ethical struggle is evident as they attempt to come to terms with their role in specific interrogations during which they witnessed acts in direct violation of the Geneva Convention, resulting in tactics that were sometimes tantamount to torture (Williams 2006, 246–52; Saar and Novak 2005, 219–28). These struggles, I would suggest, are illustrative of the discordance between habitus and field referred to above.

In the example below, Saar attempts to make sense of a particularly gruesome interrogation session in which a woman soldier has sexually tormented a Muslim detainee. Although, he tells us, the thought of involvement in sessions of this type had felt “just fine”

before his arrival in Guantánamo, now such practices appear as dishonourable and antithetical to the values of the United States. The use of religion as a weapon combined with tactics deemed to be “way out of bounds” triggers a disturbance in his relationship to the field, a break with *illusio*. Saar witnesses first-hand the changes in the objective structures of the political field discussed above – especially the abandonment of the Geneva Convention – and, as a consequence, no longer inhabits the field unconsciously and unproblematically:

Had someone come to me before I left for Gitmo and told me that we would use women to sexually torment detainees in interrogations to try to sever their relationships with God, I probably would have thought that sounded just fine. And if someone would have spelled out for me the details of the interrogation I had just participated in, I probably would have approved. But I hated myself when I walked out of that room, even though I was pretty sure we were talking to a piece of shit in there. I felt as if I had lost something. We lost something. We lost the high road. We cashed in our principles in the hope of obtaining a piece of information [...] There was no honor in what we had just done. Our tactics were way out of bounds. We were grasping, and in doing so we had spit on Islam. What we did was the antithesis of what the United States is supposed to be about. (Saar and Novak 2005, 228–29)

In a second example, Kayla Williams gives an account of her decision not to continue to partake verbally in a similar interrogation and simultaneously reflects on her moral culpability as she did not “file a complaint [...] go higher [...] do anything to stop those interrogations” (Williams 2006, 252). Indeed by staying in the room “after one more prisoner and a couple of more hours”, she allows herself to continue to serve a “useful” role as a woman whose presence is intended to aid in the emasculation of the male prisoners:

While I am watching them do these things to this prisoner, I think a lot about Rick. I imagine what it would be like for him in a situation like this. Especially with a woman there to watch. How much would it distress him. The face is not the same, but the prisoner’s eyes look a lot like Rick’s. The same shape of eyes, the same eye color. The same lashes. What would it be like for Rick if he ever went home to Palestine and got picked up for any reason by the Israelis and treated this way? What would it be like for him? As I watch, I imagine Rick. I imagine Rick, in this room. That becomes the only thing I think about while everything else is going on. I’m no longer trying to contribute. I’m not insulting the prisoner or trying to mock him. I’ve fallen silent. But no one notices, because I am still a useful prop. No one seems to mind that I have nothing to say. When it’s over after one more prisoner and a couple of hours, I tell the interrogator that I do not want to do this again. (Ibid., 249)

What is different about Williams’s account, however, is that she appears repositioned in the field, not due to her reflection on the changes to its objective structures, but at a more inter-personal, inter-subjective level. One of the prisoners reminds her of her ex-boyfriend Rick, who is Palestinian. Rick’s presence in the eyes of the prisoner compels Williams to question her actions and those of her colleagues. This appears as an example of a Levinasian moment of ethical subjectivity, which in translation studies has been considered by some to inform a framework for the development of an ethical relationship between translator and text (Eaglestone 2005; Basalamah 2005; Larkosh 2004; Laygues 2004; Koskinen 2000).

Levinas, the ethical and the state

For Levinas, ethical sensibility is practised in speech, in the form of what he refers to as a “saying”, that permits the “I” to come face to face, metaphorically speaking, with the

other/Other who “comes without mediation” and “signifies by himself” (Levinas 1986, 351). Despite the fact that the other comes without mediation, however, in Levinas’s conceptualization of subjectivity the Other, in order to be regarded ethically, must remain infinitely other. The ethical encounter necessarily creates a disturbance, like a knock on the door from a needy stranger whose otherness frightens, but whose humanity demands hospitality, in some form of justice. As Michael Shapiro explains (1999, 80),

Rather than the violence of identity politics which seeks to make names stick, the ethical sensibility takes the form of loosening and attenuating what has already been named, thereby allowing various forms of alterity with contending modes of denotation and meaning to enter into the negotiation of space and identity.

Levinas claims that the very origin of subjectivity is found in its subjection to the other/Other, a subjection that precedes consciousness, identity and freedom: “The relation with the other [. . .] does not arise within a totality nor does it establish a totality, integrating me and the other” (Levinas 1969, 251). Rather, our very existence, our “right to be”, is called into question by the prior existence of the other/Other, whose presence unremittingly reminds us of our ethical responsibility:

My being-in-the-world or my “place in the sun,” my being at home, have these not also been the usurpation of spaces belonging to the other man whom I have already oppressed or starved, or driven out into a third world; are they not acts of repulsing, excluding, exiling, stripping, killing? (Levinas 1989a, 82)

However, Levinas has trouble reconciling the idea of the unmediated encounter with the idea of the state, of politics, and ultimately of justice itself. For him, the state as a “third party” in the ethical encounter marks a passage from ethics to politics which inevitably interferes with the face-to-face relationship. This creates a potential difficulty in deciding which Other amongst *all* others I am responsible for in a situation of multiple and potentially conflicting loyalties. It suggests a potential limitation on responsibility to the other/Other that Levinas has himself denied even in conditions of war: “It is impossible to free myself by saying, ‘It’s not my concern’. There is no choice, for it is always and inescapably my concern” (Levinas 1989b, 247). At the same time, however, Levinas affirms the need for the law when a demand for justice confounds one’s ethical sensibility (*ibid.*, 247–48).

A paradox arises from Levinas’s wish to situate the ethical encounter as primary, outside any set of totalizing concepts, based in the belief that the encounter with the other/Other depends for its *immediacy* on its detachment from signification that comes from the external world. For Levinas, this eliminates the risk that the Other will be identified as other than primordially Good. But once the other is re-membered as *of* the world, one of many others, questions that are implicated in every *social* relationship from the beginning, such as identity, loyalty, power, difference and indifference, inevitably emerge. Ultimately Levinas’s insistence on the primacy of ethics over politics becomes unsustainable.

In Kayla Williams’s account, in what may appear as an *unmediated* moment with the other, it is precisely the political and ethnic *identity* of the prisoner, in this case linked to Rick’s physical appearance and identity as a Palestinian, that disturbs her ethical sensibility – there is no detachment from “external” signification. Moreover, although the ethical encounters between her and the prisoner, and her and her colleagues, create a temporary disturbance, ultimately the prisoner remains a prisoner and Williams remains a loyal member of the US army. The ontological complicity that obtains between Williams

and the political field in which this encounter is situated remains intact, as is the case with Saar.

The shifts that take place for the military translators – Saar experiences doubts over his initial acceptance of the liberal ideology of torture (perhaps not all of those interrogated can be easily dismissed as a “piece of shit”) and Williams’s perception of captured prisoners as outside her circle of recognition is challenged by their actual “physical” presence – are common for translators, particularly those working in contexts of social/interactional conflict, in which doubts are most likely to arise over how to act at once professionally and ethically. It is precisely at these moments – where questions of impartiality and loyalty to professional codes meet questions of justice and individual conscience – that the principles underlying a translation ethics become particularly significant. Where the emphasis on ethics remains focused on codes stressing impartiality, individual translators are left alone to resolve the potentially unresolvable paradox noted above in Levinas’s wish to separate an ethical decision from the social conditions of its occurrence. This can be particularly difficult, if not impossible, in social/interactional situations in which the status of the translator is contingent on more powerful players.

Derrida, the law, and the undecidability of justice

Derrida has responded to this paradox in Levinas’s writings, arguing that ethical responsibility demands the exercise of judgement in the form of political decisions or calculations, despite the fact that such decisions necessarily carry the risk of violence. For *violence* – the violation of the other – is a necessary part of being:

A Being without violence would be a Being which would occur outside the existent: nothing, nonhistory, nonoccurrence, nonphenomenality. A speech produced without the least violence would determine nothing, would say nothing, would offer nothing to the other, it would not be history and it would show nothing: in every sense of the word. (Derrida 1978, 184)

Derrida suggests that acts of justice, like all speech acts, rely on a performative structure, a structure that is undecidable and expropriable as a condition of its iterability. For example, established laws can challenge or overturn previous decisions and can in turn be challenged and overturned. Justice, therefore, retains within itself some irruptive violence, which according to Derrida is also its political promise: “justice is the experience of the impossible” which at the same time brings the domain of the possible into being and offers the chance for transformation or reconfiguration of the juridical and political order (Derrida 1992, 24–25; Butler 1997, 161). It is the very incalculability of justice that requires us to calculate:

Not only *must* we calculate [. . .] but we must take it as far as possible, beyond the place we find ourselves and beyond the already identifiable zones of morality and politics or law, beyond the distinction between national and international, public and private and so on. (Derrida 1992, 28)

Derrida’s repeated reference to the beyond in the above quote echoes his belief that justice always remains suspended in the “to come” (*a venir*) of a future that never arrives. Derrida, however, distances himself from the forms of messianism found in Agamben’s “coming community” or Levinas’s repeated affirmations of the Good. These, he claims, are overly dependent on annihilation, radical destruction or a view to a horizon that suggests either infinite progress or a prolonged period of waiting (*ibid.*, 25–26). Instead he offers a view of

the future in the “here and now”, in a deconstructionist sense, a future that constitutes every second of the (present) time.

But while Derrida serves to remind us, against Levinas, that the “thick skin” of identity is not a “third party” in an ethical encounter but is Being itself and that “undecidability” is an immanent feature of the law and the performative act, he fails to acknowledge sufficiently the embodied social forces that operate on and within us – the social and not the ontological or pre-ontological conditions of ethical subjectivity. As Bourdieu suggests, it is social conditions that “create the institutional means of a politics of morals” (Bourdieu and Wacquant 1992, 50 n91). Although the reflexivity brought about by an encounter with the other may deactivate aspects of the habitus of an individual or group, their position within a field – where they find the “raison d’être” for their actions (Gouanvic 2001, 211) – can prevent this reflexivity from developing into just and ethical action. Moreover, reflexivity that does develop into ethical action can be taken up by other occupants of a field in different ways, as a promise *or* a threat, resulting in different consequences for the individual or group involved.

Translation, identity, and ethical action

One of the characteristics of the “war on terror” has been the conflation of politics and religion within the political field. This played a key role in setting up divisions between Muslim and non-Muslim soldiers in the US military stationed in Guantánamo, and was a major factor in the eventual arrest and trial on suspicion of collusion with the enemy of two Muslim linguists and the Muslim chaplain James Yee, a Chinese American who had converted to Islam soon after graduating from West Point military academy. In both Eric Saar’s and James Yee’s accounts of their time in Guantánamo, religious beliefs and practices, whether their own or the detainees’, are given enormous symbolic importance. It is the injustice that both Saar, a devout Christian, and Yee, speaking for himself and many of the Muslim linguists, witness in the camp – their shared awareness of the innocence of hundreds of detainees and of the government’s denial to them of any legal or human rights – that brings them closer to their respective religions. However, as religious identity becomes inscribed in the political field in the context of Guantánamo, their shared ethical subjectivity with respect to the detainees encounters the “violence of identity politics” through which all the Muslims in the camp – soldiers and detainees alike – come to be feared as the enemy within, despite the fact that the Muslim soldiers remained unquestioningly committed to the US military, as Yee’s remarks suggest (2005, 133):

Of course, every suspicion my colleagues voiced about me and the other Muslims [linguists] was completely false and clearly stemmed from sheer contempt for us and our religion. Did these soldiers truly believe the things they were saying about us, and were they truly threatened by the fact that we practiced our religion? Or were they just caught up in the pervasive anti-Muslim hostility that defined the mission? Most of the Christian soldiers at Guantánamo practiced their religion regularly and attended weekly services. The Christian chaplains hosted weekly Bible studies, where soldiers met to discuss their faith. I’m sure they believed this made them better people and better soldiers, and helped ease the tremendous strain of life at Guantánamo. Why couldn’t they see we were simply doing the same?

However, given the social and institutional conditions that obtained in Guantánamo, where Islam – the religion shared by soldiers and detainees alike – remained synonymous with terror, the activities of the Muslim soldiers were not seen as “the same” as their Christian counterparts. These same conditions also impacted on translation activity itself,

as conflict and competition erupted over translation assignments as well as the linguistic competence of non-native Arabic linguists, many of whom *were* inadequately trained and struggled with the language, including its regional varieties. As Yee explains (*ibid.*, 134),

A linguist approached him [Captain Orlich, a colleague] to complain that when speaking with a detainee confined to the hospital, I had mocked a psychological operations poster designed to encourage detainee co-operation. The poster read, “The time is now for co-operation”. The detainee had asked me what the poster meant exactly, as the Arabic translation was awkward. The literal translation of the English word “co-operation” did not connote the same meaning in Arabic as it was meant here: Answering the questions I ask you. We were discussing the point when the linguist overheard us and took the conversation to be subversive.

Although implicated in these acts himself, Saar nonetheless concurs with Yee’s assessment of the situation and explicitly links the arrests of Yee and the other two soldiers to the atmosphere of suspicion and mistrust that permeated the camp (Saar and Novak 2005, 239):

There’s no doubt in my mind that the bad blood between the Muslims and non-Muslims working in the base contributed to the arrests. Small incidents were inflated and misunderstood. A climate had been created at Gitmo that made it all too easy. Ultimately, what they had to endure was a lot like what the detainees have had to endure: presumptive guilt and imprisonment based on suspicion.

Translation ethics in the state of exception

The encounter between the linguists’ ethical subjectivities and the “violence of identity politics” in the “state of exception” discussed above suggests the need for a model of an “ethics of translation” that is not limited to questions of the representation of or communication with the “other” alone (Chesterman 2001, 139–41), though such questions can and do serve to articulate the means to recognize the other as other and to direct attention to more co-operative strategies and legitimate forms of metalinguistic elaboration as part of the translator’s task (Pym 2000). However, it is also necessary in any “ethics of translation” to theorize the social conditions that may disrupt or disturb these means, leading to a mis-recognition of the other, whether the target “subjects” (the text) or the other translators present in the same field of activity.

Under conditions where a “state of exception”, in Agamben’s sense, is operating, the ethical component of the translator’s task is pushed to an extreme, beyond questions of language, culture or even cultural politics. Despite or perhaps because of these extreme conditions, however, as Derrida makes clear, the translator has to decide. Where the interlocutors involved have either been deprived of their “right to have rights”, as in the case of the detainees, or mis-identified as the enemy within, as in the case of the Muslim military personnel, translators have to decide whether to “merely execute decisions made elsewhere” or to “go beyond the place they find themselves”. This is not simply a matter of ethical subjectivity as Levinas would have us believe; ethical subjectivity is always obstructed by categories and identities, and has immediate consequences in the material as well as the absent present of the here and now. And although Levinas may be right in claiming that our relation of responsibility to the other can never be totally suppressed even in warfare (Levinas 1989b, 247), as discussed above the habitus/field relationship necessarily distorts or constrains the extent of our recognition of this responsibility and makes it impossible to ever view the other in an unmediated form.

The insights gained from the philosophical and sociological views discussed above regarding the nature of the translator's task can contribute to the development of a translation ethics that is not dependent on the "illusion of freedom, or more precisely from a misplaced belief in illusory freedom" (Bourdieu and Wacquant 1992, 49) with respect to the decisions that translators must make. They suggest a translation ethics that resists the wish to transcend the violation of the other through codes based in transcendent ideals and is instead guided by the nature of the ethical encounter itself – where "the right thing to do" cannot be calculated or predetermined, but can only ever be decided in the event itself.

The biographical accounts of the military linguists I have described highlight the ethical and political complexities faced by *all* translators working in contexts of conflict, even those in which conflict amongst conversational partners is not necessarily guaranteed in advance, as it was in the interrogation of the detainees. The fact that similar ethical issues can arise for translators in differing contexts suggests the need for further investigation into the relationship between particular social and institutional contexts and ethical practices, the adequacy of training with regard to actual or potential ethical dilemmas that translators may face, and a closer reading of professional codes of practice to help translators reflect upon their positions in relation to these codes and the social or political consequences of adhering to or challenging their underlying values (see Arrojo 2005; Baker 2006; Tymoczko 2007). The focus on ethical practice as discussed above shifts attention from the prescriptive nature of codes to the decisions involved in following or rejecting codes – and to a view of translators as contributory determiners of choices and judgements that are made in situations of considerable geo-political magnitude.

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