

Professionalism and Ethics: The Role of Ethics in a Deregulated 21st Century ¹⁾

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ETHICS, also called MORAL PHILOSOPHY, is the discipline concerned with what is morally good and bad, right and wrong. The term also applies to any system or theory of moral values or principles.

Normative ethics seeks to set norms or standards for conduct. The term is commonly used in reference to the discussion of general theories about what one **ought to do**, a central part of ethics since ancient times. Normative ethics continued to hold the spotlight during the early years of the 20th century, with intuitionists such as W.D. Ross engaged in showing that an ethic based on a number of independent duties was superior to Utilitarianism.

How should we live? Shall we aim at happiness or at knowledge, virtue, or the creation of beautiful objects? If we choose happiness, will it be our own or the happiness of all? And what of the more particular questions that face us: Is it right to be dishonest in a good cause? Can we justify living in opulence while elsewhere in the world people are starving? If conscripted to fight in a war we do not support, should we disobey the law? What are our obligations to the other creatures with whom we share this planet and to the generations of humans who will come after us?

And closer to the subject that concerns us today – professional ethics in conference interpretation: Is it ethically right or wrong to cheat our clients? Or to misinterpret a speaker, even if not intentionally? Or to leave an interpreting assignment early? Or to

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accept to work in technical conditions that make it impossible to provide a good interpretation? Or to accept an assignment when we know we do not have the necessary knowledge of the subject to do a good job? Or to ignore our team colleagues and not to share with them information that is necessary for the job?

Ethics deals with such questions at all levels. Its subject consists of the fundamental issues of practical decision-making, and its major concerns include the nature of ultimate value and the standards by which human actions can be judged right or wrong.

Although **ethics** has always been viewed as a branch of philosophy, its all-embracing practical nature links it with many other areas of study, including anthropology, biology, economics, history, politics, sociology, and theology. Yet, **ethics** remains distinct from such disciplines because it is not a matter of factual knowledge in the way that the sciences and other branches of inquiry are. Rather, it has to do with determining the nature of normative theories and applying these sets of principles to practical moral problems.

The legal philosopher Lon Fuller distinguished between “the morality of aspiration” and “the morality of duty.” The former may be denoted **ethics**, the latter law. **Ethics** tells people what they should do and embodies the ideals they should strive to attain. Unethical behaviour leads to punishments that are related to how an individual is perceived, both by himself and by his fellow man. Law, on the other hand, provides boundaries of actions, set by society, beyond which a person may go only by risking external sanctions, such as incarceration or loss of a medical license.

Conference interpretation as an independent profession has existed only for the past fifty years and its development as a profession is not dissimilar to that of journalism. **Journalism** in the 20th century has been marked by a growing sense of professionalism. There were four important factors in this trend: the increasing organization of working journalists; specialized education for journalism; a growing literature dealing with the history, problems, and techniques of mass communication; and an increasing sense of social responsibility on the part of journalists.

Similarly, in the case of **conference interpretation** and, particularly, simultaneous interpretation that is now the preferred method of interpretation, some important factors shaped the profession.

First, its rapid **development**, prompted by the creation of the United Nations and its specialized agencies, after World War II. Before then, mainly French and English were used at international conferences and consecutive interpretation was the means used to convey a speech from one language into the other. The United Nations started operating in 1945 with five official languages (now six) and most of their proceedings needed to be interpreted into the five languages. Consecutive interpretation was simply too long and cumbersome.

Second, the **teaching of interpretation**. At the end of World War II the first graduate School of Interpretation was established at the University of Geneva, soon to be followed by similar schools at universities in Paris, London, Georgetown, Heidelberg and other places. Interpretation ceased to be simply a skill honed on the job and became a profession, with its theoretical and research aspects, too. Not that it ceased to be a skill. There is no doubt that conference interpretation requires a special skill, even a gift, and that the study of languages and general subjects alone cannot produce a good interpreter. Interpretation, like translation on the whole, is an art, not a science. Guidance can be given and general principles can be taught, but after that it is up to the individual's own feeling for the two languages concerned that really counts.

Third, as competition among users for the relatively limited number of competent conference interpreters grew, in the fifties, some felt the need for a **professional body** to establish the rules of the game: working conditions that make it possible for an interpreter to provide the demanding skills of the job to the best level, and remuneration conducive to maintaining high standards of quality. So we see, in 1953, the birth of **AIIC**, the International Association of Conference Interpreters.

Fourth, the **ethics of the profession**. At its foundation, AIIC adopted a **Code of Professional Ethics**²⁾ for the profession. It is quite short and sticks to the essential. That is no doubt why it has hardly changed since then. Its main points are these:

- Members of the Association shall be bound by the strictest secrecy, which must be observed towards all persons and with regard to all information disclosed in the course of the practice of the profession at any gathering not open to the public.
- Members shall refrain from deriving any personal gain whatsoever from confidential information they may have acquired in the exercise of their

duties as conference interpreters.

- Members of the Association shall not accept any assignment for which they are not qualified. Acceptance of an assignment shall imply a moral undertaking on the member's part to work with all due professionalism.
- Members of the Association shall not accept any job or situation which might detract from the dignity of the profession.
- They shall refrain from any act which might bring the profession into disrepute.
- It shall be the duty of members of the Association to afford their colleagues moral assistance and collegiality.

Fifth, professional standards. In addition, the founders of AIIC, freelance interpreters and staff interpreters of international organisations, developed the professional standards³⁾ that are still in use today:

- The number of interpreters per language booth;
- Interpreters' language classification (active and passive languages);
- The principle of interpreting from passive to active languages;
- The technical requirements for conference interpreting (booth size and configuration, interpreters' consoles, location of booths in relation to meeting rooms, booth ventilation and lighting, access to booths);
- Documents for interpreters;
- Relations between interpreters and principals.

Lastly, AIIC members agreed on a **minimum daily fee** below which they would not accept assignments and they insisted on direct individual contracts with their principals. They were adamant to avoid the sorrow plight of members of the performing arts who had to rely on *impresarios* to sell their skills and thus missed a fair amount of their earnings in commissions. Recognising that conference interpretation requires skills and a vast background of knowledge that has to be acquired and that it is extremely tiring, they set a standard of remuneration in accordance with the difficulty of their profession that would afford the opportunity to work enough without ruining their health.

It is fair to say, therefore, that between the mid fifties and early nineties, the profession was fairly regulated, although in a purely voluntary manner, since no government or international authority ever sanctioned these professional standards.

The new era of free enterprise and deregulation

With the discrediting of Communism, the fall of the Berlin wall and the subsequent crumbling of the Eastern European regimes, in the early nineties, a new wave of neo-liberalism, free market enterprise philosophy and deregulation has gripped the world. Socialist governments in most countries have either fallen or have adopted liberal policies. Social policies and programmes to help or protect the weaker or the poorer have either been abandoned or changed out of recognition. The international financial institutions have succeeded in forcing recalcitrant governments to open the doors of their markets and to adopt liberal economic policies, in addition to greater fiscal and social responsibility.

In this new political atmosphere, regulation of any kind is looked upon as suspect. This also affects ethics-based regulation of liberal professions, such as conference interpreters, as well as other trades. Witness the number of legal challenges to regulations established by professional and trade associations to govern the behaviour of members of their profession, but also to protect the interests of consumers of their goods or services.

AIIC too abandoned its recommended minimum daily fees, already in 1987, in view of the threat of potential legal action against it. Four years later, in 1991, the Federal Trade Commission (FTC) of the United States sued AIIC (despite it being an international professional body based in Switzerland) for what it considered to be standards that violated American anti-trust legislation. The main charges against AIIC were its recommended minimum daily fees, but also the working conditions and standards it had always upheld. AIIC defended its professional standards and working conditions for interpreters and, in the end, was vindicated when the judge dismissed the case and confirmed the validity of AIIC's professional standards as reasonable and as a means to protect consumers' interests. It is reassuring to see that even in the United States, considered the bastion of free enterprise, ethics-based professional standards are considered not only acceptable but also of benefit to the users.

However, as a result of the prolonged process and the abandoning of minimum daily fees, there is a feeling that the profession has been "deregulated." To a degree that is

true, in the sense that AIIC no longer has legal enforcing power for some of its standards. This, again, is similar to what has occurred in other professions.

The importance of ethics

Why are ethical principles important for any profession? They are the basis for the rules of the profession. Without an ethical yardstick, it is impossible to set standards that regulate the exercise of a profession and distinguish it from amateurism or quackery. That is why liberal professions, in particular, have professional bodies and standards. Most interpreters are independent professionals who work on contract basis. They are similar, in this respect, to medical doctors, architects, dentists, artists, performers, journalists, etc. For the profession to be recognised, as such, it needs to be guided by ethical principles which underlie its standards. Thanks to the founding fathers of our modern profession and to the vision of the founders of AIIC, we have a set of ethical principles and of professional standards that have been recognised and accepted by most conference interpreters and by users of interpretation.

Will the 21st century be an era of free market forces and *laissez-faire*? This is quite likely and is not all bad, when looking at the damage excessive regulation has done in the past. However, a free and unregulated market can work to the benefit of all, both providers and users, only if it is guided by principles of ethics. Where the search for profit and indeed greed is allowed to reign supreme, the majority will always suffer.

Is it ethical or fair to let small producers in climatically less favoured parts of the world see their livelihood undermined by free market policies that ruin their markets? Is it fair or right to let the weak, the old, the unemployed, fend for themselves because social policies are deemed “unfashionable,” unworkable, or too expensive? In our own profession, is it ethical to abandon working conditions and standards when faced with competitors who do not care to apply them? Is it ethical to cheat our clients on what our services actually cost, simply because there is no law that explicitly forbids it?

No, it is not and should not be. It need not be. I am convinced that, as Malick Sy, former President of AIIC said, “*The 21st century will be the century of ethics.*” When government-sanctioned or other “official” regulations fall by the wayside, victims of

the present views on what is politically correct or acceptable, ethical standards become all the more important. When laws that used to oblige individuals to act honourably and fairly with others, particularly in their business dealings, are rescinded because they are now considered “obsolete,” we **can and must** rely more on ethical standards to regulate our behaviour.

Conference interpreters provide an important **service** that allows people of different languages and cultures to understand each other. It is a service that has a cultural, intellectual and social value, in addition to its economic value. It cannot be ruled exclusively by price considerations or by individual greed. The profession of conference interpretation has a single worldwide professional body to represent it, which makes it easier for members of the profession to follow the same ethical guidelines everywhere.

If conference interpreters follow the ethical principles enshrined in the AIIC Code of Professional Ethics, they will be able to:

- Provide a quality service to their users and thereby to the purpose of their profession;
- Maintain good relations with their colleagues and their clients;
- Uphold the technical standards that are essential to the proper exercise of our profession;
- Attract new qualified interpreters into the profession;
- Maintain decent levels of remuneration that quality deserves.

We must not abandon our old tenets lightly, but must strive to improve them, to modernise them where necessary. The advantage of ethical principles is that they are general, they are guidelines, they can adapt to different cultures and situations without losing their essence.

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Editor's Notes:

- 1) This essay is based on a speech given by the author on April 27, 2001, at the 3rd Study Meeting of the Japan Association for Interpretation Studies.
- 2) The AIIC "**Code of Professional Ethics**" can be viewed online at the following URL:
<http://www.aiic.net/ViewPage.cfm/page54.htm>
- 3) The "**AIIC Professional Standards**" can be viewed online at the following URL:
<http://www.aiic.net/ViewPage.cfm/page205.htm>