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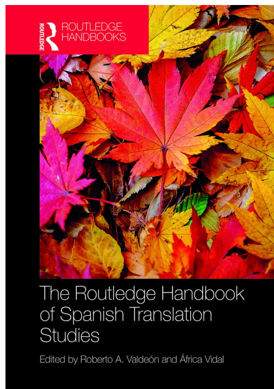

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Spanish translation in the US and Canada

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5

SPANISH TRANSLATION IN THE US AND CANADA

Kelly Washbourne

Introduction

Spanish translation facilitates private and government commerce, education, health and human services, the legal system, the arts, multimedia localization and the work of many other institutions, cultural producers, and businesses in North America. Spanish translators may work into or out of English, French, indigenous languages, or any number of other combinations; they work with written and digital media, including sound files and video games; they may work in-house, or increasingly, due to vendor consolidation, as freelancers; they translate the gamut of communications: documentation from international accords (e.g. diplomatic negotiations over the Panama Canal), family law (divorce decrees or restraining orders) to web content (press releases and news feeds), and much more. Spanish translations are created not only for end users but also for relay translations into indigenous languages commonly spoken in the US, particularly in the area of healthcare. Spanish, in this sense, serves as a lingua franca between underserved speakers of less common languages, frequently immigrants from Mexico and Central America, and healthcare providers, researchers and educators. The U.S. Department of Defense is the US's largest employer of language service providers ("Using Languages in National Security" 2015). National security jobs, including FBI Linguists, Foreign-Language Professionals, Language Analysts and other positions, have high demand in Spanish both for domestic and international law enforcement operations. The 'War on Drugs', led by such organizations as the federal Drug Enforcement Agency, frequently involves wiretaps and translated linguistic evidence from Spanish. In Canada, large sectors of employment for translation are professional, scientific and technical services; educational services; public administration; and finance and insurance. Translators in Canada are classified as Writing, Translating and Public Relations Professionals under the National Occupation Classification (NOC), and salaried positions in large banks, telecoms, law firms and other employers are more abundant than in the US. The Canadian government's Translation Bureau hires over 1,200 linguists and provides language services such as Termium, the English-Spanish-French terminology databank (Hamilton 2010, 13).

US Spanish speakers have been described as 'diverse, growing, digital', and demographics are trending ever upward:

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online audience	27,720,332
online GDP (US$ billions)	1,496.62
total audience	32,258,301
total GDP (US$ billions)	1,741.63
	(Sargent 2015, 41)

Hispanics/Latinos represent approximately 17% of the US population. While the largest Latino/a populations are still concentrated in the large cities of New York, Los Angeles, Houston, San Antonio, Chicago, Phoenix and El Paso, migration patterns are affecting Spanish translation in new ways by changing the profile of historically Anglophone sections of rural America. The national characters long attributed to given cities – New York as Puerto Rican, Los Angeles as Mexican, Miami as Cuban – are diversifying. Increased Puerto Rican migration to the mainland US is also changing the demographics, particularly in the Southeast, which has shown unprecedented net growth of Hispanophone populations in general. Mexicans are the largest Latino population in the country, followed by Puerto Ricans, then Cubans. Puerto Ricans living on the island, which has the ambiguous colonial status of Estado Libre Asociado, roughly a commonwealth, are bound by Rule 6 of the Federal District Court rules to carry out translations into English of non-English documents used in U.S. District Courts on the Caribbean island, despite Spanish's status as the de facto language of litigants. The signing of the North American Free Trade Agreement (NAFTA) in 1993 has meant increased demand for translation of commercial documents, and legal frameworks such as the Mexican Civil and Commercial Codes have freed cross-border movement of translators and interpreters for temporary entry into the signatory countries of the US, Mexico and Canada. However, the Trump regime, which took power in 2017, augurs ill for translational access to services both on the community level, in part due to the reduction of immigration and asylum eligibility, and for diplomatic translation, owing to proposed cuts to State Department funding, the impending NAFTA renegotiation, and the U.S.'s increased economic and political isolationism.

Historical perspective/review

The 'hidden translation history' of the US, in Gentzler's term (2008, 10–12), reveals a nation that always was multilingual, but one too in which language mediation and other efforts on behalf of minitoritarian language rights were also beset by resistance from proponents of monolingualism. Samuel Huntington's *Who Are We?* (2004), which argued that the spread of Spanish in the US presented a security threat (Miller 2010, 127), offers one such example. The nativist politics of the English Only movement has further stirred animosities by framing language accommodation efforts as pandering to groups who refuse to assimilate. Such movements have been a countervailing force against the free movement of cultural goods under NAFTA (Sánchez 2009, 53). Ideological and exclusionary pressures to make citizenship depend on English language proficiency have resulted in literacy tests at different times in US history (Perea 2011). This impetus almost certainly affects the conditions for the translation profession today. Over half of US states have English as the official language. Arguments that translations cause dependency, reduce civic participation, and disincentivize the learning of English are wielded perennially (Perea 2011, 575). When "The Star-Spangled Banner" was

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recorded in a Spanish translation in 2006, then-President George W. Bush argued that the translation went against the idea of citizenship rather than furthering Latino activists' goal to promote inclusion (Simon 2010, 182). Without question, monolingualism and patriotism are inextricably associated in conservative thinking in the United States, and persistent connections abide between language and nation in US political discourse in general.

Monolingual orthodoxy may only be apparent, however. Miller contends that perhaps "what has been understood as normative or 'standard' languages are far more complex and unstable sites of multiplicity", filled with variations and tensions that exploit the heteroglossic instabilities within English (Miller 2010, 135). In this sense, a kind of covert shaping of the dominant language from within – through contact with stigmatized dialects and languages – constitutes a kind of translation, one that is often contestatory toward mainstream conceptions of English. The US remains, however, a diglossic country, that is, one in which English and Spanish share space but are accorded unequal statuses (Perea 2011, 576) and emblematize the tension between "plurality and conformism" at the heart of American polity (577). Even when translations exist, bias may be present. Valero Garcés (2002), for example, shows how stereotypical attitudes toward Latinos can influence translation, and how receptivity of translation among Latinos in turn depends on the group's perception of information such as health education material as culturally appropriate.

The legislative framework of Executive Order 13166 and Title VI are particularly relevant to Spanish translation in the United States:

> On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. [. . .] To assist Federal agencies in carrying out these responsibilities, the U.S. Department of Justice has issued a Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency" (LEP Guidance). This LEP Guidance sets forth the compliance standards that recipients of Federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin [.] . . .
>
> *("Executive Order 13166" 2015)*

National origin discrimination has been widely interpreted by organizations such as the Equal Employment Opportunity Commission and by many courts to subsume language discrimination, practices symbolized by English-only policies. Federal financial assistance for recipients depends upon reasonable steps taken to provide *meaningful access*, which may include signage, bilingual staff, interpreting and vital document translation (National Archives 2004). Courts at different levels in the United States have been found to be lagging behind in compliance with providing access to non-English vital documents, and at the state court level, more information is translated into Spanish than it is at the federal (Abel 2013, 13–14).

Academic institutions, translator training, and certification

Ad hoc or non-professional Spanish-English translators have been used extensively in North America, in part due to the youth of the profession. Formal translator training and education in

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North America is a relatively recent phenomenon, but Spanish has always had among the top enrollments of any language combination at the postgraduate level in North American institutions. Georgetown University (Washington, D.C.) saw the first programme in 1949, followed by the Monterey Institute of International Studies (originally the Monterey Institute of Foreign Studies, and now the Middlebury Institute of International Studies at Monterey; 1955), Brigham Young University (1976), Florida International University (1978), Kent State University (1988), and literary translation programmes in Birmingham (1971), Arkansas (1974) and Iowa (1977), plus certificate programmes and summer schools at more than 45 institutions (Pym et al. 2013, 53). Community colleges in the US have also become important hosts to Spanish translation and interpreting curricula, as have university extension programmes and schools of continuing studies. Undergraduate or postgraduate programmes at the University of Louisville, University of North Carolina Charlotte, Brigham Young University, University of Massachusetts Amherst, University of Texas at Brownsville, University of Wisconsin Milwaukee, Rutgers University, University of Maryland at College Park, American University (Washington, D.C.), and others have also seen perennially strong interest in Spanish. Blended or online learning programmes exist as well, such as University of Massachusetts Boston, University of Arizona and New York University. In Canada, programmes in Spanish-English or Spanish-English-French include the University of Ottawa, Glendon College, Concordia University and the online course of study at the University of British Columbia, to name a few. Experiential learning, field experience, mentoring programmes, and practicums are becoming more common components of translator training at all levels, from providing language support for local grassroots advocacy groups (*defensorías*) or legal aid societies to serving an internship as an editor or translator in the Department for General Assembly and Conference Management at the United Nations in New York, or to subtitling film for a human rights non-governmental organization in Washington. Translation volunteers account for much of the translation activity that emerging or part-time translators engage in either to improve their skills or simply to donate to socially conscious groups such as Kiva, a San Francisco-based non-profit providing microloans, or Human Rights Watch in New York. The explicit goal of educating translators to be a force for social change, translator agency and ethical commitment can be noted in such works as Gill and Constanza Guzmán's "Teaching Translation for Social Awareness in Toronto" (2011).

In addition to academic credentials, many Spanish<>English translators seek certification by the American Translators Association, one of the most recognized credentials, and may opt to have their translation performance ranked for government or other settings by the Interagency Language Roundtable. Canadian certification, both as a translator and as a terminologist, is granted in one of three ways: via relevant work experience and a diploma, mentorship, or certification exam by the Conseil des traducteúrs, terminologies et interprètes du Canada. The Order of Certified Translators, Terminologists and Interpreters of Quebec (OTTIAQ) is the primary association of language professions in the country. Translation in Canada plays a key role in ensuring compliance with the Official Languages Act, which provides for bilingual services and promotes official language minority communities.

Research issues and methods

Editorial translation

Editorial translation – translation for the publishing industries – is still struggling against the asymmetry of translation traffic out of English despite far fewer translations into it, though

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signs point to improvement. The rise of new technologies such as tablet computers, e-readers, and mobile devices may signal a change in how Spanish translations are consumed, moreover, given the early and widespread adoption of these devices among US Latinos ("Hispanics Have Highest Tablet Adoption" 2011; Jackson and Toro 2015, 30–31).

Literary translation from and into Spanish has established a long, important tradition in North America. American publisher Alfred A. Knopf and translator Harriet De Onis actively produced Latin American literature from the 1930s to the 1960s. Many significant figures contributed to an internationalization of the American canon, particularly starting in the 1960s with the advent of subsidized translation activity in university presses, particularly the University of Texas Press and the University of California Press, and philanthropic institutions such as the Ford Foundation and the Rockefeller Foundation (Cohn 2012, 112–14). The Association of American University Presses and the Center for Inter-American Relations were other major patrons. Translations of Pablo Neruda, Federico García Lorca, Octavio Paz, Jorge Luis Borges, César Vallejo, Gabriel García Márquez, and others made of these figures cultural touchstones, even if in the process early translations showed growing pains: Neruda was often shorn of his roots and ideology, reappearing in English as a lovelorn troubadour (Longo 2002). Other writers were embraced for their revolutionary poetics, such as the Beat Generation's canonization of Nicanor Parra, or simply for their revolution, such as the Roque Dalton Cultural Brigade's translations of militant Central American writers. Lorca, for his part, deeply influenced transnational poetics, such as the work of the deep image writers Jack Spicer, Robert Bly, and Jerome Rothenberg, and even US Latino/a writing (see Zavalia 2000; Silva Gruesz 2002; Mayhew 2009). Many major North American writers have also been translators from Spanish, including Langston Hughes, W.S. Merwin, and Willis Barnstone. Others have worked as translators into Spanish, as José Martí did for D. Appleton and Company in the late nineteenth century in New York (see Lomas 2008). Several Spanish-language writers, many of them transnational, are also prominent translators of North American literature in their own right, such as Colombian Juan Gabriel Vásquez. American translators that have been instrumental in the Boom and post-Boom literary movements include Gregory Rabassa, Margaret Sayers Peden, Carol Maier, Helen Lane, and Suzanne Jill Levine, many of whom have written translation memoirs or translation apologia (for the latter, see *Why Translation Matters* by Edith Grossman 2010).

The Boom itself may be seen as a 'worlding' of a literature through a globalizing process involving North American and British translators, Spanish literary agents, South American rights holders and publishing houses, and readers everywhere. Lowe and Fitz (2007) have traced the specifically hemispheric reception and influence, charting an inter-American literature and its translational flows. Although numbering fewer than 100 titles per year, Spanish-language novels in English translation have found readerships in North America, such as Carlos Ruiz Zafón's worldwide bestseller, *The Shadow of the Wind* (trans. 2004), and works by multinational writers such as Isabel Allende circulate alongside Anglophone novels while belonging also to a Spanish American literature in English. The number of literary translators has burgeoned in recent decades, aided by field-specific academic training; notable North American translators from Spanish in the younger generations include Sergio Waisman, Esther Allen, Gary Racz, and Anne McLean.

Literary translation, while a domain of comparatively lesser scope in North America than that of pragmatic translation, remains vibrant through active conference, print, and online presence: the American Literary Translators Association and its Declamación, a recital of memorized Spanish-language works and translations in the oral tradition; the Spanish division of the American Translators Association, which publishes the journal *Beacons*; and

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many literary journals that have documented and translated both contemporary and classic writers from the Spanish-speaking world, such as *Review: Latin American Literature and Arts*. Many 'webzines' devoted to literary translation present writers from the Hispanophone world. Archives of translators' drafts, notes, and correspondence also are accessible. The Lilly Library at Indiana University at Bloomington houses thousands of translation-related items, including Spanish-English translation, in its collections. Patronage of literary translation into and out of Spanish is sparse, but subsidies for the promotion of Spanish literature are available from the Spanish Ministry of Education, Culture and Sport, for example, and support from the PEN Translation Prize from PEN American Center/Book of the Month Club, the Harold Morton Landon Translation Award, the International Latino Book Award, National Endowment for the Humanities Scholarly Editions and Translations grants, the Latin American Writers Institute Prize, the Banff Center's Banff International Literary Translation residency (Canada), and the Bread Loaf Translators' Conference have all made possible English<>Spanish (or Spanish<>French) projects by American and Canadian translators. The PEN/Ralph Manheim Medal for Translation, moreover, is the United States' 'lifetime achievement award', and it has been conferred on three Spanish-English translators since 1982.

Translation rights for North America and elsewhere are negotiated at such venues as the FIL Rights Exchange programme at the Guadalajara Book Fair in Mexico, and Spanish publishers and agents announce new and select works for translation on New Spanish Books (www.newspanishbooks.us). Surveys such as *The New Essential Guide to Spanish Reading: Librarians' Selections*, published by the Trade Commission of Spain in Florida, inform translators and publishers. Canada, for its part, holds a Translation Rights Fair in Montreal, sponsored by the Canada Council for the Arts. Many publishers, including university and independent presses, devote themselves to translation and have a significant presence in Hispanophone literature in translation: Penguin, University of Nebraska Press, Deep Vellum Publishing, LALR Press, Two Lines World Library (Centre for the Art of Translation), and Open Letter Books, among others. American translators also work with book publishers abroad, such as Madrid-based Hispabooks Publishing, and British translators also frequently publish with American publishing houses, as happens with Margaret Jull Costa, who has translated Javier Marías for Knopf.

Stavans (2009, 391) notes that the early publishing history from the colonial period includes many foundational works such as Cabeza de Vaca's *La Relación*, which appeared in translation in the US but no original Spanish edition has been published in the country, thus readers have had to rely on imported foreign editions. Names such as Arte Público, Bilingual Press, and Quinto Sol were fundamental in promoting Chicano/a literature in both English and Spanish translation (396–97), and many presses since then have ridden the wave of Latino/a ascension in the literary world, among them Lectorum Publications (acquired by Scholastic en Español), Libros Sin Fronteras, Penguin Libros, Rayo (HarperCollins), Vintage Español, and Siete Cuentos Editorial, an imprint of Seven Stories Press (400–1). The Spanish company Planeta, the largest Spanish-language publisher, releases English-language translations into the US through a co-publishing agreement with Harper. Procedurally, editorial houses have generally cut costs by buying US territorial rights to Spanish-language translations of works translated in Spain, rather than commissioning their own, but have found the time lag between original and translation to be long (405). Today the innovation of the bilingual 'flip' format whereby two books, the English and Spanish editions, are published in one volume, proves to be an attractive and efficient translation production system. Developments such as multiculturalism and advances in telecommunications helped pave the way for a more democratized publishing industry in Spanish in the US, one that is less dependent on the major cities' publishers (399).

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Canada has a similarly productive editorial history in these genres. Immigration to Canada after the Spanish Civil War marked the first large wave of immigration from the Hispanophone world, and contributed to original and translated literary production in English, French, and Spanish (Hazelton 2007, 5). Refugees from military dictatorships in Latin American followed in the 1960s and 1970s, many of them artists and writers, particularly from Chile, who published landmark collections such as *Literatura chilena en Canadá/Chilean Literature in Canada*, the first anthology of Latin American literature produced in Canada (9). A trilingual anthology entitled *Literatura hispano-canadiense/Hispano-Canadian Literature/Littérature hispano-canadienne* in 1984 brought together both Spanish and Latin American authors, and in 1987 an issue of *Canadian Fiction* magazine appeared, showcasing in translation the Latino-Canadian writers of the time (12–13). Government support from Multiculturalism Canada, the Canada Council, the Ontario Arts Council, and other entities were instrumental in supporting Spanish-language and bilingual small presses producing translations (15). Journals that published bilingually include *Indigo: The Spanish/Canadian Presence in the Arts, Trilce, Ruptures: The Review of the 3 Americas*, and *Helios*; and publishers involved in translating Canadian Hispanic writers include Cormorant Books and Les Écrits des Forges (17–20; see also Hazelton 2014). The latter publisher has produced influential French-Spanish translations of Québécois poets. Somacarrera (2013) provides more about the context and exchanges of English Canadian literature with Spain, and Grant and Mezei (2004) describe efforts underway to update earlier databases to include minority languages and literatures translated into Spanish. Translation flows between Canada and the United States in language combinations involving Spanish are far less than these countries' Hispanophone exchanges with the rest of the world; Hispanic-Canadian literature, too, has been largely destined for national consumption and export overseas, thus far bypassing Canada's neighbour to the south.

Children's literature produced in North America, both bilingual and stand-alone volumes, has met with great success in expanding the region's formerly Anglocentric canon in the genre. Drawing from such sources as folklore, history, and social realism, Latino/a children's literature has produced many self-translating authors, and important translator-activists such as Pura Belpré and Ada Flor Alma. Children's literature from Spain has met with some success in US English, including the Manolito Gafotas series by Elvira Lindo and Juan Ramón Jiménez' *Platero y Yo (Platero and I)*, one of the most translated texts in the domain despite its ambiguous status as a children's book. Children are also taught to translate. The Poetry Inside Out programme in the San Francisco Bay Area in California and other US cities offers language arts instruction, including translation, to children, many of them heritage Spanish speakers. Children's literature in translation is recognized by the Batchelder Award, which goes to the "most outstanding children's book originally published in a language other than English in a country other than the United States", and which was given to a writer from Spain, Pilar Molina Llorente, in 1994.

Non-fiction translation into Spanish merits mention here as well. North America exports or sells rights to translation into Spanish not only for fiction and poetry, but for a host of other genres, including essays, memoir, history, and textbooks and other reference works. Also worthy of note are Spanish-language authors residing in the US, such as Miami-based journalist Jorge Ramos, whose important exposés on immigration and meditations on egalitarianism are usually translated within a year. The case of the classic *Our Bodies, Ourselves* offers an insight into some of the translation roadblocks that may arise, lengthening the publication process. A group translation targeted for Latin American readers sought to localize a US Spanish version, adapting it to make it culturally relevant (Davis 2007, 175). Many of the women's rights assumed, or taboos unaccounted for, by the book's white, heterosexual, middle-class woman's

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perspective (175–76, 66) met with concern from the project team, which argued that not all feminisms were alike. In fact many adaptations, requiring reconceptualizations, took years, sometimes decades in some markets (64). The multinational collaborative translation for Latin America would help replace the inadequate version circulating at the time in the region (176), but it was beset by competing priorities and low funding. The resulting product shifted the focus from the self, and from a mostly informative function, to critical reflection on the social systems and spaces women occupied. 'Anglo' notions of self-help and the edition's health-as-a-product mindset were replaced by relational notions of community support and 'gender justice', and a section on religion was added (178–81).

Other forms of media involving Spanish translation are noteworthy. Spanish-language newspapers burgeoned in the nineteenth century, and many remain today, such as *El Diario/ La Prensa* (New York) and *El Nuevo Herald* (Miami) (Stavans 2009, 395). The latter, in addition to mainstream Anglophone papers such as *The Washington Post* and *The New York Times*, have run translated editorials in Spanish (Rodríguez 1999, 122–3). Spanish-language newspapers may offer Spanish translation assistance to advertisers, as happens with the widely circulating *El Especialito* (New Jersey). Many serial publications hispanicized with 'en español' in their titles (*Discover en español*, etc.) are not, or not wholly, synchronized with their English-language counterparts, and properly speaking are partial translations with some customized content. Recording artists in North American commonly release both English and Spanish versions of their music. Historically, translated songs into Spanish have been repurposed for new political movements in North America, such as "The Battle Hyman of the Republic", which was adapted by the United Farmworkers' Movement into "Solidaridad Pa' Siempre". Spanish-language videogame translation and localization have been well underway in the past decade for the US and the Americas. In addition to Spanish-language programming, Anglophone television is broadcast with a Secondary Audio Program (SAP) option in the larger Spanish-speaking markets, for which translators mostly work from scripts. Spanish advertising spots with English subtitles began appearing on national broadcasts in approximately 2012, and significantly, CNN/Univisión – historically separate markets – moderated a 2016 presidential debate in Spanish with English subtitles, a tentative but decidedly new direction in mainstream coequality of the country's two principle languages.

US Latino/a, Chicano/a authors in Spanish translation: the question of Spanishes

For some observers, for example Sánchez (2009), into-Spanish literary translation in the US anomalously works against the dominant power structure that places English as the priority target language. Hispanic American literature is frequently written in English, and its Spanish translation will often generate resistance over the matter of whether a given work featuring, for example, Dominican immigrants in the US, is captured in a culturally specific Spanish. Readers and authors alike have held translations produced in regionally identifiable Spanish other than that of the story's heritage to be inauthentic or incongruous, irrespective of the language's objective correctness. Whether this reception shows reader bias or simply a horizon of expectations concerning identity is a point for future analysis, but a distinct field, *perceptual dialectology*, studies the 'folk linguistic' language attitudes of nonspecialists toward language variance, and particularly how we label certain varieties as inferior, usually to our own.

For US Chicano/a writers, "Otherness, hybridity, changing borders, fragmentation, multiculturality is the new norm – the new world (B)order" (Gentzler 2008, 158). Mistranslation, multilingualism, non-translation, and subversions of 'original' and 'translation' (146–165) are

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employed by these writers to negotiate shifting identities, and to upend power relations. Multilingual texts common to these writers' production "draw upon, code-switch among, and/or mix languages to generate moments of partial translation and strategic non-translation"; in other words, translation occurring at the word and phrase level rather than between discrete source and target texts (Miller 2010, 140).

Hispanic marketing

Rather than considering consumers of translations in terms of pure monolingualism, in the United States it is useful to consider distinctions such as Spanish-dominant, or Spanish-preferring, users. First generation Latinos are overwhelmingly Spanish-dominant (61%), though by second generation that figure drops to a mere 8%; the first generation is 33% bilingual, then grows to 53% by the second generation, and by the third generation and beyond, bilingualism drops to roughly a third of Latinos, or 29%, while English-dominance grows exponentially by generation ("Engaging the US Market 2014 . . .").

Translation is employed strategically in marketing, but often is mandated by law in matters such as dual language product labelling. The U.S. Food and Drug Administration sets forth that:

> When an accepted common or usual name for a food is in a language other than English (e.g., salsa, chili con carne, croissants, rigatoni), use of this common or usual name does not necessitate dual language declaration. However, if the name of the food is intended to bring the article to the attention of a person who does not speak English (e.g., Frijoles Pintos), all required information must be presented in the foreign language.
>
> *(FDA 2013, 41)*

Use of Spanish is restricted by the requirement that an English translation accompany it: "If a foreign language is used anywhere on the label, all required label statements must appear both in English and in the foreign language. 21 CFR 101.15(c)(2)"(8). Consumer contracts in some states are required to be translated into the language in which the product was negotiated; this law applies to leases and loans, and to patients' bills of rights in long-term care facilities (California Department of Consumer Affairs 2012). Trademarks are another translation issue provided for in law; they are judged, in Canada for example, under the standard of whether they cause confusion for the 'reasonable bilingual person'. In the case of KOLA LOKA, a translation of KRAZY GLUE, it was ruled in Krazy Glue Inc. v. Grupo Cranomex, S.A. de C.F [1989] that the Spanish translation would not be perceived to bear an infringing resemblance (McCormack 2010, 155). In this case, legally, translation produced a new original. While not mandated by law, multilingual signage in shops is on the rise. Sears and Lowe's Home Improvement were among the first North American companies to produce Spanish translations of directories and aisle signs in their brick-and-mortar shops in North America.

'US Spanish', 'neutral Spanish', 'universal Spanish', and Spanglish

While translation is a prime mode of marketing to the highly diverse Latino populations in North America, the strategic mantra of 'beyond translation' is gaining ground along with the attendant rise of diversity marketing and culturally appropriate product development in US Latino marketing. Companies may partner with or acquire existing Hispanic-serving

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organizations or their products as forms of engagement, host sponsorships or events, or they may culturally adapt or transcreate. Transcreation, defined as adapted language, re-written content or a hybrid of the two processes, seeks to deliver the same impact as that of the source (Ray and Kelly 2010, 2–3) and may shift rhetorical emphasis or foreground different features of a product or service. Multimodal and intersemiotic shifts also occur in translation and in multilingual copywriting, using direct, recreative or what we might call a value-through translation in which Latinidad is preserved regardless of language (Colombi 2012). In marketing and advertising, English-Spanish translation in North America often must occur across a 'values divide': messaging centred on 'we', versus the more competitive Anglo mainstream values (see Jackson and Toro 2015). Tensions between assimilation (abandoning one's ways) and acculturation (maintaining one's heritage while adapting) create microsegments of markets and complex households for marketers in which one household may have monolingual Spanish speakers, language learners, monolingual English-speakers, and members of the ambiguously termed 'Generation ñ', who are comfortable bilingually, biculturally, and digitally. Spanish translations thus serve various purposes: language acquisition tools, comparative exercises or vital lifelines to resources. As they are in a position to judge the translation quality of bilingual marketing materials, the bilingual user of translations thus is far from dependency, and occupies a position of power that may destabilize orthodoxies; in a similar sense, prosecutors in the US have placed in doubt prospective bilingual jurors' fitness to serve, arguing they may not accept official translations of courtroom proceedings (Legal Information Institute 1991).

Dependence upon translation, and choosing translation, thus ought to be distinguished when one is considering US Latinos' translation use. Dávila (2012, 70–71) calls 'nativist' the US marketing industry's assumption that Hispanics necessarily speak Spanish and therefore are more responsive to messages in 'their language'. She rejects the thinking that "[e]ven if they do not speak it, Latinos are hence deemed to be symbolically moved and touched by Spanish, reproducing essentialist equations of Latinos with their language" (ibid.). Dávila further notes the market's overemphasis on the "immigrant and Spanish-dominant Hispanic" is held as the authentic Latino, to the detriment of the " 'complicated', bilingual, bicultural" (86), an emphasis that overstates the image of Latinos as immigrants, as 'foreign', rather than as native-born (86–87).

The decision of what variety of Spanish to use in translation is a fraught one. Many North American companies attempt a pan-Hispanic Spanish native to no one locale. Microsoft's Spanish style guide, under the heading "The importance of using neutral, international Spanish when localizing Microsoft products", asserts that

> Spanish speakers from one country or region might find that the nuances, colloquialisms and variations in word use in another Spanish-speaking country can cause confusion and even social embarrassment. In today's world of localization, the need to localize into "neutral" or "international Spanish" is a recurrent theme. The term "neutral" or "international" Spanish does not refer to any specific dialect of the language, and it certainly does not imply creating a new language or coining new terms. Rather, it refers to the process of finding terms or phrases that would be understood or best suited to a multinational target audience. For instance, the term "computer" can be translated as "computadora", "computador" or "ordenador" depending on the country or region in which that term is used. In order to avoid this, we at Microsoft decided to use either "su PC" or "equipo". Spanish is supported in 20 different locales in Windows [. . .]. No matter where Microsoft's Spanish-speaking users come

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> from, we need to make sure that our products are understandable and that no legal issues might arise for using a non-neutral term or concept.
>
> (Spanish Style Guide, *Microsoft, 5–6)*

One overlooked aspect of 'neutrality', independent of whether it can be maintained successfully, is whether a neutral language variety can have the requisite emotional resonance to persuade readers. Authoring and translating by human beings inevitably involves choices tied to dialect, regionalect, and idiolect, and not all readers or users have the same tolerance for different Spanishes or else they may consider some variations to be substandard. If a universal or neutral Spanish is not an unimpeachable idea, neither is the use of a single variety, for example Mexican Spanish to stand for a universal form. Cross-cultural marketing books have latched onto the favourite example of the disastrous translation of '*jugo de china*' for the Miami, Florida orange juice market – a Puerto Rican localism for a largely Cuban population. Texts in some domains may be said to be more apt than others for single, harmonized translations to be used in all markets. It is more common for translations to be cross-culturally adapted and validated for such medical text types as health outcome measures, questionnaires and inventories, and clinical scales, including regional preference, reading level, and even propositional content. As an example of the latter, in a patient information booklet on managed care, the Spanish version adds information about doctor home visits not being the cultural norm in the US in comparison to Latin American norms (Zarcadoolas and Blanco 2000, 2–3).

It is common for Castilian Spanish materials, whether originals or translations, to be localized for other Spanish-speaking markets, including the US. Multiple versions of a text, moreover, are commonly authored for different Spanish-speaking markets, one for Spain and another for 'general' Spanish. The Healthy Eating Plate, the Harvard School of Public Health's dietary guidelines, for instance, shows lexical differences that might prevent understanding (for example the 'Spanish-Spain' infographic uses *patatas*, *verduras*, *beicon* and *frutos secos* where the unmarked 'Spanish' one uses *patatas (papas)*, *vegetales*, *tocineta ('bacon')*, and *nueces*) ("Healthy Eating Plate Translations", 2017). In other instances, and in particular for text types such as sociological surveys, frequently multiple lexemes are given in translation to cater to variegated audiences. In the National Agricultural Workers Survey, for example, respondents are asked "*¿le provee su empleador seguro ('aseguranza') médico*?" (Department of Labor, 2010, 15). They are asked with both the source and target terms, about 'asistencia pública (Welfare)', reflecting differing degrees of acculturation by naming both the conceptual level and the referential one. Goya Foods, to give another example, ran an ad that translated beans as both *frijoles* and *habichuelas* – the term for both Mexican and Caribbean audiences, respectively – within the same ad text (Dávila 2012, 120). Clearly there is no 'one-size-fits-all' solution: Jiménez-Crespo (2010) argues that the "fuzzy" US locale has complicated Spanish-language internationalization strategies.

Some countries reject universal Spanish as unnatural to any one country or speaker, much like the utopian artificial languages such as Esperanto, even despite the form's predominance, and as the Internet constitutes a force that blurs the boundaries between many national distinctions of marked usage. The reasoning may well be that this language variant has less resonance but is also less likely to offend. Regardless of the strategic thinking behind such translations in the United States, they reflect a descriptivist approach to translation rather than a prescriptivist one: the goal of translations that use non-standard terms for low-literacy audiences, and often seek meaningfulness for a broad spectrum of users rather than regional specificity or authenticity. Providers have begun to include readability information in their best practices.

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The Fernández-Huerta Readability Formula, for instance, is used to evaluate literacy levels of Spanish-language healthcare materials. The rise of Spanglish in marketing materials and other aspects of cultural life, including literature, has detractors, and prominent critics such as Foster (2005) fret over the unnatural substitution of Spanish words in Anglophone constructions, 'contamination' in his view, passing for translation. Such border contact had produced consternation among those who feel these combinations are artificial, even marking Mexican Spanish with *pochismos* such as the baseball terms *jom, tim, faul* and *jit* (home, team, foul, and hit) (Wilson 1946, 345–6). The Los Angeles Dodgers have even trademarked and commercialized the phoneticized name "Los Doyers", meeting with controversy. The reproduction of words through translation arguably is a force for legitimizing or delegitimizing language forms around the world. The North American Academy for the Spanish Language (ANLE, for its Spanish acronym) has worked to include what it calls *estadounidismos* in the Royal Academy of the Language's dictionary. While there have been successful literary works employing code-switching, a translation perceived as Spanglish may suggest contextual inappropriateness or a lack of rigour even to observers who may be sympathetic to those who privilege Spanglish as a marker of identity rather than a language mastery issue. Consider one notorious high-profile translation failure: When the Affordable Care Act, "Obamacare", rolled out in 2014, its Spanish-language website – CuidadoDeSalud.gov – became a costly economic and public relations debacle for its delayed debut, calqued language, poor terminology, partial localization, reduced features, and lack of glossary or explicitation of culture-bound concepts such as 'pre-existing condition'.

Legitimacy is ever-shifting and shaped by real users of the language even before translations are finalized. When country-specific localisms are called for, advertisers routinely use field tests in the target market to gain feedback. Lionbridge Technologies, Inc. (Waltham, Massachusetts), the world's largest localization company, suggests this route for marketing messages that have an informal tone and that try for emotional resonance; when the budget cannot cover many regional variations and support, they recommend localization projects be split into US Hispanic, Puerto Rican, and Mexican markets; another for the River Plate region, incorporating the pronoun *vos*, and a third for the other Latin American Hispanophone countries, relying on Colombian, Ecuadorian or Costa Rican Spanish inflections, as they argue, these are considered to be broadly understood (Kutchera 2011, 102). Drop-down menu options on websites are beginning to include "United States (español)" and the es-US/ extension web address, e.g. www.fisher-price.com/es_ES/index.html or preceding the trade name, e.g. https://es.usps.com, the United States Postal Service's site. Significantly, companies can optimize the most heavily trafficked content, or as one company counsels, customize the 20% that drives 80% of the value; the majority of the average website will stay invariable (104). Brand name failures are particularly sensitive and costly, and need the most testing and global brand analysis. Consider that there is a skin-care product on the market in the US called 'Sarna' ('mange'), an edible menu product is named 'Calzone' ('drawers'), and cars have been marketed as the Ford Corrida, the Ford Marea, and the Mazda Laputa. Before launching in Latin America, Federal Express might have avoided the perception its corporate name evokes in that population – that their company is a government entity, which brought with it associations of ineptitude and slow service. Regardless of sociodialectical issues of prestige and preferred forms of language, the Plain Language or Plain English movement has influenced both source authoring and translation in the US markedly, perhaps even extending a democratic ethos of readability to an emerging "Plain Spanish" (for discussion of the latter see Toledo Báez 2011). Translators, editors, and project managers working with Spanish in North America ought to

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tread cautiously, given the many potential pitfalls, and might heed Singh's advice on expanding into web globalization only incrementally:

> . . . US companies may first think of adding some web pages in Spanish, or even create localized Spanish sites for Hispanics in the country. Once the company gains experience in terms of localizing its content and website for the local Hispanic population, it can then leverage its knowledge to create more extensive sites for other Spanish-speaking countries.
>
> *(Singh 2012, 43)*

Legitimacy of process can also be contentious, as in the case of crowdsourcing. Facebook, the American online social networking service, translated its site into Spanish via crowd labour in only 24 hours. While still controversial, this approach overcomes problems of scale, reach, and cost, and limits expense mostly to quality assurance testing by experts. The process involves glossary-building, the upvoting and downvoting of drafts, verification, quality assurance, and release of the translated interface to the user public (Kutchera 2011, 107). The question of quality still remains, however, despite claims that those actually involved in the content creation and consumption provide a richer pool of 'natural translators'. The issue of whether sites such as LinkedIn can legitimately rely on volunteer labour in the same way that charitable organizations do has been a contentious one, shows little sign of resolution, and, despite having defenders, has been called unprofessional and legally risky by individuals and translator organizations in the US (American Translators Association 2009).

Spanish translation's role in equity, access, and due process: community (public service) translation

Community translation and interpreting have involved Spanish more than any other language in the United States in recent years, and a proportionally greater number of service providers in this area are interpreter-translators, relative to other languages. Health education and benefits enrolment, public health surveys, addiction and chemical dependency treatment, refugee resettlement, and many other public services constitute a large part of the translation workload. Disaster relief translation often draws on language banks of translators in the case of such organizations as the Red Cross, which assists "non-profit social service agencies [. . .] such as grassroots community organizations, food banks, homeless and domestic violence shelters" ("American Red Cross Language Bank"). Spanish translation and interpreting for educational purposes are in high demand, and include school closing notification system scripts, financial aid web pages and forms, career interest inventories, and even support for library services for Latinos, such as Library of Congress subject headings databases. Faith-based translation and interpreting is also quite common as non-professional channels of the profession, and often operates in tandem with outreach and legal services, family services, and asylum. Language services in such cases often fundraise for religious organizations' projects for community empowerment and access, such as the arrangement that Catholic Charities often has with its providers. Ministry abroad and medical missions originating in North America often depend on linguistic support from volunteers accompanying medical, dental or surgical teams, including providers, students, teachers, and other stakeholders. Challenges in community translation include low levels of literacy and health literacy; the need to bridge biomedical models of care and traditional, complementary, and alternative medicines; and the dearth of self-advocacy in many Latino communities, in addition to structural barriers to care. Many local branches of

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a national service organization, moreover, often suffer a lack of terminology harmonization, thus creating redundant effort for translators. Organizations such as Hablamos Juntos have worked to improve translation and interpreting for Latino LEP patients on several fronts, at least in the medical domain: translation processes, assessment, training programmes, hospital signage, and language policy.

Translation and ideology at the ballot box

Minority-language accommodation and language accessibility have been facilitated in the wake of the Civil Rights movements of the 1960s in America. The 1975 Language Minority Provisions Amendment to the Voting Rights Act, for example, provided for bilingual ballots; the original 1965 Voting Rights Act prevented linguistic discrimination against Puerto Ricans who had been educated in Spanish, and who therefore could not fully participate in the electoral process without translation, making of the ballot a de facto English-language literacy test (Reilly 2015, 2–3). Non-translation is a form of immigrant disenfranchisement having a long history in the US, until the practice was constitutionally challenged. Section 203 of the 1975 legislation calls for jurisdictions to provide voting materials where 5% of a given population, or more than 10,000 voting-eligible citizens, speak a minority language (Tucker 2009, 4). States have their own – often confused – policies for translation services in this domain, and much of the work falls to the local level (4). Functional inequalities have been found in translated materials (Perez 2009), among other problems such as cost, quality control, dialectical differences, discrepancies between English and the target Spanish's relative reading ease, and a lack of outreach to inform language minority communities of available translated resources in their language (Reilly 2015, 35–36, 44, 110). However, evidence shows that the official translations are used, and that they promote assimilation and prevent fraud (Tucker 2008, 511, as quoted in Reilly 2015, 44). Community advocacy groups, minority participation in governance, effectiveness of translation processes and policies, glossary-building, and other supports and peripheral factors affect Spanish translation's role in securing language rights and inclusion in the voting process (Reilly 93–112).

Future directions

Spanish translation in North America, within its countries and region and with the rest of the world, stands to grow exponentially. A rise in healthcare translation is certain, for example, due to large numbers of new, Limited English Proficient enrolees in insurance programmes, and the attendant need to make translations comply with HIPAA (Health Insurance Portability and Accountability Act of 1996). Research remains to be conducted into questions such as how Spanish translation assists democratic processes and human services, and into the interrelationship of the multiple roles and divisions of labour within language service provision in today's industrialized and 'gig' economy, and into the career paths of translation graduates in Spanish translation. The impact of Spanish translation on mobile outreach in particular is relevant to Spanish-speaking populations in North America, as the cell phone is a ubiquitous technology. The tremendous amounts of cross-cultural adaptation and validation of such translated instruments as diagnostic interviews, self-management profiles, and personality questionnaires conducted in North America would benefit from more interdisciplinary collaboration with translation scholars in Spanish and other languages. A dearth of ES<>EN studies in financial/commercial translation and accompanying pedagogies has been perennial. The maturity of human resources translation in North America, both at the local and federal

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levels, is evidenced in such initiatives as the creation of the Spanish-Language Compliance Assistance Resources at the Occupational Safety and Health Administration (OSHA), which features e-correspondence, dictionaries, publications and web pages in Spanish, and video training materials. This subfield now deserves researchers' attention with respect to practices in North American institutions, including for academic contexts. Studies of translation in organizations have tended, similarly, to centre on other geographic realities, particularly Europe. Both the professionalization and volunteerization of Spanish translation appear to be in robust health, aided by new translation environment tools and technologies, and by training responsive to processes, products, and people, and vocationally oriented education such as Spanish for Specific Purposes and Spanish for the Professions. Spanish translation remains one of the most dynamic and burgeoning fields in this region for facilitating intercultural exchange, economic commerce, and social justice.

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