

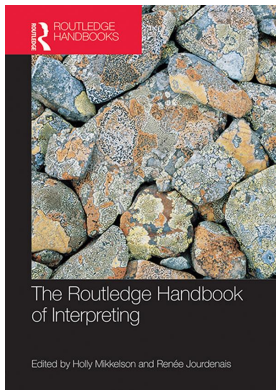
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PART IV

ISSUES AND DEBATES

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20

ETHICS AND THE ROLE OF THE INTERPRETER

Uldis Ozolins

Introduction

Issues of ethics have always attended interpreting, as practitioners will often be privy to complex or highly privileged information – whether related to national security, or personal trauma or difficulty, or sensitive business negotiations. Trust in those doing the interpreting is paramount for participants who lack command of the other language, and recognition of ethical practice is fundamental to recognition as a profession.

Moreover, unlike other professions where there is a direct relationship between a practitioner and client, interpreters always work between *two* parties – either a speaker and listeners (as in conference interpreting) or between two interlocutors in liaison situations; ethical issues can crucially arise for interpreters from the behavior and disposition of either party, and trust has to be obtained from both.

This chapter first looks at how ethical considerations and resulting codes of ethics have arisen in diverse interpreting settings; it then goes on to examine often unresolved ethical issues over role and ethics, linking debates in interpreting to cognate debates in translation studies.

Setting the scene

In her 2000/1 review of ethics in interpreting, Mikkelsen argues that considerations of ethics are very scarce in the literature on conference interpreting; overwhelmingly, ethical matters are prominent in fields other than conference interpreting – in legal and health interpreting, in immigration and social security, in the broad area of “community interpreting” (see Chapter 14, this volume). Perhaps more precisely, Pöchhacker defines this field as “professional interpreting in a community-based setting” (2008: 24): the “professional” proviso is crucial, because if interpreting is not carried out by a professional, then ethical responsibility resides only in the participant who hired or invited the particular person to interpret, for that person may not see themselves as professional, nor as having any particular ethical responsibility. And this ethical responsibility may be poorly understood by those seeking bilinguals for interpreting tasks (see Chapter 26 for further discussion of non-professional interpreters).

This field of professional interpreting in community settings has arisen from three significant post-war historical developments:

- the increasing movement of multilingual population around the globe through migration, and host societies' responses to this
- the growth in assertiveness of, and service provision for, Deaf communities
- slowly evolving changes in attitudes towards and response to the presence of indigenous populations.

Ethical challenges in this field need to be met in often difficult circumstances: the increasing multilingualism brought about by ever more diverse migrant and refugee intakes accompanied by the need to find interpreters results in many new practitioners in such emerging languages not being trained nor having an ethical or professional awareness, or culturally having very different understandings of ethics (Rudvin, 2007; Ozolins, 2010).

By the same token, the field of conference interpreting is also changing, as will be examined below. Whichever field of interpreting is considered, two factors are essential to meet ethical challenges: internally, the profession needs to bring an increasingly diverse group of practitioners to see themselves as having a certain role and identifiable professional commitment, including ethical commitment; externally, there has to be a role perception among *non-interpreters* needing language transfer that professional interpreters can add value by enhancing communication and acting ethically (Chapter 27, this volume). And this has to take place knowing full well that the diversity of practice by many interpreters may make establishing a consistent professional profile difficult. An immediate recourse, to address both internal and external contingencies, is to develop codes of ethics that detail role expectations.

From code of honor to detailed codes of practice

Several authors have surveyed codes of ethics in interpreting. Schweda–Nicholson (1994) looked at nine codes to show their common emphases: all were of a very similar *deontological* nature, that is, setting out principles of ethical practice and duty, and deducing from them certain rules of behavior that practitioners need to follow; moreover, as all possible ethical situations could never be enumerated, the principles allow interpreters themselves to extrapolate to come to correct decisions about behavior in relevant contexts.

Schweda–Nicholson identified seven common principles in the mostly North American codes she surveyed:

- The interpreter's overall role
- Competence and required skill
- Impartiality
- Completeness and accuracy
- Conflict of interest and grounds for disqualification
- Confidentiality, and
- Continuing professional development.

Hale (2007) analyzed 17 interpreting codes from around the world, which again shared the deontological nature already identified and showed considerable overlap with Schweda–Nicholson's account: *Confidentiality* was mentioned in 81% of cases, *Accuracy* in 75% and *Impartiality/conflict of interest* in 68%. Other areas identified in various codes included *Accountability/responsibility for own performance*, *Role definition*, *Professional solidarity* and *Working conditions*.

Hale added one other crucial observation, noting that while only a few codes define the role of an interpreter, almost all state what the role of the interpreter is *not*, which led Hale to

conclude that codes may have a professional improvement role: “the codes seem to be attempting to rectify the practice of many practitioners who are mostly ad hoc and untrained” (Hale, 2007: 124).

At the other end of the spectrum is the code of the International Association of Conference Interpreters (AIIC). From other contributions to this volume on conference interpreting (see Chapter 2 and Chapter 11, this volume), it is possible to clearly identify both the view of role and understanding of ethics that characterized this field as it evolved from the 1940s/1950s: conference interpreting was for an international elite, with presumed (or feigned) equality among participants; it could be adversarial (diplomatic disagreement; war crimes trials) thereby demanding strict impartiality; interpreters shared the social background of the participants; and AIIC demanded optimal working conditions and controlled entry to the profession.

The resulting Code of Ethics of AIIC embodies this history and background (<http://aiic.net/node/2410/code-of-professional-ethics>). After a brief preamble, the Code’s main sub-section is entitled “Code of Honour”, an almost antique appellation, reflecting the organization’s view of its own place in its international environment. Here there is only one item that can clearly be recognized as an ethical principle – that of “absolute secrecy” in any interpreting assignment not conducted in public (Article 2a). There is no mention of impartiality, of accuracy, or of role – from this code, it would be impossible to say what a conference interpreter does or does not do; nothing relates to the actual practice of interpreting. There is however, a stipulation that interpreters must not behave in a way “which might detract from the dignity of the profession” (Article 4b). There follow several paragraphs on the quality of equipment and resources that interpreters must have, and the requirement that working with non-members of AIIC can only be tolerated if they undertake to work under the same conditions as AIIC members, and that standards of remuneration must not be undercut.

The AIIC code thus serves as an enunciation of presumed excellence, a guarantee of discretion, and an affirmation of professional solidarity and indeed privilege: “it was the technology-based simultaneous mode that made conference interpreting a much-admired feat commanding high social esteem – and substantial fees” (Pöchhacker, 2008: 322). Moreover, AIIC’s rigorous demands for novices to interpret for stipulated hours under supervision by existing members makes it possible to avoid any mention of role or detailed practice or other ethical principles because of the assumed common professional socialization of its members.

In her international survey of interpreting standards, Bancroft quotes views that AIIC had a particular effect in Europe of discouraging regulation of interpreting (by external or government authorities) and thus discouraged other professional codes of ethics (Bancroft, 2005: 11). European codes of ethics can be conveniently located at the International Federation of Translators (FIT) European regional website (<http://www.fit-europe.org/ethics-deontologie.html>). A number of European codes (often of court interpreters) reflect the AIIC approach, giving virtually no details on role or practice, and confining ethical principles to confidentiality and maintaining the dignity of the profession, for example, the Netherlands Association of Interpreters and Translators explicitly calls itself a Code of Honor. But there is diversity too – some codes such as the German Association of Interpreters and Translations (BDU) devote considerable attention to possible mediation of disputes between members or members and outsiders.

Yet several codes do not follow this pattern, both within Europe and the New World, and the more the codes refer to community settings, the more they detail ethical practice and role.

Just as conference interpreting arose out of specific historical contexts and sets of significant players, so interpreting in community settings can be characterized as having the following contextual features, succinctly delineated by Gentile (1997) and Garber (2000): it was characterized by social difference between parties – typically, institutional representatives or professionals

dealing with immigrants, the Deaf or indigenous participants, with clear power asymmetry; situations could be adversarial or therapeutic, educational or informative; the interpreter often came from the minority group themselves (except significantly for the majority of sign language interpreters); and at least initially, bilinguals were recruited haphazardly to perform such interpreting.

Such clear social and institutional differences among participants may themselves lead to ethical issues, quite apart from any language differences; all professions working in such areas have codes of ethics to guide contact.

Sector-specific codes – differences in perception of role

Many of the interpreting codes of ethics internationally are sector-specific codes, such as those in the USA, where many aspects of interpreting are organized in sector-specific ways – including certification and training. They also tend to be very detailed: for example, the National Council on Interpreting in Health Care (NCIHC, 2004) has a one-page code of ethics much along the lines of Schweda-Nicholson's examples, but this then has a 20 page explanation of the code with detailed examples of practice. An even more detailed explanation of standards in 88 pages is the California Health Care Interpreter Association's *California Standards for Healthcare Interpreters*, sub-titled *Ethical Principles, Protocols, and Guidance on Roles & Intervention* (CHIA, 2002). Clearly such degree of detail provides very extensive guidelines for interpreters and those who work with them in a situation where there are highly variable levels of certification, experience, training and professional socialization among healthcare interpreters (see Chapter 15, this volume).

On the issue of role and interventions, both NCIHC and CHIA set out four roles for the interpreter:

- Message converter
- Message clarifier
- Cultural clarifier, and
- Patient advocate.

In both cases the documents justify in great detail the last two roles, saying these must be exercised with caution but must be available as roles for an interpreter in case of gross institutional failure such as racism towards patients, neglect of non-English speaking patient needs or obstacles to access. Here, ethical issues for interpreters can arise directly from the behavior of other participants and institutions.

One example of this is a duty of care issue, where it becomes the duty of interpreters to convey issues that can affect the patient's health but which the patient does not convey themselves or specifically asks not to be interpreted, and a decision-tree is provided to show alternative actions an interpreter can take: the *Standards* do not specify when an interpreter *must* intervene, but the decision-tree shows the likely outcomes (for all participants) if certain actions are or are not taken (CHIA, 2002: 56ff).

Yet such conceptions of role and intervention are at odds with codes in the *legal* field in the USA. There, codes such as that of the National Association of Judicial Interpreters and Translators (NAJIT) define a much more restricted role for interpreters. But, like the health codes, they do this in great detail. NAJIT sets out its *Code of Ethics and Professional Responsibilities* in one (closely-printed) page, in a series of "Canons" of behavior. It firmly bars any intervention or advocacy, stipulating that the interpreter "shall not give advice to the parties or otherwise engage in activities that can be construed as the practice of law" (Canon 4) (www.najit.org/about/NAJITCodeofEthicsFINAL.pdf).

Somewhat contradicting Hale's previously mentioned observation that many codes do not say what the interpreters role is, NAJIT's first canon of its code, on *Accuracy*, spells out the court interpreter's role in great detail:

Canon 1. Source-language speech should be faithfully rendered into the target language by conserving all the elements of the original message while accommodating the syntactic and semantic patterns of the target language. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing. All hedges, false starts and repetitions should be conveyed; ... The register, style and tone of the source language should be conserved.

Guessing should be avoided. Court interpreters who do not hear or understand what a speaker has said should seek clarification ...

While legal interpreting codes are largely concerned with controlling the behavior of the interpreter, on certain points such a getting clarification, or asking for repetition or ensuring turn-taking, the codes do mandate the interpreter controlling the behavior of others.

Generic codes

Several countries have ethical codes that are generic in nature, which follows from the organization of language services or certification or training systems. Significantly, however, understandings of role show variance here as well, with some reflecting in another way the USA split between healthcare and legal interpreting.

The National Register of Public Service Interpreters (NRPSI) code in the UK appears to identify two different roles for interpreters:

5.7 Practitioners carrying out work as Public Service Interpreters, or in other contexts where the requirement for neutrality between parties is absolute, shall not enter into discussion, give advice or express opinions or reactions to any of the parties that exceed their duties as interpreters; Practitioners working in other contexts may provide additional information or explanation when requested, and with the agreement of all parties, provided that such additional information or explanation does not contravene the principles expressed in 5.4.

(www.nrpsi.co.uk/pdf/CodeofConduct07.pdf)

Clause 5.4 states that "Practitioners shall interpret truly and faithfully what is uttered, without adding, omitting or changing anything; in exceptional circumstances a summary may be given if requested." Yet surprisingly, the code does not say which specific contexts require "absolute" neutrality and which do not. And it is not clear how the permission to "provide additional information" can be reconciled with the stipulation of 5.4 to interpret "without adding, omitting or changing anything".

Questions of role also become central where the NRPSI code describes where interpreters may intervene. As noted, allowing certain interventions is characteristic of American healthcare codes; the NRPSI is however a generic code (NRPSI interpreters cover all public sector areas), yet partially follows the USA healthcare pattern on interventions:

5.12 Practitioners shall not interrupt, pause or intervene except:

5.12.1 to ask for clarification;

5.12.2 to point out that one party may not have understood something which the interpreter has good reason to believe has been assumed by the other party;

- 5.12.3 to alert the parties to a possible missed cultural reference or inference; or
- 5.12.4 to signal a condition or factor which might impair the interpreting process (such as inadequate seating, poor sight-lines or audibility, inadequate breaks etc.).

Even within its own terms, again it is hard to see which of the second or third of these interventions would be appropriate in situations of absolute neutrality and which in “other contexts”.

It is tempting to see the distinction made in the NRPSI code as essentially one between legal and non-legal contexts, yet the equivocation on this matter prevents any easy judgment. Such a legal/non-legal distinction is however germane in the codes of the Irish Translator and Interpreter Association [ITIA], which has a general code on ethics, covering both interpreters and translators, and one specifically for community interpreters. The Irish general code makes a specific reference to interpreting in legal situations and, more explicitly than the NRPSI code, differentiates legal interpreting from other contexts:

4.3. Where an interpreter or translator is working in any matter relating to the law, the client’s statements must be interpreted or translated by the idea communicated without cultural bias in the presentation, by the avoidance of literal translation in the target language or by giving of advice in the source language.

(www.fit-europe.org/vault/ITLA_code_ethics.pdf)

Interestingly, there are not specific requirements for other contexts, apart from the normal tenets of confidentiality, impartiality etc.

Both Irish codes explicitly warn against advocacy as falling outside the interpreter role. As might be expected, the community interpreting code goes into more detailed technique issues, such as prescribing that interpreters “not emulate the gestures made by the speakers; they have already been seen.” But a unique point in the Irish Association’s general code, starkly reflecting the historical origins and present status of interpreting in Ireland, is an item under *Professional Standards* which exudes unusual aggression:

6.1 The Association does not, and will not, support translation or interpreting work done in the Republic of Ireland into or out of any other language on behalf of a citizen of the Republic or other nationality by

and then lists at length: “amateurs”, children and family members, students, practitioners not members of a professional association, and “undocumented non-nationals or refugees whose status in the State has not yet been determined”. (Ibid.)

While seemingly extreme, this is not so very different to the mention of controlling entry to the profession contained in the AIIC code; point of entry to the profession is of particular concern to the interpreting profession around the world due to the past or continued deployment of unprofessional interpreters, a continual hindrance to professionalization. These are battles the interpreting profession has to have.

By contrast, a small number of generic codes can be identified that do not follow a legal/non-legal distinction of role, and do not promote advocacy, but support one generic role across different sectors. Perhaps the most instructive here is the Canadian code *National Standard Guide for Community Interpreting Services* (NSGCIS), which is based on standards of practice developed by the Language Interpretation Training Program for Ontario Colleges (LITP). It is endorsed

inter alia by Canada's Healthcare Interpreter Network, yet its preamble makes explicit its deviation from the healthcare codes of the USA:

Unlike the CHIA, NCIHC, and IMIA [International Medical Interpreters Association] standards, the LITP Standards of Practice do not endorse cultural brokering and advocacy. ... the LITP Standards of Practice differs in purpose as it is intended to be a broad guide for interpreting in several settings, and not exclusive to the health care setting.

(NSGCIS, 2007:21)

It explains its stance by referring to earlier Canadian conceptions of interpreters as being "cultural interpreters" with a role to bridge "'cultural misunderstandings' between service providers and non/limited English speakers", but such interventions, it is argued, created conflict for all parties: acting as a "cultural broker/bridge" itself goes against the principle of impartiality "and furthermore begs the question of the demonstrated competence of the interpreter to perform that function". The code eschews advocacy, and promotes one role for all interpreters under the familiar headings of confidentiality, impartiality etc.

The NSGCIS has wide acceptance by many organizations, including the healthcare interpreting organization, demonstrating that a code based upon impartiality can also be accepted in the health field. The position of the code of the Australian Institute of Interpreters and Translators (AUSIT), the national professional body, is similar, except that it covers both interpreting and translating: it is widely prescribed by virtually all agencies, language services and end users as the code by which practitioners must abide, whether they are members of AUSIT or not (www.ausit.org). Significantly, this comes in a situation with a national accreditation authority providing generic (non-sector-specific) accreditation at a number of levels: paraprofessional, professional and advanced (conference Translating and Interpreting) level (www.naati.com.au).

While essentially the AUSIT code covers the same terrain as the NSGCIS, two nuances are worth noting. First, AUSIT's code attempts to show that responsibility for good translating and interpreting (T&I) outcomes must be shared between practitioners, agencies and end users: it argues that those agencies or end users that stipulate that practitioners must follow this code of ethics also share some responsibility to provide the material and professional conditions for doing so – for example, adequately briefing interpreters, chasing up problems in source text documents for translators, ensuring safety in the interpreting environment, and attending to interpreter needs such as the need for breaks. Second, it pays attention to institutional issues, recognizing that some interpreters (for example in-house interpreters) may have other duties apart from interpreting, but stipulates that interpreters need to make clear when they are acting as interpreters and when in another capacity; when in the interpreter role, impartiality is paramount.

Codes in non-Anglophone countries reflect the varying dispositions of the profession along the spectrum from conference to liaison interpreting. While a number of European codes, especially those of court interpreters as mentioned above, follow the AIIC model of having little to say about the substance of interpreting, the closer the codes come to liaison interpreting work the more they correspond to the Irish, British, American and Australian codes. Thus the French service ISM-Interprétariat stresses an ethics of impartiality but also one of adaptation of interpreting techniques to meet challenges in a diversity of settings often characterized by power differentials between participants (ISM-Interprétariat, n.d.). The Swiss Association for Community Interpreting and Cultural Mediation in its succinct code stresses the importance of interpreting both for immigrants and the institutions that service them, and mentions briefing, demanding suitable conditions for work, and ensuring all participants understand their role.

It advises on how to handle clarifications and adding explanations in interpreting, and adapting vocabulary and style to interlocutors, as well as mentioning the common issues of neutrality and confidentiality and competence (Swiss Association for Community Interpreting and Cultural Mediation, 2005)

Bancroft reports that outside of North America, Europe or Australia, “AIIC is often the de facto code for general interpreters”, with liaison/community interpreting often in its infancy and codes of ethics needing to be developed, and often lack of recognition of sign language interpreting (Bancroft, 2005: 17). Individual exceptions to this overall negative picture do exist, such as Israel, where a telephone health interpreting service begun in 2007 has a strong component of ethics and standard setting (Schuster, 2013: 76).

Ethics outside of codes: conflict situations; business interpreting

Mikkelson in her 2000/1 article did predict that the conference interpreting field, hitherto arguably least concerned with ethics, is likely to undergo significant change:

As conference interpreters find themselves working in situations that touch on the same matters that community interpreters deal with (war crimes trials, extradition hearings, international truth commissions and refugee human rights conferences, for example) they will find that ethical issues become more and more part of their daily work.

(Mikkelson, 2000/1: 54)

Involvement of conference interpreters in situation of conflict, and the use of local interpreters during foreign military interventions, has given a particularly sharp edge to ethical issues. For Thomas (2003), the main ethical issue is one not for interpreters but for those who recruit them, in his case in Kosovo during the brief intervention by the Kosovo Verification Mission [KVM] when local interpreters were targeted by the Kosovo and Serb warring parties – in some cases by both sides. The Mission did not offer any protection to the interpreters or allow them to leave Kosovo when KVM decamped, and Thomas points to cases of professional locally recruited interpreters being killed or needing to flee as a result of their activities.

For Inghilleri, her ethical focus is different again, looking at how locally recruited interpreters in Iraq ethically chose to work for the Americans and their allies, “whether or how ... interpreters, like their soldier counterparts, might assume some responsibility for the ways that wars are conducted” (2011: 99). Like Thomas, she notes the “contingent nature” of interpreters’ position when they are not offered protection when they relinquish their roles, and the huge discrepancies in pay, conditions and protection for the military interpreters that come with the occupying force, compared with locally employed interpreters. (See Chapter 19 on interpreting in conflict zones for more discussion of these issues.)

Inghilleri is concerned with theoretical issues of supposed neutrality of interpreters, a wider theoretical issue that will be dealt with below. However she is also interested in the question of how military interpreters, whether local or imported, progress from being “linguistic conduits” to becoming “conduits for the military”, performing important functions of advising on cultural aspects and finding information, where locally recruited interpreters may have particular advantages, but where they do so without any overarching code of conduct (*ibid.*: 122). Unlike Thomas, however, she does not regard the local interpreters as professionals; for her they are “by definition” non-professionals and thus their decision to work in this case for the American military is “often grounded more in ordinary morality given the absence of a role morality attached to any professional status as an interpreter” (*ibid.*: 100).

The burgeoning literature on interpreters in conflict situations (see Chapter 19, this volume) pays particular attention to the issue of embeddedness of locally engaged interpreters. Policy responses have included the establishment of an innovative international training program (Tipton, 2011: 31), and the founding of the NGO Red-T, bringing attention to the need for interpreter protection and the adoption of a UN resolution on protecting interpreters, as has been declared for journalists (www.red-t.org). Red-T, AIIC and FIT have jointly issued a guideline *Conflict Zone Field Guide for Civilian Translators/Interpreters and Users of Their Services* (Red-T, 2012).

Finally here, conference interpreters, but other liaison interpreters also, are widely involved in business interpreting: while in some cases interpreters can play an impartial role between business parties, very often if they are hired by one particular party then a strong ethic of power, hierarchy, team loyalty and partiality is evident; moreover, in business contexts interpreters because of their language skills may be asked to perform a variety of functions other than interpreting, depending on degree of experience of participants working with interpreters (Ko, 1996; Dodds, 2011). Interpreters surveyed will often express their unease at seemingly departing from their established codes of ethics in such situations, since role boundaries are extremely difficult to identify. Business meetings will often have multiple participants, of varying hierarchy and often with different degrees of knowledge of the other language, leading to manifold issues in turn-taking, in-team and cross-team communication and who to interpret for (Takimoto, 2006, 2008). Participants in business encounters are very concerned with the building of rapport and interpersonal relations as well as technical matters, and interpreters are vitally involved in building this rapport; at the emotional level, the interplay of interpersonal and commercial issues in negotiations can often lead to frustration, manifest in various ways, from deliberate indirectness to open angst, and coping with frustration places the interpreter in a very sensitive area where anticipating or managing conflict becomes paramount (Ko, 1996; Spencer-Oatey and Xing, 2009).

Business interpreting is currently the area of interpreting with probably the least research and analysis of ethics, as it is heavily protected by considerations of commercial confidentiality, but it demands attention in future discussion of ethics.

This array of interpreting settings shows that the distinction hitherto between conference interpreting and interpreting in community settings does not adequately cover this diverse interpreting field. A conceptually available way to distinguish all other areas from conference interpreting is to define them as *liaison* interpreting (Gentile *et al.*, 1996; Sandrelli, 2001). Such interpreting is characterized by two features:

- It is a situation of *interaction*, a dialogic rather than a monologic situation
- It is a *personal* encounter – usually face to face, but it can also be mediated, for example by telephone or video

And it is these features of interaction and personal presence, in highly varied contexts, that often raise ethical issues. (For further discussions see Chapters 12–17, and 19.)

Interpreting ethics, theory and translation ethics

Recent literature has shown intense debate over role, ethics, and how well ethical codes can inform practice (see Valero-Garcés and Martin, 2008 for an overview). A highly critical school has particularly focused on the concepts of impartiality, neutrality and invisibility and the conduit model of interpreting, stressing the agency of interpreters and their profound effect upon communication dynamics (Angelelli, 2004; Bot, 2003; Clifford, 2004; Metzger, 1999; Roy, 2000;

Rudvin, 2007; Tate and Turner, 2002; Wadensjö, 1998). In this literature, codes of ethics favoring impartiality, neutrality and a restricted role have been heavily criticized.

Some of the critiques of codes focus on their inapplicability to particular areas, for example Bot's critique of codes in relation to health and mental health:

Because the codes of ethics and codes of conduct of community interpreters are still strictly focused on interpreters as non-persons, defined for their role in judicial situation, there has been little room for a discussion about a code of conduct suitably defined for daily practice in (mental) health care.

(Bot, 2003: 35)

Others have a more general critique of conduit-focused codes, asserting that the dominant model of interpreting has been of the "machine" kind:

the interpreter is essentially just a device that takes no part in communicative proceedings other than dispassionately to relay messages between individuals not sharing a common language.

(Tate and Turner, 2002: 374)

Clifford, in a seminal article to which we will return, sees the conduit model as having not only a distorting but a hegemonizing influence on understandings of interpreting: he recites descriptions in the literature of interpreters as needing to be "invisible", "neutral", "direct linguistic translators"; other descriptions talk of the "uninvolved" or "mechanical" role. Moreover this is an ideal with particular force, for much instruction of interpreters, in health settings in Clifford's case, takes "the moral high ground, by arguing that remaining faithful to the language forms uttered by patient and practitioner allows the interpreter to act ethically" (Clifford, 2004: 92).

Yet interpreters are not invisible and they act in various ways in interaction; Tate and Turner make the incisive point that

the hegemony of 'machine is the only way because it is the only way to be uninvolved' has created a conspiracy of silence ... This very conspiracy forces interpreters into the position of making their discretionary choices and exercising power *covertly* with the result that individual interpreters find themselves resolving in isolation the inevitable role conflicts of their job.

(Tate and Turner, 2002: 375)

How can these issues about role be resolved, and a clear ethical stance maintained by interpreters? We will conclude this chapter by looking at three alternative ways of conceptualizing codes of ethics and role – the approach of virtue ethics in translation by Chesterman; the different forms of developmental ethics of Clifford, and of Dean and Pollard; and the defense of current codes as allowing for ethical but non-mechanical practices by Tebble.

Ethical issues have been prominent also in translation in recent decades, with again a focus on supposed invisibility and neutrality of translators, influenced strongly by Venuti (1995): the 2001 *Translator* collection edited by Pym entitled "The Return to Ethics" brought together both interpreting and translating interests to bring fresh insights into this area, a move continued in the 2011 *Interpreter and Translator Trainer* collection where editors Baker and Maier argue that "accountability is now a key issue in all professions, and that the responsibility of translators and interpreters extends beyond clients to include the wider community to which they belong" (Baker and Maier, 2011: 1).

It should be said immediately that there are some significant differences between the ethical concerns of translators and interpreters: in interpreting the bulk of ethical issues arise in *interaction* with other parties, while such interaction is a minor part of translation ethics. Also, translation ethics does not focus on (potential or real) *adversarial* relations, which have been fundamental in interpreting in determining the role of interpreters, and lead to sharp differences in attitudes towards role in non-adversarial encounters. Nevertheless, the common interest in questioning existing ethical models links the two fields.

Chesterman's enchanting article "Towards a hieronymic oath" (2001) in the Pym collection starts with an arresting example of Hopi Indian ethics which stresses two principles: "Do no harm" and "Think about things". Chesterman then advances his argument by looking at the original Hippocratic Oath, and identifies these two principles in that oath – mentions of strict forbidding of certain harmful actions, plus a striving for excellence and self-improvement on the part of the physician to care for the health of the patient, and passing on the knowledge gained to students of the profession. Chesterman sees the parallels with the translator's situation where there need to be explicit warnings against doing harm (lack of accuracy, lack of comprehension of source text), plus the aspects of virtue ethics – concern for self-improvement, treating texts fairly, striving to always understand the context of the translation.

Chesterman believes hitherto approaches to ethics in translation have been limited and contradictory. He identifies four such approaches:

- *Ethics of representation*, which is traced back to ancient notions of fidelity of texts and adequately representing the author's intentions
- *Ethics of service*. Based on commercial principles, here the translator is ethical if they understand the purposes (*skopos*) of the translation and carry out the commissioner's instructions and timelines
- *Ethics of communication*. Here the emphasis is not on representing the other but on communicating with others, "to further intercultural cooperation between parties who are 'Other' to each other"; thus, the ethical translator is a "a mediator working to achieve cross-cultural understanding" (Chesterman, 2001: 141).
- *Norm-based ethics*. This arises from descriptive translation studies (Toury, 1995) and explains norms in terms of expectations; the ethical translation is that which conforms to these norms; this in turn builds trust in the translation and translator.

Despite their appropriateness for some kinds of translation, Chesterman points to fatal flaws in each conception. The representation model suffers from intractable problems of what can be an adequate representation; the service model seems to champion translator invisibility in the face of overriding client specifications, as does the norms model which seems very conservative by not allowing overturning of norms; while the communication model seems to set no limits to the translator's responsibility, being concerned with effects on the target culture.

Chesterman turns to McIntyre's virtue ethics for a way out, arguing that the pursuit of excellence itself is a virtue that can characterize all kinds of practices, professional or otherwise, and he sees virtue as "an acquired human quality that helps a person strive for excellence in a practice" (Chesterman, 2001: 145). For translators, Chesterman's Hieronymic Oath is based on the translator having an idea of how a good translator behaves, wanting to be a good translator, and striving for excellence in their practice.

Chesterman characterizes this as an ethics of commitment, and he finds such examples in some current codes of ethics for example the ATA *Code of Professional Conduct and Business Practices*, which begins:

As a Translator or Interpreter, a bridge for ideas from one language to another and one culture to another, I commit myself to the highest standards of performance, ethical behavior, and business practices.

(ATA, quoted in Chesterman, 2001: 150)

Now, this is a rarity among codes of ethics, which much more commonly take a rule-based deontological approach. It may be reasonable to assume here as well, that this kind of approach typifies a professional association which can demand particular qualifications and professional socialization of its members, as evinced by the ATA's own membership policies. Such a corps of qualified, professional and (presumably) responsible members may well be the kinds of practitioners Chesterman was envisaging when claiming the superiority of a virtue-based code.

Chesterman's own Hieronymic code also takes one further step: as in the Hippocratic Oath, Chesterman sees that the essential commitment is to advancement of excellence not only for the individual practitioner, but for the profession. His code asserts:

I swear to be a loyal member of the translators' profession, respecting its history. I am willing to share my expertise with colleagues and to pass it on to trainee translators. I will not work for unreasonable fees. I will always translate to the best of my ability.

(Chesterman, 2001: 153)

The wider question then is whether this model of an oath-like code of ethics is suitable for other areas of T&i. Again the issue of common professional socialization and standards would appear to be crucial; lacking these, such commitments to excellence may be difficult to sustain, and for many areas of interpreting such a virtue-based code may serve poorly as a guide to practice, or as a guide to what end users can expect of a practitioner.

One variation of such a virtue approach comes from Camayd-Freixas an interpreter who became well-known after publicly exposing a controversial raid by immigration officials on low-status undocumented Latino farm workers in the USA; Camayd-Freixas was not supported by his professional association in his public pronouncements, and he views this as arising from a lack of overarching values in codes of ethics and professional association understandings of their role. He cites as a significant innovation the approach of the Massachusetts court interpreters code, which begins with a statement of guiding principles including "assure meaningful access, protect the constitutional rights, ensure due process, and ensure equal protection of the law for non-English speakers", an example of meta-ethics informing an interpreter code (Camay-Freixas, 2013: 27).

Returning to Chesterman's approach, his fundamental injunction to 'do no harm' has resonance for interpreting ethics, and seems to be the basis for example of Inghilleri's very critical view of local interpreters recruited in Iraq and their servicing the occupation there; more generally, this concern underpins those items in codes which stipulate what is *not* the role of the interpreter.

Another quite different approach to interpreting ethics is the challenging work of Dean and Pollard (2011), who also critique the usual deontological approach but who seek answers in the evolving sophisticated understanding on the part of the practitioner of the demands placed on the interpreter, and the degree of control the interpreter can exercise over the interpreting environment. They argue that interpreting is a "practice profession" (such as medicine or law enforcement) rather than a "technical profession" (such as engineering), as interaction with other participants is central to its exercise, and for such professions context and the ability to

respond to changing contexts are crucial. They state a by now familiar critique of rule-based approaches to ethics:

Interpreting students receive a mixed message when educators assert a non-contextual, rule-based approach to ethics while simultaneously responding to both ethical and translation questions with “It depends” – an obvious reference to the centrality of context in decision making.

(Dean and Pollard, 2011: 155)

Moreover, like Tate and Turner, they see that deontological codes that neglect issue of context do actual harm to interpreter practice:

codes of ethics that prescribe or prohibit particular interpreter behaviors, without comment on situational context or preferred work outcomes, lead most interpreters to conclude that the proper ethical decision is to adhere closely to behavioral dictates and to perceive deviations from them as either unethical or allowable only temporarily and/or secretly.

(ibid.: 158)

The methodology they provide is for practitioners to precisely get through those “it depends” situations, and situations where interpreters fear departure from prescribed norms. Their own *demand-control schema* approach, which they describe as a teleological rather than deontological approach, stresses the consequences of various options taken up by the interpreter in the course of an assignment. The methodology is a careful analysis of the job challenges (demands) that arise in specific interpreting situations and the potential responses (or control options) an interpreter can develop in their repertoire. This depends upon analyzing not only what the participants enunciate in the encounter, but already anticipating what will come by becoming part of the “thought worlds” of the participants; concerns for ethics then span the whole encounter, identifying appropriate responses to any phase of the encounter and any demands that arise. They analyse demands in four categories – environmental, interpersonal, paralinguistic or intrapersonal, and show how controls can be exercised by the interpreter in each situation. From this focus on understanding participants and analyzing the encounter, they argue “that critical reasoning in the service of work effectiveness equates to ethical reasoning, even if an ethical dilemma per se has not arisen” *(ibid.: 155)*.

Dean and Pollard’s work raises the question of to what extent codes can respond to the contextual varieties of the situations encountered by interpreters, and which approaches can get beyond the “it depends” shortcoming. Their own approach is spelled out in strong terms:

We argue that a teleological approach to decision making and a corresponding code of ethics that emphasizes values and principles associated with optimal practice outcomes (rather than dictating or prohibiting specific behaviors) are the preferred means for teaching and evaluating interpreting decisions, that is, a decision making approach that is fitting to a practice profession.

(ibid.: 159)

Clifford (2004) explicitly supports the view of interpreting as a practice rather than a technical profession; and in the context of medical interpreting he introduces a very practically-grounded developmental perspective, in an attempt to overcome a recurrent theme in much writing

about T&i ethics – the perceived gap between codes of ethics and institutional requirements to go beyond such codes.

Clifford does take into consideration the interpreter's working environment and observes that interpreters themselves go through a developmental process as they learn their craft and specifically learn more about the institutional context in which they work; moreover, this is not a simply a growing general confidence they gain, but it importantly takes place in interaction with other health professionals, establishing a working relationship which can change their style of interpreting and take the interpreter into a teamwork situation, little considered in existing ethical codes.

In a survey of health practitioners, Clifford was initially puzzled by seemingly contradictory responses by health professionals in what they expected of interpreters: while many stressed “word for word” translation and in every way supported a conduit model of interpreting, others saw interpreters as being very helpful in allowing them to understand patients; and where clinicians themselves worked as members of teams “they expected interpreters to function as members of that team” (Clifford, 2004: 106). The issue of trustworthiness was critical, but this was directly linked to the interpreter's perceived competence: “Eventually, if [clinicians] have seen evidence of the other's clinical competence, they will begin to develop a trusting relationship” (*ibid.*: 108).

Clifford sees this process developmentally in three phases: the first is where the interpreter is a stranger and the clinician wants full control over the encounter and conduit-like interpreting; the second where the clinician sees the interpreter's worth to “make sure he's not falling down”, perhaps by making some obvious cultural mistake; and the third is full acceptance of an interpreter as a member of a team who can see and comment on aspects of the communication – “is she getting it?” – or bringing other knowledge of the patient to bear.

Clifford also ties this back to the theoretical aspects of ethics and the various schools of thought previously analyzed by Chesterman: the first phase of control and conduit-like interpreting is ethics as representation; the second phase of building a relationship is ethics as understanding; the third phase demonstrates trust: “The interpreter has demonstrated an ability to abide by the norms of the medical setting”, which in turn signifies “a progression from the ethics of representation, through the ethics of communication, to the ethics of respect for norms” (*ibid.*: 110).

For Clifford, this takes us out of an ethics purely about linguistic form to an ethics of cooperative performance: “There may be a linguistic component in the role that interpreters play, but that role is inherently a social one. The ethical principles we present to interpreters must reflect this reality” (*ibid.*: 111).

Tebble (2012) however, is not convinced codes of ethics are deficient in explaining ethical practice or in giving guidance on ethical issues encountered. Taking the AUSIT code of ethics as an example, Tebble argues not that a code can specify action for any conceivable ethical situation encountered, which is impossible, but that it does constitute an ideology that can correctly guide professional practice and in particular provide an adequate account of role and how this role can be made understandable to other participants in any encounter. Focusing too on medical encounters, Tebble notes that the AUSIT code encourages interpreters to enunciate their role, especially where other participants are uncertain of this role. She also notes the requirements in the code to obtain briefing where possible, but goes further however to pose a particular stage of the encounter, which can be realized explicitly or implicitly, as “the contract”, whose purpose is “to promote the manner of participation in the interpreted dialogue” (Tebble, 2012: 32). This can be accomplished if there is a briefing beforehand, or the interpreter can succinctly state this at the beginning of the encounter, for example that she will interpret everything that is said, or that all information will remain confidential. In some cases a clinician may enunciate this contract. The contract then paves the way for the interpreter to carry out their function of interpreting and coordinating the turns in the conversation.

For Tebble, despite the cryptic nature of the code, an understanding of its clauses does provide an extensive guide to practice; the totality of items on role, asking for clarification or repetition, correcting mistakes and ensuring that environmental conditions are appropriate “specifically allows for the interpreter to deal with much of the metalingual function of the interpreted dialogue” (*ibid.*: 42).

Tebble’s points allow a more critical view to be taken of precisely those critiques of conduit interpreting earlier referenced. Such a point is reinforced if we look outside the medical area and look at judicial interpreting: in the NAJIT first canon on Accuracy, quoted earlier, it is difficult to see the role prescribed there as demanding an invisibility or mechanical and uninvolved role on the part of the interpreter; far from it: “All hedges, false starts and repetitions should be conveyed; ... The register, style and tone of the source language should be conserved. Guessing should be avoided. Court interpreters who do not hear or understand what a speaker has said should seek clarification.” Presumably, this may be considered a paradigm case of conduit interpreting, yet it hardly suggests the interpreter is invisible, mechanical or lacks agency. Interestingly, such behavior may also be perfectly appropriate in other settings as well – in some areas of mental health interpreting, for example, where conveying discourse features is crucial, though that field will also require other additional resources of an interpreter (see Bot, this volume), and on Tebble’s view there is no need to look outside the code for justification for employing such resources.

It may be possible to expand on Tebble’s notion of a “contract” in that it need not only come in a declarative form from the interpreter or clinician. A contract may also be part of a team-building with another professional in a briefing session where the interpreting will have specific purposes – for example, what features of language are to be conveyed in a speech pathology situation; how incoherence in a psychiatric interview needs to be handled; how to build rapport in a business encounter; or how to interrogate civilians – or combatants – in a war zone. The purpose – *skopos* – of an encounter, so widely recognized now in translation studies for working with texts, needs always to be understood. Where there are particular purposes that have important implications for the style of interpreting demanded, general codes can be supplemented by shorter sector- and institution-specific guidelines.

Pollard and Dean’s systematic demand-control schema, Clifford’s explicitly developmental model and Tebble’s explanation of a code as helping an interpreter establish their role are all concerned to lay the foundations of trust and build a potential partnership between participants in transmitting meaning; yet a code must necessarily be tactically careful not to impose or sanction a partnership model that can be taken as license to assume any role at all. This balance of giving guidance to establish trust and communication but maintaining limits on role is perhaps an inevitable and perpetual tension in any code.

Conclusion

As can readily be seen, the field of interpreting shows some significant debates over role, though this should not be taken to mean that there is not a common ethical understanding of the interpreter’s work: while there is robust theoretical debate over conduit or neutrality, the number of items in codes in which there is divergence over role is very small and has been identified: advocacy or not in health settings; degree of cultural explanation; some differences between legal and non-legal settings.

The overwhelming degree of common understanding of ethics may also be difficult to identify because of the substantial detail that is included in many codes. The field may still be very far from being able to adopt codes that stress only excellence and discretion. Codes of

ethics remain in some cases the only document or learning about role some interpreters will have, or end users will have; thus they play a vital educational role. And such codes are crucial in underpinning a loyalty and duty to the profession on the part of practitioners, many of whom may not have extensive professional socialization.

Yet argument persists over whether present codes enforce a mechanical or rule-bound ethics on interpreters. The many arguments surveyed in the last section above take us forward in considering the nature and purpose of interaction between interpreters and interlocutors, where we have the building of expertise by an interpreter matched by the building of teamwork with other participants; this building of teamwork is something that few codes yet, it seems, have been able to accommodate, or perhaps even attempted, and indicates serious work for the future.

Finally, codes of ethics can only go so far in establishing actual ethical behavior among interpreters and an understanding of interpreter role by other participants. Attention to education, selection, regulation where appropriate and raising of professional consciousness and solidarity constitute the long march that is and must be undertaken in all countries where interpreting flourishes. The other contributions in this volume show how far interpreting has come in that march.

Further reading

- Bischoff A *et al.*, (2012) Staying in the middle: A qualitative study of health care interpreters' perceptions of their work. *Interpreting* 14(1): 1–22. Interpreters view their central role as interpreting healthcare interactions, but they are often left to do more with minority patients because – who else will?
- Camayd-Freixas, E. (2013) Court interpreter ethics and the role of professional organizations. In Schäffner *et al.* (eds), 15–30. Arising out of a controversial public intervention by an interpreter, the article argues for the need to include higher values of citizenship and human rights in interpreter codes of ethics.
- Pöschhacker F and Shlesinger M (eds) (2002) *The Interpreting Studies Reader*. London and New York: Routledge. This massive collection shows the development of ethical perspectives in interpreting in their historical context.

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