“Make a reasonable effort”: Translation policy for Texas state websites

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“Make a reasonable effort”:
Translation policy for Texas state websites

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Abstract

Language plays a key role in democracy. In fact, the role of language in democratic societies is so crucial that scholars have addressed it thoroughly through different lenses, ranging from law to language policy. This article, in turn, seeks to add to the scholarship on democracy and language rights by considering the role of translation policy in the development of linguistically inclusive public web pages. To that end, the study considers the State of Texas’s translation policy as it relates to its online presence. Specifically, it approaches translation policy by looking at translation management, translation practice, and translation beliefs as observed in the efforts that state government agencies in Texas make when localizing their websites for the inclusion or integration of linguistic minorities. In so doing, it explores the relationship between written rules and the belief in providing language access in government agencies and how this affects the practice of translation in websites.

Keywords: translation policy, translation management, translation practice, translation beliefs, localization, Texas
Introduction

In societies that aspire to this ideal we call democracy, the role of communication can hardly be understated. If individuals are to participate in deciding on the direction of their societies, “the people” at the very least must be afforded the opportunity to become informed as to the issues at hand. People need to be able to access information, and they need to talk to each other. Just as importantly, individuals need to be able to communicate with the authorities. Because human beings are wont to communicate through languages (whether spoken, written, or signed), the role language plays in democratic societies stands at the very heart of the democratic exercise.

In fact, the role of language in democratic societies is so crucial that scholars have addressed it thoroughly through different lenses (e.g., May, 2016). Some consider the role of language to be so important to the structuring of democratic societies that matters pertaining to the use of language in society are at times elevated to the category of rights. In some contexts, language rights are argued to be human rights, and seminal texts that support such viewpoint have been produced (e.g., Skutnabb-Kangas et. al, 1995). Other scholars argue that the matters of language in democratic societies are better conceived of as political issues because they reach far beyond a strictly human-rights-oriented paradigm (e.g., Arraiza, 2011, pp. 116-117; Patten & Kymlicka, 2003, p. 35). Nonetheless, a point of agreement is that true participatory democracy requires linguistic inclusion so that everyone can talk to each other.

In this study, we aim to add to the scholarship on democracy and language rights by considering the role of translation policy in the development of linguistically inclusive public websites. To that end, the study will consider the State of Texas’s translation policy as regards its online presence. Specifically, it will consider translation management, translation practice, and
translation beliefs as observed in the translation efforts that state government agencies in Texas make when localizing their websites for the inclusion or integration of linguistic minorities. This will be presented by first reporting, in section II, on the theoretical framework that informs this study. Then, in section III, we will describe the method deployed to carry out the study. Section IV will present and discuss our findings, in preparation for some observations that will be made in section V, which will close the report.

**Theoretical Framework: On Democracy, Public Policy, State Websites, and Localization**

There is a recognition that when different groups in society are unable to communicate with each other, a social problem has arisen that is an impediment to realizing the full promise of democracy. It follows that solutions must be sought. The proposed solutions are many, and as expected, there is no consensus regarding the best way to approach this issue. Proposed solutions range from establishing strictly monolingual territories (e.g., Van Parijs, 2010) to promoting widespread bi- or multilingualism at the official level (e.g., De Schutter, 2011). In turn, the adopted solutions are also wide-ranging. This is so in part because the best solutions seem to be those that adequately respond to actual conditions in specific locales, which means that a solution that is very appropriate in one place may not be helpful in another. What we are describing here is the deployment of public policy to solve a social problem that arises from the inevitable realities of language use. And as Reine Meylaerts (2011) has convincingly argued, when the authorities adopt policies regarding the use of language in multilingual societies, they will inevitably make choices about translation (pp. 744-745). This is how public policy leads to the development of translation policies.
Such development of translation policies in democratic societies is of particular importance for linguistic minorities\(^1\) (see González Núñez, 2016a, pp. 14-35). Because they lack proficiency in the state’s preferred language or they choose to communicate in a language other than the state’s, they can find themselves at a disadvantage when seeking to communicate with the authorities. Particularly in the case of those with limited proficiency, the inability to communicate with the authorities negatively affects their participation in democratic processes. Therefore, translation policies aimed at helping linguistic minorities communicate with the authorities and society at large become instruments of participatory democracy. For example, Peru’s Ministry of Culture recently created the Translation and Interpreting Central Office for Indigenous and First Languages.\(^2\) In so doing, government authorities recognized that offering access via translation and interpreting to speakers of Peru’s pre-Columbian languages was a long-delayed and important step forward in the creation of a more inclusive, multicultural State (Oficina de Comunicación e Imagen Institucional, 2020). What this indicates is that a particular entity’s translation policy can act as a gauge for its commitment to be inclusive of linguistic minorities, which is to say, its commitment to moving toward the ideal of a full participatory democracy.

In the early 21\(^{\text{st}}\) century, as one would expect in the information age, issues of communication and participation arise in the myriad ways in which the authorities communicate with individuals within their respective areas. The digital era has brought a mainstream use of technology, and the worldwide web has become a convenient platform for authorities to communicate with members of society (Schmidthuber et al., 2017). One of the most evident examples is the proliferation of e-government initiatives, which aim at providing better and more efficient services to the citizens while encouraging civic participation (David, 2017). Arguably,
websites have become powerful tools to improve interaction and communication between the authorities and civil society (Gallego-Álvarez et al., 2010). However, to be truly useful in linguistically diverse societies, these websites need to reflect the multilingual reality of the populations that they intend to serve. Therefore, web localization should be in the agenda of the authorities willing to promote inclusion. Web localization is defined as “the adaptation of the contents and functionalities of a Web site for a group of users who share a number of specific cultural and linguistic features different from those for whom the site was originally designed” (Gouadec, 2007, p. 297). These adaptations entail making web pages linguistically and culturally accessible for audiences who are not familiar with its original language or cultural idiosyncrasies (Pym, 2004). From a marketing perspective, localization is a powerful strategy for organizations that wish to operate on a global scale (e.g. Jiménez-Crespo & Singh, 2016). The economic benefits of linguistically and culturally adapted websites cannot be denied, but localization has an equally important social impact (Valdés, 2015) because it promotes access to digital content by facilitating communication and reducing language barriers).

**Method: A Research Study Design for Websites in Texas**

Informed by the theoretical understandings that are presented above, this study asks a simple question: what is the State of Texas’s translation policy for its online presence? Answering this question will allow us to discuss the extent to which the authorities in Texas have shown their commitment to be inclusive of linguistic minorities. In this section, we will describe the method we followed.

The study adopts González Núñez’s (2016b) proposed tri-partite model of translation policy as broadly comprised of translation management, translation practice, and translation
beliefs in any given domain (pp. 88-94). From a methodological standpoint, the model is useful because it helps us first to identify different aspects of a complex object of study and then to consider their interrelatedness.

**Selecting a Domain**

An initial step in this process was identifying a sociolinguistic domain for the study. Spolsky (2012, p. 42) argues that such domains can be identified through location, participants, and topic. In terms of location, we selected the worldwide web as our domain, because the internet has become a widely used form of communication between the authorities and those they are expected to serve. Thus, we decided to look at websites. The world has millions of websites, so we narrowed our domain in terms of participants. We selected the State of Texas as our participant, because Texas represents an interesting case study of a democratic society with a multilingual population where there is a clear majority language, an easily identifiable, large minority language, and a milieu of other, less obvious minority languages (see section IV for a demographic discussion). In addition, the State of Texas was accessible to us as researchers. Of course, the State of Texas is comprised of many elements. We decided to focus on the authorities, specifically on those that could be considered State agents. To identify them, we started with the State’s definition of a state agency as any “department, commission, board, office, council, authority, or other agency in the executive or judicial branch of state government that is created by the constitution or a statute of this state” (Texas Government Code § 2054.003 (13)). This definition of state agencies is in some respects too narrow and in others too broad. It is too narrow because it glaringly excludes the legislative branch. In terms of our study, the legislative branch is important because that is where the laws are created, and the ability to communicate about the laws and the law-making process is an important element of participatory
democracy. Thus, we decided to add legislative agencies to our domain. The definition is too broad because it includes bodies that do not directly serve the public, like those in charge of preserving a specific river, so we eliminated agencies that do not directly interact with the public. It is also too broad because it includes public universities. Due to their nature as institutions of higher education, they have a rather different type of website, so we eliminated these too. With this understanding of who the participants were, we compiled a list of 44 agencies in the State of Texas along with their websites (see Appendix). In terms of topic, the selection of the participants shaped the topic: services and information provided by the State of Texas to its residents. This yielded a domain that we refer to as Texas state websites.

**Gathering Data on Translation Management**

Data was collected first pertaining to translation management, which refers to “the decisions regarding translation made by people who have the authority to decide the use or non-use of translation within a domain” (González Núñez, 2016b, p. 92). These decisions, when explicit, are frequently written down in documents (González Núñez, 2016b, p. 92). For this reason, when studying translation management for Texas state websites, we looked first at the applicable legal framework and then at the resulting policy documents. We collected US law, Texas law, and agency policy documents, in that order. Regarding policy documents, these were obtained in two ways. First, we visited each agency’s website and searched through their publicly available documentation. In addition, we contacted each agency requesting copies of any policy documents (including “policies,” “guides,” “guidances,” “guidelines,” or “strategies”) relevant to the translation of their websites. This was done through filing Freedom of Information (FOI) requests or Rule 12 requests, depending on the nature of the agency. In total, 41 FOI requests and 3 Rule 12 requests were made. A total of 37 responses were obtained, 36 for
the FOI requests and one for the Rule 12 requests. This means that 84% of the domain’s participants responded. The responses ranged from statements that no such documents exist to the production of several policy documents. These responses were then tagged and a summary of translation management rules for each agency’s website was created.

**Gathering Data on Translation Practice**

We also collected data pertaining to translation practice, which is understood to refer to “the actual translation practices” observed in a domain (González Núñez, 2016b, p. 92). Because translation of websites is embedded in wider localization processes that account for linguistic and cultural adaptations, in this study we considered localization practices instead of translation practices proper.

Although several categorizations have been created in the business sector to analyze the extent to which websites are localized (e.g., Singh & Boughton, 2005), we based our analysis on the localization-level model proposed in Jiménez-Crespo (2012b). This model offers a more appropriate framework since it was originally devised for the study of non-profit websites, which share more similarities with our digital corpus than corporate websites. Additionally, the localization-level model focuses on aspects of the localization process that are especially relevant to the current study.

Jiménez-Crespo’s categorization (2012b) includes five levels. At the lowest end of the scale, level 0 describes monolingual websites that either incorporate translations in the form of pdf files or include a button to machine-translate the content. Level 1 refers to monolingual websites that include a single section or paragraph in a different language. As Jiménez-Crespo (2013) notes, websites under levels 0 and 1 may not be considered “localized” because
translation is not an integral part of them; however, they still recognize the need for some sections to be translated and show a discrete attempt to mitigate language barriers. Level 2 designates websites with all the navigation menus in the source language and several translated pages. Level 3 is for websites with at least one navigation menu in the target language and several translated pages. At the top of the ranking, level 4 identifies websites that are fully localized. It is important to note that for a webpage to be classified as level 4, it does not need all its content to be translated or culturally adapted. After Jiménez-Crespo (2013), it suffices that those sections that are provided in other languages mirror the original website. It is enough that the webpage offer a reading experience in the target language that replicates that in the original site in terms of content, layout, and navigation (Gonzales and Turner, 2017). In fact, it is not uncommon for level 4 websites to leave specific sections in the source language, such as those dealing with recent news. This is due to the fact that these are dynamic pages that change rapidly, and keeping them constantly updated in other languages would require substantial resources that may not always be available (Jiménez-Crespo, 2012a).

In addition to the 0-4 levels originally described by Jiménez-Crespo (2013), for purposes of the present study we created a new category, which we labeled “level -1”, to account for two scenarios. The first identified the websites in our study that proved to be fully monolingual. The second applied to those websites with a limited presence of a different language that could not be attributed to an active translation or localization effort. A few websites in our corpus displayed all their navigation menus and content in English and did not signal the presence of other languages anywhere. However, among the administrative documents available to the readers, there was an occasional form in Spanish. Possibly, these documents had been originally translated to be used in the physical agencies and were later uploaded to their websites, in
isolation and without being part of a localization plan that would allow the Spanish-speaking readers to find and use said forms. In these cases, we rated the websites as “level -1” because, in our view, the mere presence of a different language on a website is not necessarily reflective of a localization effort.

In order to analyze the localization practices in our digital corpus, we checked each website thoroughly and gathered information on several aspects. First, we explored if the website had been localized. Considering the demographics of the state of Texas, we expected to find more websites translated into Spanish than into other languages. Therefore, we assessed the localization level of the Spanish website according to the aforementioned classification. If the page scored 0-4, we documented the translation method (machine or human translation). When a website included explicit indications that it had been translated using machine translation (for instance, a statement explaining so or a Google Translate button), we classified it as machine-translated. For the rest of the websites, we emailed the agencies to find out the translation method they used and when no response was obtained, we filed a public request for information. It turned out that some of these Spanish versions had been created by humans only, while others were the result of machine translation (MT) and post-editing. All the websites that involved humans in the translation process and offered something else than the unpolished machine-translated text to the readers were labeled as human translations.

In the Spanish sites, we clicked on any linked documents to see if they were translated. Then, we checked the language of the graphic and audiovisual elements, and we collected data on any other aspect that we considered relevant for each website. Finally, we verified if the webpage had been translated to languages other than Spanish.
Gathering Data on Translation Beliefs

Having collected data on management and practice, we set about finding data pertaining to translation beliefs. Translation beliefs are understood to refer to “the beliefs that members of a community hold about the value of translation” (González Núñez, 2016b, p. 92). In this study, we wanted to understand the beliefs that the agencies expressed about the value of translation when it came to their websites. These beliefs can be written or spoken, but often remain implicit (González Núñez, 2016b, p. 92). We focused our efforts on beliefs that were explicitly written down. We searched for such statements in different sources. When considering legal rules, we searched through the relevant legislative histories for statements about the value of translation. When considering policy documents, we searched the policy documents themselves for such belief statements. At times, responses to public information requests included unprompted statements of belief regarding translation, and these were also collected. Finally, two of the agencies we requested information from asked to speak to us remotely (the research was carried out during the COVID-19 pandemic). These conversations were also helpful in terms of understanding different translation beliefs. In the end, we collected translation belief statements from 17 agencies or 39% of our domain participants. A summary of these statements of translation beliefs was developed for each agency that expressed them.

Findings and Discussion: Translating Public Websites in the State of Texas

To discuss this study’s findings, some understanding is first necessary of the State of Texas’ language demographics. According to the 2015-2019 American Community Survey (ACS), 64.5% of individuals aged 5 or older in the state speak only English at home. The ACS
also indicates that Spanish is spoken at home by 29.3% of the population. The survey does not ask whether these are monolingual Spanish speakers, but it does signal that slightly over a third of these Spanish speakers (11.6% of the population) “speak English less than ‘very well.’” In the 2009-2013 ACS, more detailed data is provided about which languages other than English are spoken at home, namely, 29.5% of the population speak Spanish, 0.8% speak Vietnamese, and 0.6% speak Chinese. The remaining top-ten most spoken languages, all with less than half a percentage point, are Tagalog, German, French, Hindi, Urdu, Korean, and Arabic (see Table 1). What this means is that nearly two in three individuals in Texas are monolingual speakers of English.

While Texas does not have a de jure official language, there is a language policy where English is de facto official, making it is the language of power, including the language of government. Spanish represents the largest minority language, with about one in three individuals in Texas speaking it at home. Spanish has been minoritized since the days of the short-lived Republic of Texas (1836–1846), but it nonetheless constitutes an undeniable fact of life in the state. Speakers of other languages are less frequent, but collectively represent a noticeable aspect of Texas. This demographic and linguistic reality is something authorities who wish to be linguistically inclusive must bear in mind.

<table>
<thead>
<tr>
<th>Language</th>
<th>Number of speakers</th>
</tr>
</thead>
<tbody>
<tr>
<td>English only</td>
<td>15,471,149</td>
</tr>
<tr>
<td>Spanish</td>
<td>6,983,384</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>193,408</td>
</tr>
<tr>
<td>Chinese (incl. Mandarin, Cantonese)</td>
<td>140,871</td>
</tr>
<tr>
<td>Tagalog</td>
<td>72,248</td>
</tr>
<tr>
<td>German</td>
<td>69,214</td>
</tr>
<tr>
<td>French</td>
<td>62,487</td>
</tr>
<tr>
<td>Hindi</td>
<td>59,602</td>
</tr>
<tr>
<td>Urdu</td>
<td>57,662</td>
</tr>
<tr>
<td>Korean</td>
<td>55,794</td>
</tr>
<tr>
<td>Arabic</td>
<td>55,304</td>
</tr>
</tbody>
</table>
Translation Management

At this point, we can discuss findings regarding translation management. At the highest level, there are federal laws in the United States that may be applicable. Specifically, Title VI § 601 of the Civil Rights Act of 1964 (42 USC § 1981 et seq.) prohibits discrimination on enumerated grounds in federally assisted programs. Said enumerated grounds do not include language. However, as interpreted by the US Supreme Court in *Lau v. Nichols* (414 U.S. 563 (1974)), § 601 is understood to mandate language access. Further, under Executive Order 13166 of August 2000 (3 CFR 13166), agencies that receive federal funding must “take reasonable steps to ensure meaningful access to their programs and activities by LEP [limited English proficiency] persons.” Several Texas agencies, e.g., Health and Human Services, receive federal funding and thus have a legal obligation to provide meaningful language access, including on their websites.

At the state level, Title X § 2054.116 of the Texas Government Code, Spanish Language Content on Agency Websites, mandates that state agencies “make a reasonable effort to ensure that Spanish-speaking persons of limited English proficiency can meaningfully access state agency information online.” This law is hedged in at least two important ways. The first is that it defines LEP persons as those “whose primary language is other than English and whose English language skills are such that the person has difficulty interacting effectively with a state agency.” This reinforces the hegemonic position of English by indicating an expectation that individuals...
who speak English should access the websites in English. Access to information in Spanish is not meant to validate the use of Spanish as a lifestyle choice (as would be the case, e.g., with Welsh in Wales) but rather as a remedial measure for people who have not yet met the expectation of developing English proficiency. The second is that meaningful access in the websites is only mandated for Spanish speakers who are also LEP. To some extent, this is to be expected given the important role that Spanish has played and continues to play in Texas. However, given that there are speakers of other languages in the state, their omission in the text of this law is glaring. The translation obligation is further codified in Title I §206.51 of the Texas Administrative Code, Translation. This rule repeats verbatim the language mandating translation into Spanish for LEP individuals, but then it takes a step further by adding that “agencies should consider providing the content of their websites in the primary language or languages used by the people using the website.” The obligation is extremely weak—agencies “should consider” providing content in languages other than English or Spanish, as needed—but it is a recognition that translation into other languages like Vietnamese or Chinese might be desirable.

At the level of individual agencies, out of the 37 responding state agencies, 13 (35% or about one in three) made available policy documents that guide the way the translation of their website is managed. It should be noted that only the Commission on Environmental Quality had drafted a policy document specifically focusing on online content. None of the other agencies had policy documents only about translating websites. Rather, they were broader policy documents that dealt with accessibility or, more frequently, language accessibility, and websites were included as part of such efforts. Several of these documents arose in response to obligations dictated from above the domain. Four of the policy documents explicitly refer to having to comply with federal guidelines under Title VI of the Civil Rights Act, as happens, for example in
the Department of Transportation’s “Language Assistance Plan.” In turn, four policy documents specifically refer to TX Govt Code § 2054.116. Some of these policy documents, like the Attorney General’s “Electronic and Information Resources Accessibility Policy and Procedures Manual,” simply copy the language of TX Govt Code § 2054.116, and others, like the Department of Banking’s “Administrative Memorandum 2048,” limit themselves to acknowledging the obligation under TX Govt Code § 2054.116. Interestingly, two agencies state their belief that MT can help satisfy the legal requirement, specifically, the Office of Administrative Hearings, which uses Google Translate along with a disclaimer that the translated content may not be accurate, and the Veteran’s Commission, which relies on post-edited MT.

In terms of agency-specific rules, no uniform approach was observed. This can be seen in that seven of the policy documents specifically refer to the translation of the website, while the remaining six provide generally for language access without specific provisions for websites. To help ensure language access, five of the policy documents make reference to a language coordinating person or office with duties regarding translation, as is the case of the Department of Housing and Community Affairs’ “Language Access Plan,” which signals the existence of a Language Access Coordinator. As to who is to do the actual translating, this is not always specified, but three possibilities are mentioned in different documents: professional translators, bilingual staff, or MT software. Five of the policy documents call for the use of professional translators, including the Commission on Environmental Quality’s “Directive to Enhance Spanish–language Content on the Web.” In turn, the Office of Court Administration (OCA), which is charged with operating Texas’ state courts, indicates in its “Language Access Plan” that it will rely on bilingual staff to translate OCA webpages into Spanish as needed. The use of MT appears also as an alternative, and two policy documents specifically refer to it as the tool
designated to translate their website, as happens in the Office of the Governor’s “Language Access Plan.” In terms of the actual languages into which to translate, policy documents tend to refer to translation into Spanish, but two of them specifically provide for translating into languages in addition to Spanish, as seen in “Section 5500 Publication Materials Involving Translation” found in the Department of Family and Protective Services’ *Child Protective Services Handbook*.

**Translation Practice**

We can focus on localization practices by first presenting some quantitative data: 16 (36%) of the websites in our corpus were rated as level -1 because they were monolingual, and ten websites (23%) were classified as level 0, meaning that they were machine-translated. A total of four websites (9%) reached level 1 because their content was merely in English with occasional paragraphs in Spanish, and one agency (2%) featured a level 2 localization, which means that some pages were localized but hosted under English tabs. A total of six websites (14%) were categorized as level 3 and included at least one navigation menu in the target language together with several translated pages, and seven agencies (16%) boasted level 4 localization because their Spanish versions mirrored the original web pages. In other words, 36% of the Texas state websites would be totally inaccessible to Spanish speakers unless users themselves resorted to MT engines, 34% of the agencies acknowledged the linguistic barriers but provided minimal efforts to overcome them in the form of raw MT or having humans produce occasional paragraphs in the target language. Finally, only 30% of the websites implemented localization strategies that facilitated an efficient navigation and access to substantial information in Spanish. From those, two of the agencies did not respond to our emails or public requests for
information, thus we could not confirm their translation method. The remaining websites were, as one would expect, translated entirely by humans or they combined MT and post-editing. Figure 1 shows this data graphically.

**Figure 1.** Localization of Texas state websites into Spanish

When it comes to the treatment of additional materials such as linked documents, graphic or audiovisual elements, out of the 28 websites that offered some form of localization into Spanish, 16 (57%) included the translation of at least one linked file. Given the nature of the websites that we explored, the translated documents were usually administrative forms or informative documents, often in pdf format. As far as graphic or audiovisual materials are concerned, only 8 agencies (29%) provided a version in Spanish.
Figure 2 presents this data graphically.

**Figure 2. Translation of files and graphic elements into Spanish**

When looking at other languages, our data revealed that only nine out of the total 44 websites (20\%) included some kind of localization strategy, mostly in the form of MT. Of the websites that included some kind of translation into other languages, eight agencies (89\%) opted for MT, with six of them offering a target text in over ten languages. Only one website (11\%), that of the Workforce Commission, included a partial translation into Vietnamese that did not seem to be automated. This agency was the only one to provide the translation of at least one file and one graphic element into a language other than Spanish. Figures 3 and 4 present this data graphically.
Figure 3. Localization of Texas state websites into other languages.

Figure 4. Translation of files and graphic elements into other languages.
A more detailed analysis of the 28 Spanish-localized websites that we classified under levels 0-4 revealed some findings worth mentioning in terms of usability, organization of the information in the localized pages, and attitude towards language and translation.

An essential aspect of the usability of a localized website is to facilitate that those who cannot speak the source language can rapidly identify if the site has been translated into a language that they can understand. Usually, this is achieved by adding to the home page visible indications in the form of text (e.g., “Versión en español” [“Spanish version”]) or visual elements (e.g., flags or MT buttons). In our study, we found that most of the websites in our corpus (82%) offered such indications. However, we also identified five instances (18%) in which other languages were present in the websites, but the agencies did not signal them or did so very poorly (for instance, some links to the localized pages were difficult to spot because they were placed in unusual areas and were surrounded by text with a similar format). Usability issues were also encountered when navigating the Spanish websites, especially in the sections where the state agencies displayed several informative documents and administrative forms. Twelve of the sites (43%) made these documents available only in English, which would be of little use for LEP readers. The remaining 16 agencies (57%) displayed all or, more often, a few of their forms in Spanish while keeping the rest in English. In these cases, the linked materials were usually presented under a Spanish title, regardless of whether they pointed to a Spanish or to an English document. This made it impossible for the reader to anticipate the language of each form without opening it. In fact, we could only identify three websites that consistently added indications such as “(en inglés)” [“(in English)”] to notify the Spanish-speaking users that they would be redirected to resources in a language that they may not understand.
Regarding the organization of the information, most of our websites allowed access to the translated materials after signaling their existence on the home page. However, a few agencies followed a different approach and gathered all their Spanish content within a specific section of the original website. When this was the case, we found occasional mismatches between the actual information provided in Spanish and the section where it was allocated. To share one example, the website belonging to the Comptroller of Public Accounts included a fair number of resources in Spanish, from forms and documents dealing with properties and taxes to press releases and a small collection of videos. However, readers could only access those materials after clicking on the “About” tab and reviewing the “News and Media” section of the English website. Once there, they would have to check “Comunicados de prensa” [“Press releases”], where they would find press releases and a link titled “Páginas en español” [“Pages in Spanish”], which would point them to further content in Spanish.

Finally, our analysis of the localization practices revealed some interesting findings concerning the use of Spanish and translation. Some of the English pages in our corpus included brief paragraphs originally written in Spanish (that is, not translated from the source website). This was the case when the agencies wished to communicate with Spanish-speaking readers, usually to let them know how to find further assistance in Spanish (e.g., “puede enviarnos un correo electrónico a […] y con gusto responderemos a su pregunta en español” [feel free to email us at […] and we will gladly answer your question in Spanish]). Unfortunately, however, some of these texts included glaring spelling mistakes (e.g., “Espanõl”, instead of “Español” or “Para asistencia en espanol con nuestra pagina de internet, llame al numero […]”, instead of “Para asistencia en español con nuestra página de internet, llame al número […]”), sometimes as part of nonsensical sentences (e.g., “[el gobierno de Texas] nos exije ofrecer contenido en
español en nuestro sitio web de la agencia, la Comisión de Edificios y Servicios de Texas (Texas Facilities Commission) ofrece la traducción al español de su pagina electronica atravez de Google” instead of “[el gobierno de Texas] nos exige ofrecer contenido en español en nuestro sitio web. La Comisión de Edificios y Servicios de Texas (Texas Facilities Commission) ofrece la traducción al español de su página web a través de Google”). Interestingly, one agency showed the following disclaimer: “[t]he link to Google Translate is provided for ease of reference, but SOAH does not warrant the accuracy of any information translated by this system.”

These examples, together with the quantitative and qualitative data on the localization practices collected, illustrate that while some efforts are being made to overcome linguistic barriers, they often fall short, mainly because some agencies acknowledge the need to provide a translation (not necessarily a good translation). Furthermore, these practices illustrate that localized websites tend to be perceived as ancillary to the original, true to the idea that English is the language of government and power.

Finally, they also cast some doubts as to whether the agencies included in this research are fully aware of MT limitations. Bowker and Buitrago Ciro (2019) point out that given the recent advances of neural MT, as well as the availability and good usability of current MT engines, people working in a variety of fields rely on this technology to overcome linguistic barriers. However, those without specific training often lack the background to approach MT critically enough. In this vein, several authors have cautioned that users unfamiliar with the translation practice may overestimate the potential of these tools, be misled to trust its outputs, and be unaware of the risks they may pose to linguistic minorities when misused (Nunes Vieira et al., 2021; Nunes Vieira, 2020). That is the reason why Bowker and Buitrago Ciro (2019) advocate for MT literacy, that is to say, the idea that MT users should acquire the knowledge to
judiciously evaluate and make a proper use of these technologies with the help of translation professionals. Although further research would be needed to delve into how MT is exactly used, reviewed, assessed for quality, and postedited within the agencies in our study, this article has identified a group of MT users who could potentially benefit from some kind of MT literacy instruction.

**Translation Beliefs**

In terms of translation beliefs, the first observation can be derived from practice: about one in three websites (or 16 out of 44 agencies) provide no translation whatsoever on their websites, not even a link for MT. We can think of three possible ways to account for this. The first possibility is that the agency has no interest in being inclusive of linguistic minorities, at least online. The second possibility is that the agency does wish to communicate with minorities but does not believe that translation is a way to accomplish this. The third possibility is that the agency believes that translation is a way to accomplish such communications but does not consider it worth the resources that would have to be dedicated to such an effort. Because agencies are not obligated to explain themselves to the public for their translation choices, it is hard to gauge which of those reasons accounts for the rather high rate of non-translation in a state with the legal framework and demographics that Texas has.

As part of this study, however, seventeen agencies did produce belief statements. Based upon those, we can conclude that most agencies understand they are legally mandated to provide access. (The state legislature is not, as will be discussed below.) Thirteen of the 17 agencies that provided insights into their translation beliefs mentioned this legal obligation as a motivating factor. The legal obligation, however, is not approached in a uniform fashion by the different
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agencies. On the one hand, some agencies believe the obligation requires systematic approaches. For example, the Commission on Environmental Quality created a team in 2005 to implement TX Govt Code § 2054.116, and that team conducted a survey of Spanish-language needs and provided recommendations for implementation. On the other hand, some agencies (e.g., Office of the Consumer Credit Commissioner) report vaguely that efforts are made to provide some translation as mandated by TX Govt Code § 2054.116.

Beliefs about how to satisfy those legal obligations are varied as well. Two of the agencies explicitly state that MT is a way to satisfy legal obligations. This may be the result of believing that meaningful language access to online resources can and ought to be provided without large expenditures. The Office of the Governor, for example, states the general belief that language access must be provided through “cost effective strategies,” including by leveraging “other state and federal government resources.” Another possible explanation is that agencies may lack knowledge of the actual capabilities and limitations of MT. The Department of Licensing and Regulation, for example, states it does not need to translate its website because people can retrieve accurate translations by going to Google Translate. Not everyone sees MT as accurate, though. The Office of Administrative Hearings has placed a disclaimer by its Google Translation button indicating that the information translated through that service may be inaccurate. Inaccurate but sufficient, it would seem.

Even so, not all agencies believe in the sufficiency of the cheaper, MT solution. Some agencies see the need to engage professional translators, who of course command higher fees. An example of this is the Health and Human Services Commission, which states the belief that translation, including its provision through outside vendors, is a way to ensure that communication be accurate and effective. Another example of this is the Department of
Insurance, which responded to our FOI inquiry by requesting a meeting so that we, as researchers, could help them, as public servants, improve their online communication strategy for linguistic minorities, including not just Spanish speakers but also Vietnamese speakers. The ensuing discussion with decision-makers within the agency indicated an understanding and effort to provide language access through several translation strategies on their website (and other means of communication with the public). Budgets, however, are always a concern, which makes full, professional translation of all materials highly unlikely even in agencies that prioritize quality language access.

The difficulties of turning beliefs, even lofty beliefs of linguistic inclusion, into practice are exemplified in the policy choices made by the Texas legislature. Legislators, who are key actors in making public policy, have signaled that they believe that translation plays a role in democracy. This is evidenced by Senate Bill 213, which was enacted as the aforementioned TX Govt Code § 2054.116 mandating Spanish-language content on agency websites. Senator Eliot Shapleigh introduced the bill with this statement of intent:

> Given the significant number of Spanish-speaking Texans, it is imperative that the state government provide access to state information services in Spanish. Language barriers should not translate into barriers to accessing vital information, particularly information from and about state services [...] Addressing the demand of the large number of Spanish-speaking Texans and their equal need to access state resources is a responsibility of the state. [Senate Research Center 2005]
The House of Representatives passed the bill unanimously, and the Senate only recorded one vote against. This nearly unanimous recognition of the importance of translation as a tool to include all speakers ought to be qualified. The bill was justified on theoretical grounds that centered around equality. Tellingly, from a material standpoint the bill offered no downside. The law as passed places the obligation to translate on the agencies themselves; thus, concerns about budgets and organizational decisions were deliberately passed elsewhere.

The issue of translation was more difficult when it came to translating the legislature’s own webpages. The legislature in Texas has three main websites: one dedicated to the legislature as a whole, one specific to the house of representatives, and one specific to the senate. In 2013, Representative Terry Canales introduced House Bill 940 calling for the translation of the legislature’s website into Spanish. In the fiscal note\(^8\) that was prepared for the bill (see Legislative Budget Board), an estimate was made of an initial expenditure of 26.3 million USD during the first year to translate the website as it was at the time. This would have required contracting with 499 translators to carry out the job during that first year. In addition, the note considered the yearly cost of translating new materials uploaded to the website to be somewhere between 1.7 and 3.4 million USD per year. This would have been achieved by hiring 20 full-time staff translators. The bill did not even pass the first committee stage, and thus the legislature website is 100% in English, with no translation.

In the absence of coordinated action for the entire legislature, the house of representatives and the senate acted separately. While no specific bills were approved on this matter, in 2016 the leadership of the house of representatives placed a Google Translate button on their homepage (Legislative Media, 2016). The senate, in turn, has had human translation for the last two decades in the form of a full-time translator (J. Turetsky, personal communication, April 15,
The translator’s duty includes, among other things, to “[t]ranslate, format for web, and post documents to the Senate Spanish website” (Austin Area Translators and Interpreters Association, 2020). While the Senate does not exactly have a mirror website, its English website provides extensive translations into Spanish as well as links to many documents translated by humans.

Conclusions

Some conclusions can be drawn from the previous findings. The first is that written rules matter. In this study we observed that they have an impact on efforts to communicate with linguistic minorities. In our population, we found that in the absence of written rules, higher levels of localization become less likely. Of the 16 websites with a localization level of -1, 14 had no written rules. Conversely, of the ten websites with a localization level of 4, six had written rules. As Table 2 shows, the lack of rules skews the localization frequency toward less localization, while the presence of rules in turn skews the frequency toward more localization.

<table>
<thead>
<tr>
<th>Level of Localization</th>
<th>Number of agencies</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No written rules reported or observed</td>
<td>Written rules reported or observed</td>
</tr>
<tr>
<td>Level -1</td>
<td>14 (88%)</td>
<td>2 (12%)</td>
</tr>
<tr>
<td>Level 0</td>
<td>6 (67%)</td>
<td>3 (33%)</td>
</tr>
<tr>
<td>Level 1</td>
<td>2 (40%)</td>
<td>3 (60%)</td>
</tr>
<tr>
<td>Level 2</td>
<td>1 (50%)</td>
<td>1 (50%)</td>
</tr>
<tr>
<td>Level 3</td>
<td>3 (33%)</td>
<td>6 (67%)</td>
</tr>
<tr>
<td>Level 4</td>
<td>4 (40%)</td>
<td>6 (60%)</td>
</tr>
</tbody>
</table>

Table 2. Frequency distribution of localization levels for websites without written rules and websites with written rules.

This is not to say that the presence of language access rules in writing assures that websites will be more highly localized. It is telling that all the agencies that comprised our
domain are under a legal obligation to provide language access. This obligation does not automatically result in translation efforts for the state of Texas’ websites. Generally, it is only when the broad rule (i.e., the general obligation) is transferred into some sort of written rule that is specific to the agency that the likelihood increases that translation will be deployed to comply with the broader language access rule.

The second observation has to do with beliefs, namely, that beliefs also matter. In our study, the 17 agencies that reported beliefs could be classified into three groups. In the first group, seven agencies provided general, broad statements. These statements amounted to claims of compliance with the current legal requirements, of willingness to provide web localization but not having the resources to do so, or of simply passing the responsibility onto LEP readers by encouraging them to machine-translate the content they wished to access. All the agencies in this group except for one showed localization levels between -1 and 0. In the second group, four agencies reported having made reasonable efforts to translate their materials. Most of the agencies in this group had websites classified as levels 0 and 1. Finally, in the third group, six agencies provided beliefs that explicitly mentioned their responsibility or obligation to facilitate access to linguistic minorities. Most of them were categorized as levels 3 or 4. Table 3 shows the frequency distribution of localization levels for websites without written beliefs and websites with written beliefs.

<table>
<thead>
<tr>
<th>Level of localization</th>
<th>Total number of Texas state agencies with websites</th>
<th>Beliefs reported or observed in writing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No beliefs reported</td>
<td>Broad statements</td>
</tr>
<tr>
<td>Level -1</td>
<td>14 (77%)</td>
<td>4 (23%)</td>
</tr>
<tr>
<td>Level 0</td>
<td>3 (38%)</td>
<td>2 (25%)</td>
</tr>
<tr>
<td>Level 1</td>
<td>2 (50%)</td>
<td></td>
</tr>
<tr>
<td>Level 2</td>
<td>1 (100%)</td>
<td></td>
</tr>
</tbody>
</table>
Aside from the distributions presented above, it is hard to draw conclusions regarding beliefs because most agencies did not report any belief statements. This calls for a qualified conclusion: in our sample, agencies that localize more are more likely to express beliefs regarding translation.

In our conclusions we must of necessity speak of *likelihoods*, because the population studied is too small and too locale-specific to be able to generalize to all public websites everywhere. What we observe is only true of public websites in the state of Texas, and things might very well be different in other contexts. Thus, we cannot claim this observation to be a law of translation in the same sense that gravity is a law of physics. In our population, however, what was observed is a conditioned “regularity of behavior” of the type that seems to interest Gideon Toury (see 2012, pp. 9-10, 301). The observational data that is presented in this study leads a testable hypothesis: “If government agencies develop written rules congruent with a belief in providing language access to linguistic minorities, there is a greater likelihood that said agency’s public websites will be more localized.” This testable hypothesis involves two elements of translation policy, namely, management and belief, and correlates them with practice. The hypothesis, once tested, would thus help account for practice (the observed behavior) through management (the rules) and beliefs (the ideology), which helps illustrate the interplay between the three prongs of translation policy. Further studies in different places are necessary to help in testing this hypothesis. Such studies would be a welcome addition to our understanding of translation policy.
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References


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**Notes**

1. This study adopts Medda-Windischer’s (2009) definition of minority as “any group of persons, (i) resident within a sovereign state on a temporary or permanent basis, (ii) smaller in number than the rest of the population of that state or of a region of that state, (iii) whose
members share common characteristics of an ethnic, cultural, religious or linguistic nature that distinguish them from the rest of the population and (iv) manifest, even only implicitly, the desire to be treated as a distinct group” (p. 63). Thus, linguistic minorities in this study are understood to be those who meet these criteria specifically about language. For example, the Aymara speakers of Northern Chile are a linguistic minority.

2. In the original Spanish: Central de Interpretación y Traducción en Lenguas Indígenas u Originarias. All translation into English are our own.


4. Under Texas Government Code, Chapter 552, “governmental bodies” must make information available to the public. The mechanism to obtain this information is called a Public Information Request. The Judiciary, however, is explicitly excluded from this legal provision. Even so, information may be requested through filing a request under Rule 12 of the Rules of Judicial Administration.

5. The term “post-editing” as used in this article describes the review of the machine translation output performed by human beings, generally staff members of the agencies included in the current research, not qualified translators. Therefore, it should be understood as a synonym for non-professional post-editing (Jiménez-Crespo, 2021).

6. The American Community Survey is carried out on an on-going basis by the U.S. Census Bureau in addition to the decennial census.

7. However, most official efforts toward developing English proficiency in the population focus on primary and secondary education. This is evidenced in the two main funding mechanisms for teaching English. The Texas Education Code §48.105, Bilingual Education Allotment, provides
funding for Bilingual Education or for English as a Second Language in primary and secondary schools. Both of these types of programs are aimed at transitioning children into English-only instruction. In addition, the federal government’s Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.), Title III, Part A, provides funding for schools to ensure that learners of English attain English proficiency. There are no similar mechanisms of designated funding for teaching English to adults.

8. A fiscal note is an analysis of the cost that a bill would have if enacted into law.

Appendix: List of Texas government bodies consulted for this study

Alcoholic Beverage Commission
Attorney General
Auditor
Cancer Prevention and Research Institute of Texas
Commission on Environmental Quality
Commission on Judicial Conduct
Commission on State Emergency Communications (911)
Comptroller of Public Accounts
Department of Agriculture
Department of Banking
Department of Criminal Justice
Department of Family and Protective Services
Department of Housing and Community Affairs
Department of Information Resources
Department of Insurance
Department of Licensing and Regulation
Department of Motor Vehicles
Department of Public Safety
Department of Savings and Mortgage Lending
Department of Transportation
Education Agency
Employees Retirement System
Ethics Commission
Facilities Commission
Health and Human Services Commission
House of Representatives
Juvenile Justice Department
Law Library
Legislative Reference Library
Legislature
Library and Archives Commission
Lottery Commission
Military Department
Office of Administrative Hearings
Office of Consumer Credit Commissioner
Office of Lieutenant Governor
Office of State Prosecuting Attorney
This is the accepted manuscript of


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