

# The Uneasy Life of Literary Translations in Institutional Repositories

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## What is a Translation Thesis?

This example from the University of Iowa gives the normal format:

The MFA Thesis is a translation into English of a collection of poems, literary essays, or short stories, a short novel, or a play, with an introduction that sets the work in context. The introduction can take the form of either a Preface (10-12 pages) or a more extensive Critical Introduction (25 pages), which addresses the structure and style of the source text, and presents rationale for the translation strategies and techniques adopted.

<https://catalog.registrar.uiowa.edu/liberal-arts-sciences/literary-translation/literary-translation-mfa/>

As you can tell by the definition, the translation itself is considered the main component of the thesis. The critical introduction would include selected portions of text in both languages but it is not the main focus. I am seeing more and more senior theses that include full translations of short stories, poems, etc. Many IRs haven't gotten to including BA theses, but some have.

## Why Might This Be a Problem?

“A translation is a derivative work, and only the copyright owner can authorize a translation that will be distributed. This envisions a work that is translated into another language and distributed in parts of the world where that language is spoken. Derivative works are infringing if they are not created with the permission of the copyright holder.”

Laura Gasaway. “Copyright in translations” Translatorsbase.com Retrieved Nov 23, 2020.

<http://www.translatorsbase.com/articles/42.aspx>

Remember: Whole poems, whole short stories - are considered entire works and beyond the scope of fair use.

Quite frankly, at a doctoral level we rarely saw translation dissertations until quite recently because the nature of translation - being seen as “derivative” didn’t have the same value in academia as critical analysis and rarely led to tenure track jobs in academia. This has changed now that there are departments of translation studies - although often located in the College of Fine Arts and treated as creative writing. The challenge, the biggest challenge from my perspective is the programs where students are either writing a senior thesis or a master’s thesis. These used to be read by the advisors and shelved in the archives. Moving them to open repositories has changed the playing field and many faculty have been caught unaware.

## So, Just Get Permission, How Hard Can It Be?

Susan Bernofsky has written the clearest summary of the problem facing aspiring translators who are trying to get their translations published: "The rights can't be sold or given to you, because translation rights can only be held by publishing houses (or magazines)."

"So what do you do when you want to submit a sample to a publisher or for a competition and the submission guidelines ask you to demonstrate you have "permission to translate the work"? Well, you're being asked to do the impossible – this just means that whoever wrote these instructions doesn't really understand the legal status of translation rights. In cases like these, I recommend that you supply documentation that the rights are available and assure whomever you're submitting the work to that you're happy to be of assistance in negotiating the rights. To acquire that documentation, write to the holder of the rights (check the copyright notice inside the book to see who it is) and ask simply whether the translation rights for English are available."

Susan Bernofsky "Getting the Rights to Translate a Work: A How-To Guide" Translationista February 4th, 2017  
<http://translationista.com/2017/02/getting-rights-translate-work.html> accessed 20 November 2020

So, question we all really need to be clear on has to do with the nature of these in particular. Are they considered published? Distributed? Does a student or the "distributing body" (i.e. the Library) need to acquire the translation rights?

## How Are Translation Theses Handled by Faculty?

In some cases, faculty are more concerned about protecting the student's copyright and request that the translation be embargoed until it is published. For example, U of Iowa suggests students request an embargo:

"A translation thesis (however complete and original/creative it may be) is not considered final until it is published by a publishing house or press. In other words, a translation thesis that is 'published' electronically would be vulnerable to plagiarism."

<https://translation.uiowa.edu/sites/translation.uiowa.edu/files/MFALT%20THESIS%20Significant%20Dates%20and%20Guidelines.pdf>

Rutgers is the only program I have seen that specifically points out the need for permission.

"If the text selected is under copyright, the thesis should include written authorization for its translation or evidence of efforts to obtain such authorization. "

<https://spanport.rutgers.edu/translation-and-interpreting/programs/m-a-in-translation-and-interpreting/832-guidelines-for-translation-projects-and-thesis>

These two examples are for translation studies programs. I have spoken to a number of faculty teaching Japanese literature and supervising M.A. theses. Many are incidental/accidental translators - they only translate something when asked and the publisher handled permissions and rights for them. On the rare occasion that they had a translation they wanted to pitch, many of them have bitter memories of having tried to do it themselves. Faculty approve the content of the thesis for its intellectual rigor, occasionally the accuracy of the citations, and the defence, but then it is up to the student to upload it into the institutional repository. The question of open access versus embargo isn't something that most faculty in the humanities have to consider. "That is a science and engineering problem isn't it?"

## How can you tell if the translator has permission?

Few if any institutional repositories require a signed letter of permission showing the student has the permission of the copyright holder. Often you will need to read into the acknowledgments thanking the author for granting permission and/or answering questions, or sometimes the introduction, but sometimes even then it isn't always clear.

### **A body, a notion: translating Karla Reimert's 'Picnic with black bees'**

Patricia Helena Nash

Master of Fine Arts (MFA); University of Iowa; Spring 2016

DOI <https://doi.org/10.17077/etd.3w4pti7h>

OPEN ACCESS

Discusses talking with the author and working through translation questions, but no formal acknowledgement of permission.

I would like to see a permissions statement included in any thesis/dissertation that is going to be made open access. A temporary embargo is only effective for translators who are extraordinarily lucky enough to be able to pitch their translation to a publisher. I have no data for the success rate, but I imagine it is quite low.

## Can You Actually Get Permission?

Yes, it is possible. I tried it recently on behalf of a student with a Japanese publisher and received a positive response. We requested non-exclusive permission to translate 3 short stories into English as part of her honor's thesis and for inclusion in a non-profit digital institutional repository at our university.

The publisher checked with the author and granted us permission with the request that we send a copy of the completed theses. We will include this permission statement with her thesis.

This is just one example, but it is a start.

I really believe one of the keywords that made a difference was “non-exclusive” because it was clear that the student's thesis wasn't taking away the copyright holder's rights to assign worldwide English translation rights elsewhere. And the fact that it was only 3 short stories out of a collection wasn't going to have an economic impact on anyone who does acquire the rights.

## How Are Literary Translations Being Handled in Your IR?

- Do you treat Bachelors or Masters in Fine Arts degree theses differently from other theses? Have the Departments negotiated an exemption from a campus-wide default of open access? For example: University of Iowa, Columbia University, Middlebury Institute at Monterey, University of Massachusetts Amherst
- Do you have a program of translation studies? Where is it located?
- Keep an eye out or translations that are done in World Language, Literature and Culture types of departments where the student will be earning an MA not an MFA. By default - at least at my library, the theses will be open access unless the student requests an embargo. But that requires to the student to be proactive about making the request.



## Suggestions

- Considering adding a note about translation permissions to submission checklist.
- Proactively reach out to World Language and Lit faculty to make sure that they understand how copyright and open access theses affect their students.
- If the student doesn't have permission from copyright holder, recommend that full translations be put into an appendix that could have limited access and not the main body of the thesis. Otherwise, use selections from the translation to illustrate points being made in the thesis and not complete works.
- Treat translation theses like creative writing (MFA) theses. As a default put them into a permanent embargo (campus only access) so that they are not "distributed."

Thank you for giving me the opportunity to think about this with IR professionals! Would love to have an opportunity to chat with others about translations, permissions, and student work. This is a growing field and I am only now starting to feel like I am getting a handle on it.

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