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Reinventing an Ethical Code for Fansubbing: Its Influence on the Anime Industry

Over the last few decades, anime has become an international phenomenon with fans. What originally started as Japanese cartoons is now easily accessible outside of Japan for people to enjoy, whether it be with subtitles or voiceovers in their native language. The spread of this media can largely be attributed to fans and a practice called fansubbing. Fansubbing is the practice of fans translating anime into a language other than Japanese, often being distributed through filesharing to other fans to watch. The fansubbing process has many steps and people involved; the original, or raw, file is downloaded. Someone then writes a script translating Japanese into the target language (often English). Someone else then edits the video file to have closed captions in the new language, and finally, the file can be redistributed through third-party websites, including illegal filesharing and piracy. While obtaining the raw file and spreading the newly edited file toes the line of ethical practices, the act of fansubbing itself is not illegal and is a critical component of anime fandoms for fans to express their love for a series. Unofficial translations of anime are ethical to promote the anime, and their popularity may result in companies picking them up to become officially translated and adapted into other languages. Despite the ethical issues fansubbing faces, overall it is beneficial to the anime community and is a form of participatory fan culture, defined by Henry Jenkins (2006) as a way in which different people or the society act both as consumers and contributors of meaning and further play a major role in shaping content.

To understand fansubbing's impact on the anime industry, it is important to understand the history of the practice. "Fansubbing arose to meet a compelling need of overseas fans that was not met by commercial alternatives" (Gray et al., 2017) and is not unique to anime or Japanese media; all kinds of media have been subjected to fans translating them on VHS tapes,

and the earliest references to anime fansubbing date back to 1985 (Koulikov 2010, 5). The “earlier days" of fan subbing started "a few years ago" (Tatsugawa 1991; Wang 1992), as documented in the early 1990s which is when fan distribution networks started this activity specifically on anime. For the majority of the 1990s, the fansubbing process was to acquire anime VHS tapes (e.g. tourists in Japan, military personnel stationed in Japan), and the VHS tapes would be given to fansubbers to translate using computer technology and then distribute through websites and mailing the VHS tapes to others. This fansubbing practice was a closed one: you needed to know someone who knew someone, whether to acquire the VHS tapes to translate or watch or find these file-sharing communities online. The tapes would be bought legally in Japan, but the redistribution process was a grey area for ethics. Peer-to-peer sharing of lending a VHS tape to a friend is not illegal, but uploading it to a filesharing website for thousands of ‘friends’ to access is where a line may be drawn. “The more participants, the more sharing, and the more distributed users and content, the more valuable the network is” (Condry, 2004). Fansubbing groups were able to gain popularity and traction through the filesharing of their works, resulting in more connections that could help them obtain more anime to translate and recruit more people for the lengthy fansubbing process.

Up until the late 1990s, there were many limitations on the fansubbing process with VHS obtainment and redistribution. The late 1990s into the 2000s offered a shift to fansubbers by increasing accessibility in these two areas, and formal anime distribution outside of Japan also saw an uptick. Anime-specific companies such as FUNimation, Madman Entertainment and Viz, offered anime with English voiceovers on television broadcasts (Denison, 2011). Few channels would pick up these broadcasts, as cartoons were stereotyped as for kids, and Cartoon Network became one of the few channels to offer an anime selection (Coates, 2014). Even though

companies were producing official translations, it was not hitting the target audience that wanted to watch and many still relied on peer-to-peer sharing via fansubbing groups online for their anime source. Broadcasted anime on television was often Westernized and removed traces of Japanese culture to try and appeal to the Western audience, thus removing any references they may not understand (Rodriguez-Garcia, 2022). On the other hand, fansubbers did not alter the visuals of a show and it was common practice to add 'translator notes' to a screen to give a reader educational context of said references (see Figure 1). Despite companies broadcasting anime overseas, dedicated fans still relied on peer-to-peer file sharing for a more authentic viewing experience of anime.

Figure 1: Example of translator notes to describe a Japanese food item.

One of the earliest file-sharing websites, Napster, was released in 1999 and aided the distribution of anime footage for fans to translate, and then upload with their fansubs. BitTorrent was released in 2001 and also aided this process. While DVDs were invented in 1996, their popularity rose in the early 2000s. This allowed anime to be more easily accessible to foreign fans, as the DVDs could be copied more easily than VHS tapes and copied onto computers for easier distribution through sites like Napster and BitTorrent. This removed the need for a direct

visit to Japan or a personal connection to obtain raw anime footage for fansubbing, and peer-to-peer filesharing continued this way into the 2000s. While official companies could not reach audiences with their English translations on children-orientated television channels, they also could not compete with the speed at which fansubbers would come out with translations, as file-sharing websites could provide fansubbing groups with newly aired episodes of anime in Japan within the same day. By bypassing the legality companies needed to obtain licenses to translate, adapt and broadcast anime, people relying on file-shared episodes could enjoy new content within days and for anime that was not large enough for companies to pick up.

Despite its illegal components, fansubbers upheld themselves to their own ethical standards for the process, framed around the idea of "giving back to the industry" (Gray et al., 2017) and adhering to the U.S. Fair Use Act. The four factors of fair use are 1) the work is not-for-profit and educational, 2) the nature of the work (e.g. is commercially available), 3) the amount used, and 4) the effect of the copy on the original's monetary value. By upholding these four principles and a Kantian ethics framework to be charitably helpful, fansubbing groups created their own moral guidebook for the process. Most notable is the ethical code for fansubbers posted in 2003 on the Anime News Network website. These six codes of conduct echoed the above and stated: fansubs are to allow English-speaking fans access to obscure anime; give anime fans an advanced taste of series that will later be licensed; fansubs are not a substitute for owning legal copies; fansubbing should minimize its commercial impact (e.g. do not fansub something that has an official translation); take off works that receive official translations and note for fans to buy legal copies, and finally, create fansubs for free (animenewsnetwork.com). These ethical standards for fansubbing were created when fansubbing was a necessity to fill the hole Japanese companies left international fans with anime, however,

these guidelines are still used today as fansubbing has become more of a hobby and part of participatory culture in fandoms.

What started out as a practice to “give back to the industry” resulted in the industry giving back to fans. As fansubbing groups grew in popularity, official companies felt pressure to keep up with translating efforts and release translations quicker to their international fans. “The main problem for distribution companies in the USA was that the fan practices online had outstripped the pace of the industry’s models for sourcing, translating and releasing anime” (Denison, 2011). Simulcasting, or simultaneous broadcasting, of anime airing in Japan, was adopted early on by companies like FUNimation. This removed the lag time of months for an English version of an episode to be released, and fans could enjoy a new episode at the same time as its broadcast in Japan (Denison, 2011). Simulcasting is still prevalent today for airing anime; major anime streaming service Crunchyroll boasts that episodes are available an hour after they air in Japan (crunchyroll.com). Businesses were able to benefit from the work of fansubbing groups by funding resources into creating their own subtitled versions, and anime fans were also able to benefit from these results by being rewarded with more anime in a quicker fashion. While this may deter fansubbing groups from rushing to translate anime, it is still often done as a hobby and to add their own touch, like translators' notes.

Another benefit fans reaped as companies sought to keep up with fansubbing groups was that uncut, unedited DVDs of anime were released for previously translated anime that had been Westernized. A prime example of this is the famous magical series, *Sailor Moon*, which aired in the 1990s. It was licensed and released in North America in 1995 with several changes from its original Japanese broadcast. This included the renaming of all characters to Western names, scenes with Japanese cultural references removed, Japanese writing erased from backgrounds,

and backgrounds with roads flipped to show cars driving on the right side instead of the left (Rodriguez-Garcia, 2022). Fansubbing groups in the 90s, however, opted to keep Japanese references and translate directly, upholding their ethics that they were being charitably helpful to fans and providing educational material for watchers. Fansubs often include translator notes to explain jokes or references that Western viewers may not otherwise understand. In 2014, Viz Media acquired the license for *Sailor Moon* and announced it would be rereleasing the series uncut and unedited, restoring the original series that had been censored during the broadcast (Loo, 2014). Viz Media also licensed a reboot of the original series called *Sailor Moon Crystal* that same year, more closely following the manga than the original 90s series had. Again, it is thanks to the fans and fansubbing groups' hard work that publicized the original, uncut series that paid off and was rewarded with official releases and new releases for the franchise.

Into the 2000s and 2010s, as anime became more popular and mainstream around the world, companies standardized simulcasting and the need for fansubbing work decreased. While fansubbing groups still existed, they existed more as a hobby and practice of fan culture, rather than out of necessity for translating. Without a distribution need for fansubbing groups, companies began cracking down on the legality of their work being pirated and distributed. "A frequent practice of American anime companies is to issue cease-and-desist letters to fan subbing groups that are working on series to which the company in question has acquired the distribution rights" (Koulikov, 2010). Not only would letters be sent to groups, but modern technology allowed companies to pinpoint individuals illegally pirating and distributing their works to send these letters to and threaten them with legal action (Koulikov, 2010). Legal action is not the norm, however, when it comes to fansubbing groups. The first arrest for crimes related to fansubbing did not occur until 2018 when five Chinese nationals were arrested in Japan for

translating manga and games and distributing them online (Diño, 2018). It is important to note that a majority of fansubbing happens internationally and “copyright policy is not as globalized as is consumers’ unauthorized sharing of cultural contents. This makes it hard in reality to mobilize international policy efforts to tackle unauthorized copying and sharing” (Lee, 2014). Companies are bound by their country’s laws on copyright to take on fansubbers in their own country, which are often not fansubs of licensed material they produced, but that Japanese companies produced. Little legal action is done outside of cease-and-desist letters from businesses to websites hosting their works (Koulikov, 2010). With peer-to-peer sharing, it is also difficult to find the original distributor and enforce legal action beyond a cease and desist letter to stop distributing a company’s property.

In the current digital age, file sharing and piracy are easier than ever, but companies are also able to release official translations quicker than before, thus declining the need for fansubbing groups. The ethics of fansubbing is questionable, as it often requires the illegal obtainment of anime files to translate, but fansubbers withhold their own code to have an ethical practice. Legal action against fansubbers is few and far between; companies have accepted this part of fan culture and its benefits to the community. Fansubbing increases the accessibility of anime translations to fans through its own work and by official companies making changes to keep up with fansubbing groups. While companies are cracking down with more legal action in the modern day, fans will still uphold their own code of ethics for fansubbing and continue to translate anime as a hobby. The practice was born out of a love for anime and will continue as a part of participatory fan culture in the anime community. Its benefits over the last 20 years to the anime industry are undeniable and will continue to influence mainstream companies to adopt and release official translations of shows.

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