

Riccardo Capalbo, Esq.
Studio Legale Prandi
[address redacted]

VIA EMAIL

Re: Letter of 14 February 2012 to Isabella Zani/Faligi Editore

Dear Mr. Capalbo:

Isabella Zani has forwarded to me a copy of your letter, dated 14 February 2012 but received only today, in which you make various unfounded and libelous accusations against her and conclude by insisting that she remove her translation of **our** article, “There Oughta Be a Law! – Faligi Editore Finds a Whole New Way to Cheat Translators” from the site of No Peanuts! for Translators.

First of all, I feel the need to provide you and your client with a minimum of education regarding how authorship, translation, and web publication actually work.

- 1) Ms. Zani is not the author of the work in question.
- 2) Ms. Zani is not affiliated in any way with the No Peanuts! for Translators site and, in fact, is not even listed among our official endorsers.
- 3) Ms. Zani did not ask for the original article to be written in English and she played absolutely no role in its conception or its writing.
- 4) She did not “cause to be translated” nor did she “cause to be published” the translation in question.
- 5) She has **no control whatsoever** over the site No Peanuts! for Translators or its content and, specifically, is not in a position either to publish articles on our site or to remove articles from our site.

In light of the above, therefore, what becomes clear is that your client has a) accused Ms. Zani of offenses that Ms. Zani never committed; and b) threatened Ms. Zani with future legal proceedings for failure to undertake actions which she has no power to undertake.

In other words, you and your client have willfully and intentionally misstated the facts of the situation in an attempt to intimidate Ms. Zani and No Peanuts! for Translators and to exert a chilling effect upon Ms. Zani’s ability to exercise her profession and upon the right of No Peanuts! to engage in free speech.

As an editorial note, we would point out that the concept of suing a translator for the content of a work written by someone else, or for the translation of opinions that originated in the mind of someone else, is not only immoral and absurd, it is truly Kafkaesque.

Would your client, one wonders, also support the murder of Salman Rushdie’s translator in Japan, the physical assaults on his translators in Italy and Norway, and the firebombing of a hotel

in Turkey to protest the Turkish translator of his writing? Is the translator the enemy, as your client sees the world?

This is the level of irrationality to which your client – who is supposedly in the business of supporting and employing translators – has descended. For launching such a disgraceful attack against the work of a translator, you and she should be utterly ashamed of yourselves.

To enter into the merits of the question: You insist that your client is operating within the limits of the law. We do not say otherwise. We say that your client is behaving immorally and is defrauding inexperienced, would-be translators by forcing them to pay for something they need not pay for (in essence, making them pay to be considered for the possibility – not even the promise – of future work).

Does your client deny that no translator is ever given a translation project by Faligi unless he or she has paid Faligi for that opportunity by participating in a “course”?

In addition, we charge that Faligi is failing to pay translators adequately for work that deserves just compensation. You note that Italian law allows translators to be paid on the basis of royalties. We do not say otherwise. We say that requiring translators to accept payment via royalties as a condition of being able to work, in a situation in which the translator has no contractual power to negotiate any alternative form of payment, is unfair and immoral.

We also maintain that Faligi, as a publisher that publishes eBooks exclusively, is in no position to promise a translator adequate remuneration for the full worth of his or her work. Therefore, Faligi effectively forces its translators to work for substandard wages. We considered that unfair and immoral. If Faligi would like to provide us with figures demonstrating what its translators actually earn, we will gladly and publicly retract our statement.

In the meantime, if Italian law allows your client to behave immorally in her business practices, and if it allows your client to defraud amateur, ignorant would-be translators, so be it. To repeat, however, nowhere in the original post nor in the Italian translation do we accuse your client of illegal behavior.

But we have every moral and ethical right in the world to decry this situation, to call it unjust, and to advise translators accordingly.

The purpose of the No Peanuts! for Translators site is to educate translators regarding the translation profession and to encourage them to stand up for their right to earn a fair, decent living for their work.

We do that in many ways, including through satire. In fact, the article “There Oughta Be a Law! – Faligi Editore Finds a Whole New Way to Cheat Translators” is a satire, and as such remains protected speech in any democracy worthy of the name.

Specifically, we pose a hypothetical situation:

“Let’s imagine that Faligi Editore had come along and knocked on your door instead. The sales person offers a magic ticket that costs a mere €160. That €160 entitles you to work for free for several hours as a test. If you pass, you can then spend 1-3 months of your life doing more work for free, at which point your magic ticket will be thrown into a pot. Someday maybe they’ll draw it out. You could win something. No guarantees, though. If that happened, we’d call the police and have the scammers arrested for fraud.”

Is Faligi Editore actually going door to door selling “magic tickets”? Is Faligi Editore actually putting those "magic tickets" into a pot and holding drawings to select potential translators? Would any reasonable person, reading our article, conclude that either of the above was true or even remotely likely to be true?

Of course not. The intent is clearly satirical; the example is obviously hypothetical.

No Peanuts! for Translators strenuously objects to your client’s heavy-handed attempt at intimidation. Because you have chosen to attack someone who is an innocent third-party, however, and because of the esteem in which we hold Ms. Zani, we have conceded to your demand to remove the page containing her translation of **our** article from the site of No Peanuts! for Translators.

If your client believes that she has won a victory, she should reconsider. All she has succeeded in doing is demonstrating, once again, her utter contempt for translators.

Wendell Ricketts
on behalf of No Peanuts! for Translators