



National Consortium of Interpreter Education Centers

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Exploring Ethics: A Case for Revising the Code of Ethics

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“The real voyage of discovery consists not in seeking new landscapes, but in having new eyes.”
-Proust

Abstract

The purpose of this paper is to examine some of the fundamental assumptions and perceptions underlying current Codes of Ethics that have been put forward for Sign Language Interpreters/Translitterators. While the hope is that the discussion and analysis that follows may be applicable to all such Codes, the specific focus will be the Code of Ethics put forward by the Registry of Interpreters for the Deaf, the professional organization of Sign Language Interpreters and Translitterators in the United States of America. Specifically this paper questions whether the assumptions and principles that were at work in formulating the current Code of Ethics continue to hold validity for the profession and the communities which Interpreters and Translitterators seek to serve. This paper also suggests that, in contrast to the current Code’s focus on the interpreter’s duties, a fundamentally different approach to developing a Code of Ethics might more appropriately recognize and acknowledge changes in the social milieu in which Interpreters and Translitterators now work. This paper suggests that rather than a duty-based approach to our Code of Ethics, Interpreters and Translitterators and the communities with which they work might be better served by adopting a rights-based approach to our Code of Ethics.

Introduction¹

As the oldest national organization of Sign Language Interpreters and Translitterators, the decisions and programs of the Registry of Interpreters for the Deaf (RID) have often served as models (both positive and negative) for other national organizations of interpreters/translitterators. Perhaps nowhere is this more apparent than the manner in which the RID’s Code of Ethics has been emulated and imitated (see, for example, the codes of the Scottish Association of Sign Language Interpreters, the Association of Visual Language Interpreters of Canada, and the Massachusetts Medical Interpreters Association).

Although re-examination of our professional (and, to the extent that they can be different, our personal) ethical foundations should be an unheralded and routine on-going process, a number of developments make such re-examination especially timely. Among these developments perhaps the most striking is the dramatic shift in the route(s) by which individuals now enter the profession.

Whereas two and a half decades ago the vast majority of interpreters/transliterators entered the profession via an interactional route, today the vast majority enters via an academic route. The differences between the two are non-trivial. At the risk of over-generalizing and over-simplifying, one could characterize the differences in terms of invitation and offer. In the past an individual would acquire skills in Sign Language by virtue of association with members of the Deaf Community (parents, relatives, friends). At some point after demonstrating a level of communicative competence and a level of social trustworthiness, the individual would be asked, encouraged, and even cajoled to interpret; the invitation to interpret was issued from within the Deaf Community. In stark contrast, however, a growing number of individuals now enter training and education programs never having met a Deaf person (one of the programmatic disadvantages of open enrollment institutions). There they spend two, three or four years developing and honing skills in an academic environment and then, upon completing their program, offer themselves as interpreters/transliterators to the Deaf Community.

Note that this generalization is not at all focused on differences in skill, competence, knowledge, or, for that matter, attitude. Neither an interactional nor an academic footing can serve as a warranty for competence. Indeed, it is safe to say that the skills and attitudes of some individuals in the former group are quite lacking when compared to the skills and attitudes of some in the latter group and vice versa. The distinction being made at present is solely concerned with one's initial footing with regard to the Deaf Community and the profession of interpretation—interactional or academic.

Not only is it not the purpose of this paper to assert the superiority of one footing over the other, it is quite clear that attempting such an assertion would be unjustified in any event. Each has its distinct advantages and shortcomings. The difference in professional footing, the route by which practitioners enter the profession, is raised here as only one of the reasons why a re-examination of the ethical foundations underpinning the Code of Ethics is in order. The philosophical underpinnings of the current Code of Ethics originated with and reflect the assumptions, concerns, and perceptions of individuals whose entree to the profession was based largely on an interactional footing. (Fant, 1990). Perspectives within and toward the Deaf Community and toward the practice of interpretation/transliteration, as well as the route by which the majority of practitioners now enter the field, have changed to such an extent that a re-examination of the ethical foundations of the Code of Ethics is especially warranted at this time.

A second reason why a re-examination seems warranted is the emergence of interpreters/transliterators whose work is predominantly in specific arenas, e.g. legal, medical, mental health, and education. The fact that, at least in larger metropolitan areas, there is sufficient demand to enable such specialization has led to formal and informal affiliations of interpreters/transliterators based upon the setting in which the interaction occurs. These groups of interpreters/transliterators, particularly the formally recognized Special Interest Groups of the RID, have often questioned whether RID's current Code of Ethics does, can, or should apply in setting-restricted work arenas. Over the past dozen or so years, for example, interpreters and transliterators working in educational settings have suggested that a separate Code of Ethics needs to be developed specifically for the educational arena. A re-examination of the assumptions and perceptions underlying the current code of Ethics may shed new light on such discussions. At the very least until the ethical foundations of the current Code of Ethics have been examined carefully, we are unable to state with any level of confidence and certainty that separate setting-specific Codes of Ethics are warranted.

A final, and arguably the most important, reason for re-examining the ethical foundations of the current Code of Ethics stems from the very nature of our role as interpreters/transliterators. As individuals, and certainly as interpreters/transliterators, we face choices that can have profound effects on other people and their lives, choices of how we will or will not act in certain situations. The choices we make, and the actions that follow from those choices, can uphold or deny the dignity of other people, can advocate or violate the rights of other people, and can affirm or disavow the humanity of other people. Given the potential consequences of our choices and resultant actions, it is reasonable to expect that we constantly re-examine those values, principles, and beliefs which underscore and shape the decisions we make and the actions we undertake.

Ethics in General

In keeping with a long-standing tradition of ethics that dates back to Socrates and Aristotle, ethics can be defined as purposeful action-focused reflection (Vlastos, 1971; Hardie, 1980; Finnis, 1983). Ethics is reflection because it requires conscious contemplation and questioning. Of course any number of academic and real-world domains require contemplation and questioning. What sets ethics apart from these domains is the specific object of contemplation and reflection. In doing ethics we contemplate and question the very values, principles and beliefs that influence our judgments and guide our actions in routine, unexceptional matters as well as in those issues that we often label as moral questions.

However, the heart of ethics is not mere philosophical inquiry, contemplation and reflection simply for the sake of contemplation and reflection. We contemplate and reflect in order to be able to act and in order to be able to identify those actions that are consistent with, and faithful to, our values, principles and beliefs (Singer, 1979, 1993). Ethics is and must be viewed as action- focused.

Ethical reflection is purposeful because the reason we contemplate and question is precisely to expand, refine, improve, or modify those values, principles and beliefs that form the basis of our actions. In engaging in this purposeful reflection, we seek a structure of principles that underlies those beliefs and actions about which we have strong convictions and a structure that provides guidance in situations about which we have no convictions or weak or contradictory convictions.

If ethics is purposeful action-focused reflection, then it seems clear that ethics is not something one has, rather ethics is something one does. Accepting such an action-oriented view of ethics, i.e. ethics as purposeful action-focused reflection, may not only alter our view of what it means to act in an ethical manner but also raises a number of questions. Our action-oriented view of what it means to be acting ethically might lead us to conclude that unquestioning obedience to a set of precepts, principles, laws, or rules developed by someone else or by some committee is the very antithesis of ethics. (Or, put another way, we might ask whether someone could claim to be acting ethically if one's actions are unreflected upon). If we conclude that such unhesitating conformity is, at the very least, avoiding the act of ethics, then among the issues we might also question is the extent to which ethics can be codified and if ethics can be codified what aspect of ethics is it that can be codified?

Let us begin by examining the nature of professions and why it is that codification of ethics is essential to professions.

Professions and Codes of Ethics

Among the factors that separates a profession from an occupation is that the profession, through organizations composed of practitioners, consciously adopts a code of ethics. These practitioners, acting in concert, publicly affirm that as a group they pledge to uphold a set of agreed-upon values and principles that will guide their work (Ladd, 1980). Most often the code is written down and formally adopted (“our code of ethics”); however there are instances when formal adoption of a code occurs well after generally accepted norms or expectations of the profession have emerged (“one of us wouldn’t act like that”). It is precisely this explicit or implicit collective agreement among practitioners that is one of the necessary components for the “becoming” of a profession.

Our perception of lawyers, doctors, social workers, or accountants is that these are groups of individuals who have agreed to approach their work within certain publicly-proclaimed boundaries or according to certain guidelines. However, our perception of plumbers, electricians, mechanics, manicurists, or basketball players is quite different. We do not perceive that the same type of collective agreement (explicit or implicit) or public proclamation of boundaries or guidelines exists within these groups. Rather we perceive that the boundaries within which individual practitioners within these groups approach their work vary greatly or perhaps we perceive that there are no clear boundaries or guidelines for individuals of such groups.

Certainly individuals within these groups may refer to themselves as professionals. However this term usually refers to the fact that they render a service in return for monetary compensation. And certainly individuals within these groups may even act in what we commonly refer to as a “professional manner”. There are, after all, “professional” exterminators, “professional” salesclerks, “professional” landscapers, and “professional” soldiers. What is intended by the (mis?) appropriation of the term “professional” is a level of trustworthiness and a level of quality in the service that will be rendered in exchange for monetary compensation. However, merely calling oneself a professional or acting in a professional manner does not and cannot make one a member of a profession (Newton 1982). It is the collective and publicly proclaimed agreement of principles and guidelines, not individual determination that forms one of the primary differences between a profession and an occupation.

Ultimately for an occupation to become a profession, it must establish within the general public what can be termed a “perception of difference”. The general public must perceive several things before it is willing to grant an occupation the status of a profession. Among the things that the public must perceive are that there is a complex body of knowledge to be mastered by practitioners, that specialized training and education is necessary, and that the members of the would-be profession have acted collectively to establish the context in which they wish the general public and each other to perceive their work. Establishing this context creates the boundaries and guidelines within which members agree to perform their work and to which members pledge to be held accountable. These boundaries and guidelines must be perceived as somehow different than those that would be adhered to by individual practitioners acting without such a collective agreement. If society perceives these differences and chooses to support and accept the collective approach to the work, then it will accord the occupation the special privileges and status of a profession. Clearly, one way to assist society in identifying and accepting a defined work context is to codify the boundaries and guidelines within which the work is to be approached.

A profession’s code of ethics, then, serves to provide a means of identifying practitioners in the eyes of society. In this way the code separates the profession from other occupations or in some

instances from other practitioners. However, by the very act of separating and defining the profession, a code of ethics can also serve to unite its members. Thus a code of ethics can be viewed as a profession's threshold. Janus-like, the same codified collective agreement not only sets members apart from society at large but also links those members together.

The collective agreement proclaimed in a profession's code of ethics is essentially a statement by the profession that its members, acting collectively, can accomplish their common ideals and their profession's mission better than if its members were to act individually. The code stipulates common ideals professionals are to strive to attain and the manner in which each professional can do so without inflicting harm on those whom the profession seeks to serve and on other members of the profession.

It is commonplace to view a profession's code of ethics as a set of expectations that the profession requires its members extend to and create within the general public. It is less common to think of a code as an explicit measure of protection that members of a profession extend to each other. However, when members of a profession bind themselves to a code of ethics, then its members should be reasonably well protected from inappropriate forms of competition, from having one's good conduct taken advantage of, and from widely varying behavioral and performance expectations on the part of members of the profession. Members of a profession, bound to a code of ethics, pledge to one another that in treating the general public according to agreed upon principles they also treat each other, the profession, and the work according to certain principles. In short, a code of ethics is a guide for the expectations that professionals can have of each other.

If we understand this notion of a code of ethics as a contract which members of a profession enter into with all other members of the profession and with the general public, we better understand why individual members of a profession cannot totally rely on their own individual preferences in determining how to practice the profession. It is the predictability of practice and principles as well as the generalizability of practice and principles that are important distinguishing characteristics in separating a profession from occupations in general.

Given this discussion of professions and the role of codification of ethics, it is now appropriate to examine the development of the RID's Code of Ethics.

Background to the RID Code of Ethics

The establishment of the Registry of Interpreters for the Deaf was, according to Lou Fant who was present at the organizational meeting, an unforeseen event. The idea for an organization of interpreters came during a Workshop on Interpreting for the Deaf held at Ball State Teachers college in Muncie, Indiana, June 14-17, 1964. However the idea did not emerge from practitioners who wished to establish interpretation as a profession separate from other occupations. The organizational impetus came, in fact, not from a group of individuals seeking to set themselves apart, but rather from two administrators. One, Edgar Lowell, "knew no sign language and nothing about interpreting" (Fant, 1990). The other, Ralph Hoag, was the son of Deaf parents and an accomplished interpreter. Lowell was the Administrator of the John Tracy Clinic, long a bastion of oralism; Hoag was an administrator in the U.S. Office of Education. The two of them, in response to the growing need for interpreters, conceived the idea of an organization that could recruit new interpreters and somehow assess interpreter competence, thus providing a measure of quality control for consumers.

The creation of the RID (or, as it was called for its first year of existence, the National Registry of Professional Interpreters and Translators for the Deaf) came, then, not as result of practitioners of an occupation wishing to distinguish themselves and their practice of the occupation as a profession, but rather as an administrative resolution to a supply and demand problem. Creation of the organization was so unexpected that, according to Fant “Lowell...said jokingly that ‘If it hadn’t been raining, or if there had been something else to do, RID might not have started at that time.’”(Fant, 1990). Further evidence that organizational impetus came not from within the field can be found in the fact that Lowell, who was not an interpreter, presided over the initial organizational meeting. As Fant rightly points out, if an organization of interpreters had not been formed at that time, it likely would have been formed not long afterwards. This is underscored by the fact that the idea of creating an organization was strongly endorsed by all of the participants at the initial organizational meeting.

During the organizational meeting, it was decided that the organization’s purpose was to “...promote recruiting and training of more interpreters...” (Quigley, 1965, pg. 3). Recruitment of new interpreters was to prove especially challenging for the organization given the absence of Interpreter Education or Training Programs and, perhaps more importantly, the prevailing views of Deaf people and of the task of interpreting itself.

The prevailing view of Deaf people at that time has been well documented and need not be revisited in detail here. The preamble to the original Code of Ethics will however serve as a cursory reminder of this view. According to the preamble, the Code of Ethics “...will protect both the deaf person and the interpreter in a profession that exists to serve *those with a communication handicap.*” (emphasis added) (Quigley, 1965). The preamble also states that while the ethical self-regulation of interpreters is the same as that governing any business or profession, with interpretation there is “...the addition of stronger emphasis on the high ethical characteristics of the interpreter’s role in *helping an oftentimes misunderstood group of people.*” (emphasis added) (Quigley, 1965). The purpose of this cursory reference to the prevailing view of Deaf people at the time is not to denigrate it in any way, nor to hold it to the standards of contemporary “enlightened” perspectives. Rather it is to serve as a reminder of the general perceptions of Deaf people that were commonplace at the time and which formed a significant pattern in the societal fabric from which the RID Code of Ethics was woven.

The prevailing view of interpretation at the time begins with the fact that practitioners themselves viewed interpretation simply as a voluntary task to be done or a service to be rendered. Interpretation was not even viewed as an occupation. Indeed, the predominant view of interpretation was that it was a service to be rendered only at times when one’s full-time job (e.g. as teacher, administrator, or religious worker) would permit. This is borne out by the fact that at the original organizational meeting of the RID, over 90% of the participants held full-time jobs. Participants were administrators, teachers, or in some way affiliated with educational programs serving deaf children (the strong ties to education continued for the first fifteen years of the RID’s existence and formed another pattern in the background fabric of the Code of Ethics). None of the participants held the job title of “interpreter” (Fant, 1990). Prevailing societal views supported monetary compensation for individuals whose professional or occupational objective could be understood as trying to “normalize” deaf people (e.g. teachers, social workers, counselors). However society made little or no allowances for monetary compensation for individuals whose objective was providing communicative access. This meant that, for all practical purposes, were there any monetary

compensation for interpretation services such compensation would come directly from deaf people, not from public agencies or institutions. Understandably the individuals providing interpreting services, because of their close ties to the Deaf Community, were quite reluctant to violate the trust of the community and abandon their perceived duty to the community by seeking such compensation.

Without wishing to place too much emphasis on the issue of compensation, we must acknowledge, however, that it does remain a significant factor in the public perception of and acceptance of occupations and professions. When the general perception of a task or a service is that it is a voluntary, unpaid activity outside of what one normally does for a living, it seems clear that society is unwilling to grant occupational or professional status to the activity. For instance, we do not think of “parents who volunteer to help in school classrooms” or “individuals who volunteer to help at the local homeless shelter” or “parents who volunteer to coach the youth basketball team” as constituting occupations, much less as professions. Although there are, for example, professional coaches, they are differentiated from “parents who volunteer to coach the youth basketball team” in large part because the professional coach is monetarily compensated for the service. In fact it would be quite perplexing to imagine a professional organization with a code of ethics that would bind together individuals who render a specific service on a purely voluntary basis (e.g. a professional organization for parent classroom volunteers, a professional organization for homeless shelter volunteers). Clearly there are organizations of such volunteers (e.g. parent organizations), but those organizations are not perceived as representing a profession and the members neither refer to themselves as professionals nor do they have a code of ethics.

The public perception of such volunteer activity generally has little or nothing to do with the complexity of the service being volunteered or the skill or competence of the person rendering the service. Note also that the public perception of such volunteer activity is quite different from the public perception of professionals volunteering in the area of their own professional expertise. When professionals undertake *pro bono* work, the expectation is that in all regards they will perform the work as if they were being paid. *Pro bono* work can be described as “Do the work you do to earn a living, do it just as well but just don’t get paid for it this time.”

At the time the RID Code of Ethics was adopted, nationwide there were very few interpreters employed on a regular basis and they were employed in post-secondary institutions. The overwhelming majority of interpreters held full-time jobs as teachers, counselors, clergy, or administrators or were women who worked in the home caring for their families. Given the fact that individuals entering the field received little or no formal training and the fact that practitioners generally received no monetary compensation for interpreting, it seems reasonable to conclude that at the time of the founding of the RID and the adoption of the original Code of Ethics, the practice of interpreting was very much considered an unpaid volunteer activity. As such, it had not yet reached the stage of public perception or acceptance where it could even reasonably be called an occupation, much less a profession. In fact the information available from that time indicates that the general expectation in recruiting new members to the organization and the field was that new members also would hold full-time jobs and thus would be able to volunteer their services as interpreters.

RID’s original Code of Ethics was adopted in a very specific point in time and within a very specific milieu. With the insight of hindsight we can characterize the salient points of that milieu as follows:

- American Sign Language was not yet recognized or accepted as a valid and

legitimate language in the eyes of the general public, the Deaf Community or of practitioners;

- Deaf Culture, as distinct from the cultures of non-deaf groups, was not yet recognized or accepted as valid and legitimate in the eyes of the general public, the Deaf Community or of practitioners;
- in the eyes of the general public, the Deaf Community and of practitioners interpretation was strictly a voluntary, unpaid activity;
- there were no formal Interpreter Training or Education programs where new recruits to this activity could learn skills, techniques, or attitudes
- new recruits were not expected to earn a living by or, for that matter, regularly receive payment for doing this activity;
- new recruits were expected to perform this activity only as their full-time work schedule permitted;
- the organization of individuals performing this activity saw its members as having some responsibility for “helping” deaf people;
- the organization of individuals performing this activity saw its members as having some responsibility for “protecting” deaf people;

It is against this background that the original RID Code of Ethics was developed. It should not be surprising then that three of the strongest influencing factors on those who developed the original Code of Ethics were a sense of duty and protectionism toward deaf people, the lack of formalized training opportunities, and the general public’s discriminatory perceptions of deaf people.

The Original RID Code of Ethics

The original Code of Ethics adopted by the Registry of Interpreters for the Deaf and under which the organization functioned for thirteen years is as follows (Quigley and Youngs, 1965):

1. The interpreter shall be a person of high moral character, honest, conscientious, trustworthy, and of emotional maturity. He shall guard confidential information and not betray confidences which have been entrusted to him.
2. The interpreter shall maintain an impartial attitude during the course of his interpreting avoiding interjecting his own views unless he is asked to do so by a party involved.
3. The interpreter shall interpret faithfully and to the best of his ability, always conveying the thought, intent, and spirit of the speaker. He shall remember the limits of his particular function and not go beyond his responsibility.
4. The interpreter shall recognize his own level of proficiency and use discretion in accepting assignments, seeking for the assistance of other interpreters when necessary.
5. The interpreter shall adopt a conservative manner of dress upholding the dignity of the profession and not drawing undue attention to himself.
6. The interpreter shall use discretion in the matter of accepting compensation for services and be willing, to provide services in situations where funds are not available. Arrangements should be made on a professional basis for adequate remuneration in court cases comparable to that provided for interpreters of foreign languages.
7. The interpreter shall never encourage deaf persons to seek legal or other decisions in their favor merely because the interpreter is sympathetic to the handicap of deafness.
8. In the case of legal interpreting, the interpreter shall inform the court when the level of literacy of the deaf person involved is such that literal interpretation is not possible

and the interpreter is having to grossly paraphrase and restate both what is said to the deaf person and what he is saying to the court.

9. The interpreter shall attempt to recognize the various types of assistance needed by the deaf and do his best to meet the particular need. Those who do not understand the language of signs may require assistance through written communication. Those who understand manual communication may be assisted by means of translating (rendering the original presentation verbatim), or interpreting (paraphrasing, defining, explaining, or making known the will of the speaker without regard to the original language used).
10. Recognizing his need for professional improvement, the interpreter will join with professional colleagues for the purpose of sharing new knowledge and developments, to seek to understand the implications of deafness and the deaf person's particular needs, broaden his education and knowledge of life, and develop both his expressive and his receptive skills in interpreting and translating.
11. The interpreter shall seek to uphold the dignity and purity of the language of signs. He shall also maintain a readiness to learn and to accept new signs, if these are necessary to understanding.
12. The interpreter shall take the responsibility of educating the public regarding the deaf whenever possible recognizing that many misunderstandings arise because of the general lack of public knowledge in the area of deafness and communication with the deaf.

This Code of Ethics was adopted in 1965 and remained unchanged until the 1978 convention of the RID that was held in Rochester, New York. At that convention the membership recommended to the Board of Directors that a revised Code of Ethics be adopted. The code was revised because it was felt that a number of the original items properly did not belong in a code of ethics. In addition it was felt that the code should be presented as specific points with guidelines for each (Caccamise, et. al., eds. 1978). The specific points of the proposed code of ethics, reported in the minutes of the business meeting, were as follows:

1. Interpreters shall keep all interpreted and assignment related information strictly confidential.
2. Interpreters shall render a faithful interpretation, always conveying the content and spirit of the speaker using the communication mode most readily understood by the persons for whom they are interpreting.
3. Interpreters shall not counsel, advise, or interject personal opinions.
4. Interpreters shall use discretion in accepting assignments with regard to skills, setting, and the persons requesting the service.
5. Interpreters shall deal with the matter of compensation for services in a professional and judicious manner.
6. Interpreters through the national organization and state chapters shall seek to uphold the integrity of the profession by encouraging the use of certified interpreters in order to achieve the highest standards.
7. Interpreters shall continue to develop his or her interpreting skills and keep abreast of developments in the field.

Two items were referred back to the Code of Ethics committee for further refinement:

Interpreters shall behave and dress in a manner appropriate to the specific situation

Interpreters shall not personally profit from any information gained in the course

of interpreting.

The Code of Ethics committee was charged with completing revisions and guidelines. Allowing for some wording changes that resulted from changes in terminology, the Code of Ethics has remained essentially unchanged since it was finally adopted in October 1979. The main tenets of the current code are quoted below. Those items in boldface are changes to those items quoted above:

1. **Interpreter/Transliterators** shall keep all interpreted and assignment related information strictly confidential.
2. **Interpreter/Transliterators** shall render **the message faithfully**, always conveying the content and spirit of the speaker using **language** most readily understood by the person(s) for whom they are interpreting.
3. **Interpreter/Transliterators** shall not counsel, advise, or interject personal opinions.
4. **Interpreter/Transliterators shall accept assignments using discretion** with regard to skills, setting, and the persons requesting the service.
5. **Interpreter/Transliterators shall request** compensation for services in a professional and judicious manner.
6. **Interpreter/Transliterators shall function in a manner appropriate to the situation.**
7. **Interpreter/Transliterators shall strive to further knowledge and skills through participation in workshops, professional meetings, interaction with professional colleagues and reading of current literature in the field.**
8. **Interpreter/Transliterators, by virtue of membership in or certification by the R.I.D. Inc., shall strive to maintain high professional standards in compliance with the code of ethics.**

Status of the Current Code of Ethics

Although the current RID Code of Ethics has been much debated during the past twenty years, the discussion is usually focused on the behavioral implications of one or more specific guidelines within a specific setting. The guideline that is most often discussed is the first, that pertaining to confidentiality. Generally the debate centers around whether the demands, constraints, or conditions of a particular situation could ever be such that a practitioner would be justified in making known information revealed during an interpreted/transliterated interaction. One side holds the view that no set of conditions could supersede the professional's duty to maintain confidentiality at any and all personal costs. According to this view, the tenets of the Code are absolute and inviolable. The other side maintains that there are situations when the professional's specific role (e.g. as a member of a team) or perceived call to a "higher" duty (e.g. knowledge of impending bodily harm or planned criminal activity which was gained while interpreting) mandates that confidentiality be set aside and information gained during an interpreted/transliterated interaction be shared or acted upon. Those who hold the latter view maintain that it is precisely the inflexibility of the current Code of Ethics that compels them to suggest a more situationally sensitive or flexible code of ethics. And yet, were individual practitioners to define their behavioral expectations in a situationally variable manner, this would seem to fly in the face of the very predictability and generalizability of practice and principles that is essential to a profession.

The differing perspectives just described are, in their strongest forms, essentially irreconcilable. The primary reason that the differences can never be resolved is that each position claims that the duty it espouses takes primacy over any other duty. Thus, according to one perspective, the duty to

maintain confidentiality is more fundamental than any duty or obligation that might be imposed by one's job description or an employer's expectations. The other perspective maintains that in certain situations the positive or negative consequences of maintaining confidentiality (e.g. failure to fulfill one's duty to the employer or the team or failure to fulfill one's duty to maintain safety and welfare) are more fundamental than the duty to maintain confidentiality.

What is troublesome for professionals (and for public perception of those professionals) is the continued coexistence of these differing perspectives. There are those who hold that the current Code of Ethics fails to provide meaningful guidance in some very critical areas. These professionals are prepared to act in ways that other professionals readily classify as unethical and in violation of the Code of Ethics. If we accept the notion that a Code of Ethics is a set of agreed-upon values and principles that guide the work of members of a profession, then these diametrically opposed views (absolutist vs. situationalist) would suggest that the current Code of Ethics does not represent that set of fundamental values and principles which can guide our work of interpreters/transliterators.

If this conclusion is valid, then only one of two conditions is possible. Either we accept that there are two quite different approaches to the work guided by different sets of values and principles (two professions?) or else we begin to search for a more fundamental set of guiding principles that might somehow enable us to reconcile these differing perspectives. The balance of this paper offers the beginnings of such a search.

Re-constituting the Code of Ethics

The fundamental ethical approach to the current Code of Ethics can be characterized as deontological. Deontological approaches to ethics hold that certain acts or behaviors are inherently wrong or unacceptable and thus are always prohibited. (In contrast, teleological approaches determine the acceptability of actions based on assessing their consequences). Deontological approaches to ethics usually involve a set of rules or constraints on behavior (McIntyre, 1981; Rawls, 1971). The various tenets of the current RID Code of Ethics can be thought of as limitations, prescriptions, norms, or deontological constraints.

Deontological constraints are usually negatively formulated restraints on behavior in general or some specified type of action (e.g. "Thou shall not kill."). The tenets of the current Code of Ethics, with the exception of the third tenet, are all positive formulations. Nevertheless, it is not difficult to construct negative formulations of each tenet (e.g. "Interpreter/Transliterators shall not divulge interpreted and assignment related information."). Thus while the intent of the Code of Ethics is clearly deontological, the written format of the Code is quasi-deontological.

Like other deontological approaches to ethics, (e.g. the Ten Commandments) the current Code of Ethics places limits on behavior. Because it allows for no exceptions (i.e. the Code does not state: "Interpreter/Transliterators shall keep all interpreted and assignment related information strictly confidential *except when their job requires disclosure of information shared during an interpreted/transliterated interaction.*"), the current Code is like other deontological views that require individuals to refrain from certain behaviors even when doing so might result in some greater harm. As with other deontological approaches, the Code is also clearly non-consequentialist. That is, positive or negative consequences of not adhering to the Code are never a sufficient reason to violate the Code (i.e. the Code does not state: "Interpreter/Transliterators shall keep all interpreted

and assignment related information strictly confidential *unless it is likely that someone will suffer mental or bodily harm if the information shared during an interpreted/transliterated interaction is not disclosed.*”). It is precisely this indifference toward consequences or the disregard thereof, that results in the seeming irreconcilable differences described in the previous section.

In search of a resolution to these differences it would seem that there are two alternatives: either attempt a reformulation of the existing Code (as was done with the 1979 revision) or adopt an entirely new approach to creating a set of agreed-upon values and principles. At the risk of seeming fatalistic, a reformulation would likely yield yet another set of deontological constraints, albeit perhaps more finely tuned. But because the fundamental approach would remain deontological, it would result in a continued discussion of situations in which the deontological constraints should not apply.

One of the other reasons why another deontological reformulation would be unsatisfactory is that, like the present Code of Ethics, it can not move the profession closer to identifying and agreeing upon fundamental values and principles to be invoked in guiding the conduct of the professional lives of Interpreters and Transliterators. Yet it is precisely those underlying, fundamental values that must form the basis for any resolution to the differing deontological and teleological perspectives. In other words, we can no longer simply postulate simple behavioral prescriptions (e.g. Interpreter/Transliterators shall keep all interpreted and assignment related information strictly confidential) in an effort to reconcile these differing perspectives. We must rather address those deeper issues (e.g. why should Interpreter/Transliterators keep all interpreted and assignment related information strictly confidential?) which will force identification of and formulation of the fundamental values and principles that should form the heart of a Code of Ethics for Interpreters and Transliterators.

In search of resolution to the deontological dilemma presented by the existing Code of Ethics, this paper suggests that what is needed is an entirely new paradigm for constructing the Code of Ethics. Justification for adopting a new paradigm comes, in part, from recognition of the fact that Interpreters and Transliterators operate now in a milieu that is quite different from the one in which the original Code of Ethics was adopted or the one in which it was revised. In contrast to former milieus, some of the salient points of the current milieu are as follows:

- American Sign Language is widely accepted as a valid and legitimate language in the eyes of the general public, the Deaf Community and of practitioners;
- Deaf Culture, as distinct from the cultures of non-deaf groups, is widely recognized or accepted as valid and legitimate in the eyes of the general public, the Deaf Community and of practitioners;
- In the eyes of the general public, the Deaf Community and of practitioners interpretation and transliteration are no longer viewed primarily as voluntary, unpaid activities;
- The presence of interpreters and transliterators is mandated by state and federal legislation in a wide range of settings;
- Because of state and federal legislation, the Deaf Community has a right to expect that interpreting and/or transliteration services will be provided in a wide range of settings;
- There is a growing number of post-secondary programs offering degrees in Deaf Studies and Sign Language;

- There are more than one hundred formal Interpreter/Transliterators Training or Education programs at the post-secondary level where students can learn the skills, techniques, and attitudes of the field and of the profession;
- Individuals are able to interpret or transliterate as their full-time job and can be reasonably well compensated for doing so;
- A growing number of practitioners see themselves personally and professionally as having some responsibility for empowering Deaf people;
- A growing number of practitioners see themselves personally and professionally as allies of Deaf people;

Another salient point of the current milieu is the renewed interest in and commitment to human rights we have witnessed in the second half of the twentieth century. Indeed the notion of rights and the language of rights permeates our daily personal, national, and international interactions (Almond, 1993). Virtually every controversial domestic issue is framed, not in terms of duties or obligations, but rather in terms of conflicting or competing rights: abortion (the rights of the woman vs. the rights of the fetus), gun control (the right to safety vs. the right to bear arms), euthanasia (the right to die). International policy discussions and conferences focus on topics such as human rights, the right to secure borders, fishing rights, or oil rights. And finally we have witnessed different groups of individuals seeking to claim their human and legal rights (e.g. women's rights, minority rights, gay rights, disability rights, victim's rights).

It is against the backdrop of changes in milieu, field-specific and societal, that a new paradigm for formulating a Code of Ethics can be proposed. The paradigm shift being suggested can trace its origins in part to the ethical reasoning of antiquity—Greek Stoicism and the Romans' *jus gentium*—and calls for the profession to adopt a rights-based approach to developing its Code of Ethics. This approach would require that the profession formally acknowledge the existence of essential human communicative rights and use those rights as the fundamental, motivating force in developing its Code of Ethics.

A shift to a rights-based perspective results in a fundamental difference in orientation toward those values and principles that serve as guidelines for the profession. Such a shift is not mere semantic word play or logomachy. A fundamental and central factor in this paradigm shift is recognition of the fact that the functioning of Interpreters and Transliterators derives from the basic human and communicative rights of those involved in the interaction. A primary and motivating force in this paradigm shift is understanding and acceptance of the fact that one can neither easily nor practically derive rights from a deontological approach to a code of ethics.

Consider the consequences and implications of the statement "I have a duty to do X; therefore you have a right to Y." One clear implication of this statement is that your right to Y exists only in relation to my duty to do X; indeed your right is dependent upon my duty. Suppose I decide that, in a particular instance, my duty no longer obtains or, if it does, I determine that it should be carried out in a manner unlike what you have come to expect based on past interactions with other professionals or with me. In either case my duty, and the manner in which I choose to fulfill it, takes precedence over your right and may even determine the scope of or may fundamentally alter your right. In fact, I need not even be cognizant of your right to Y in determining how I decide to fulfill my duty to do X. In essence this formulation ("I have a duty to do X; therefore you have a right to Y") implies that my understanding of and execution of my duty determines the extent to which your right will be

acknowledged and respected. Another not- so-subtle implication is that my needs and the conduct of my affairs are of paramount import; your needs and the conduct of your affairs are in a subservient position.

In contrast, however, it is possible, once rights have been acknowledged, to derive direct and indirect duties and obligations from individual rights. Consider now the consequences and implications of the statement “You have a right to Y; because you have a right to Y, I have an obligation to do X”. Here it is clear that my duty to do X exists only because you have a right to Y. This means that any determination of my duty requires that I be fully cognizant of your right to Y. Another implication is that your right is of greater import than my duty. In fact, my duty, and the specific conduct of that duty, is determined only by reference to your right. In order for me to carry out my duty, I must acknowledge and accept the fact that your right to Y is the *raison d'être* for my duty to do X. In short, your right is of paramount import and my duty exists in a subservient position to that right.

Before pursuing the discussion further, it may be helpful to consider briefly the nature of rights. At the risk of oversimplifying an extremely complex topic (see e.g. Dworkin, 1977), rights can be identified as being either active or passive. An active right is the right for you to do a certain thing while a passive right is the right to have certain things done for you or to you. Every right, whether active or passive, expresses and establishes a relationship between two parties, the right-holder and the right-observer. Right-holders are entitled to act, to exist, to enjoy, to demand and to claim whatever is accounted for or guaranteed by the right (Nozick 1974; Feinberg 1980). However, exercising a right may also place certain responsibilities on the right-holder before that right can be exercised or while that right is being exercised.

Regardless of what other factors might define their relationship, right-holders and right- observers are bound in a specific relationship that can be described in terms of a specific right or set of rights. Whenever a right-holder claims or exercises a specific right, a complementary duty or obligation is imposed upon the right-observer. Just as there are two types of rights, either active or passive, so too there are two types of obligation placed on the right-observer. The right- observer’s duty will be either positive (to assist the right-holder in successful exercise of the right) or negative (to refrain from interfering in the exercise of the right). It is the latter sense that is most often referred to in popular discussions of rights—“I have a right to do X and your obligation consists of not hindering me from doing X”.

Although a right-holder or claimant is entitled to a particular right, this does not automatically mean that exercising the particular right is the correct or “right” thing to do. Thus, just as every right obligates a right-observer to specific obligations or duties, so too every right requires of the right-holder the responsibility to employ judgment—what can be called the test of practical reasonableness—in the exercise of that right. For instance, you may have a right to drive your car, but if you are extremely sleepy or have had too much to drink, then exercising that right would be the wrong thing to do.

If we are to consider a rights-based approach to the Code of Ethics, we must first identify the potential claimants or right-holders that exist in any interpreted or transliterated interaction. This requires an examination of the various and possible roles that are entitled to claim specific rights. Minimally, these claimant-roles are: the active participants (the two individuals or groups of

individuals who do not share a common language or who, for a variety of reasons, have chosen to conduct this interaction as an interpreted or transliterated interaction), the interpreter/transliterater (the individual or team of individuals who have agreed to render a specific service in order to facilitate communicative interaction between the active participants), the client (the individual, organization, or agency that is ultimately responsible for making payment for services rendered) and the referral source (the individual, organization, or agency that made initial arrangements with the interpreter/transliterater).

One of the primary reasons for identifying these distinct claimant-roles is that each can assert entitlement to or ownership of specific rights. The rights that an individual can claim are directly related to, and inherently a function of, the specific role that an individual is fulfilling in a given interaction. In certain instances a single individual might fulfill multiple roles (e.g. an insurance agent who contracted directly with an interpreter to interpret for a meeting between the agent and a Deaf couple would fill the roles of referral source, client, and active participant). The rights that an individual is entitled to claim are thus a function of the specific role or roles that the individual has fulfilled or is fulfilling in a given interpreted or transliterated interaction. It is this very role-related specification that enables identification, predictability, and generalization of rights distinct from any prior or special relationship that may exist between individuals. Individuals fulfilling specific roles are not entitled to more or fewer or different rights because of any non-generalizable attributes or preferences they may possess such as who they are (e.g. child or adult, male or female, Deaf or non-Deaf) or what language they might use (e.g. ASL, or English).

Likewise, an individual's rights are not abridged, extended, or enhanced solely by virtue of some relationship that exists with the interpreter/transliterater outside of the interpreted/transliterated interaction. For example, a person in an interpreted/transliterated interaction who is a friend of the interpreter/transliterater cannot, by that fact alone, be entitled to additional or different rights than can be claimed by someone who is not a friend of the interpreter/transliterater. The fact that the friend might lay claim to certain other rights on the basis of friendship and the unique demands this might place on the interpreter/transliterater is certainly a topic for fruitful discussion.

Just as entitlement of rights does not vary on the basis of who individuals are, so too the vigor with which interpreters/transliteraters must strive to acknowledge and support those rights must not vary on the basis of who individuals are. If, as interpreters/transliteraters, we accept that role-specified rights that form the "moral minimum" in interpreted/transliterated interactions, then we are *de facto* obligated to act in such a manner that the moral minimum will be satisfied and honored. Acceptance of role-specific rights also compels interpreters/transliteraters to become ethically proactive instead of reactive. A case can be made that perhaps it is this very dynamic defense of impartial entitlement to role-specific rights that characterizes the notion of "interpreters as allies," another topic for fruitful discussion.

What follows is a preliminary attempt to develop a rights-based approach to a Code of Ethics which, for each claimant-role, specifies fundamental values, rights, and implications for the professional conduct of interpreters.

A Rights-based Approach to the Code of Ethics

Preamble:

This Code of Ethics is predicated on the fact that individuals who are directly or indirectly involved in any interpreted/transliterated interaction possess certain fundamental rights not only by virtue of their status as human beings but also by virtue of the distinct role they assume in the realization of an interpreted interaction. Professional Interpreters/Transliteratedators have the primary obligation of upholding and supporting the rights of all individuals who are directly or indirectly involved in any interpreted/transliterated interaction. These rights not only embody certain values but also mandate, *per force*, certain responsibilities and obligations. It is recognition of the rights of individual claimants and the values they manifest which, in turn, yield the essential principles that guide the work of Interpreters/Transliteratedators and form the standard against which Interpreters/Transliteratedators can be judged.

Active Participants' Rights (the rights of individuals or groups needing to, or choosing to, conduct an interaction as an interpreted or transliterated one):

1) Right: Participants have the right to be treated with dignity and respect

Value: Worth of the Individual

Inherent Obligation: Interpreters/Transliteratedators have an obligation to conduct themselves in a manner that recognizes and accepts individual differences, as well as cultural and ethnic diversity.

2) Right: Participants have the right to be treated as competent individuals capable of making informed decisions and acting on their own behalf and in their own best interests.

Value: Self Determination

Inherent Obligation: Interpreters/Transliteratedators have an obligation to respect the independence and intelligence of participants and shall not usurp or appropriate a participant's right to make decisions nor knowingly take part in any attempt to do so. Interpreters/Transliteratedators shall also refrain from counseling, interjecting personal opinions, or advising participants. In instances where participants may lack the capacity for self determination, interpreters/transliteratedators should uphold the individual's right of self-determination by requesting or seeking the services of a third party who can proactively act in the interests of the participant.

3) Right: Participants have the right to expect that information exchanged during an interaction will concretely and materially benefit only the active participants in that interaction.

Value: Interactional Ownership

Inherent Obligation: Interpreters/Transliteratedators have an obligation to respect the privileged and private nature of interpreted/transliterated interactions. Although, in the abstract, interpreters/transliteratedators do gain knowledge and information from such interactions and thereby benefit by improving their intellectual and world knowledge, they may not act on such knowledge in any manner that might be construed as furthering their own self-interests nor in any manner that would result in personal material gain. Interpreters/Transliteratedators shall not in any manner usurp or appropriate ownership of information exchanged during an interpreted/transliterated interaction or usurp the use of such information.

4) Right: Participants have the right to expect that their interaction can be conducted with the same level of privacy as would exist in the situation if their interaction did not have to be

interpreted.

Value: Privacy

Inherent Obligation: Interpreters/Translators have an obligation to protect the right of conversational and personal privacy by maintaining the confidentiality of interpreted interactions. Interpreters/Translators shall not disclose any assignment-related information unless participants have authorized such disclosure.

- 5) **Right:** Participants have the right to know in advance whether the client may or will require the Interpreter/Translator to disclose information gained or perspectives formulated during interpreted/transliterated interactions.

Value: Informed Consent

Inherent Obligation: Interpreters/Translators and clients have an obligation to inform participants in advance that the Interpreter/Translator may be required to disclose information or perspectives resulting from this interpreted/transliterated interaction or, if an on-going arrangement, resulting from any interpreted interaction in which this Interpreter/Translator is involved. Should Interpreters/Translators be required by law or by the client to disclose information, they have an obligation to disclose the minimum amount of confidential information necessary to satisfy the disclosure requirements.

- 6) **Right:** Participants have the right to expect that in all respects Interpreters/Translators will conduct themselves in a fair and impartial manner.

Value: Interactional Impartiality

Inherent Obligation: Interpreters/Translators have an obligation to make known any conflicts of interest that may arise before, during or after the conduct of an interpreted interaction. Interpreters/Translators have the obligation of seeking to resolve any such conflict in a manner that protects participants' rights to the greatest extent possible and which makes the material and interactional interests of participants the primary concern.

- 7) **Right:** Participants have the right to expect clear and unencumbered access to the language or variety of language they most clearly understand or prefer and have a right to express their needs and preferences to the referral source and to the interpreter/transliterator.

Value: Linguistic Access

Inherent Obligation: Interpreters/Translators have an obligation to identify the language or variety of language to be used in the interpreted/transliterated interaction, which shall be the language or variety of language preferred by, or required by, the participants. Interpreters/Translators also have an obligation to ensure that there are no environmental or interpreter-induced obstacles that would make impossible or problematic the unambiguous perception of the interpretation/transliteration by the participants.

- 8) **Right:** Participants have the right to expect that messages will be rendered in a linguistically and culturally competent and coherent manner in the language or variety of language they most clearly understand or prefer.

Value: Linguistic and Cultural Integrity

Inherent Obligation: Interpreters/Translators have an obligation to develop and maintain competence in the languages or varieties of language in which they work. Interpreters/Translators shall render their work in a manner that adheres to expected

linguistic and cultural norms and rules of those languages or varieties of language. Interpreters/Transliterators also have the obligation not to accept or proceed with assignments in which they feel they may be unable to competently and coherently use the language or variety of language most clearly understood or preferred by the participants.

- 9) Right:** Participants have the right to expect that interpretations/transliterations will be linguistically, culturally and interactionally equivalent to the message being interpreted.

Value: Linguistic, Cultural and Interactional Accuracy

Inherent Obligation: Interpreters/Transliterators have an obligation to ensure that their interpretations/transliterations accurately convey the linguistic and cultural meaning of the message/interaction being interpreted/transliterated. While Interpreters/Transliterators cannot guarantee that their work will be accurately and equivalently understood, they do have responsibility for ensuring that their work makes possible accurate and equivalent comprehension of the original message/interaction. Interpreters/Transliterators also have the obligation to refuse to accept or proceed with assignments in which they feel they may be unable to convey accurately the linguistic and cultural meaning of the message/interaction being interpreted/transliterated.

- 10) Right:** Participants have the right to know of any modifications to previously agreed-upon service arrangements.

Value: Interactional Integrity

Inherent Obligation: The Referral Source has an obligation to inform participants should the original contracted Interpreter/Transliterators be unable to provide interpretation/transliteration services or should there be any modifications to or deviations from the agreed upon interactional arrangements (e.g. change of time, place or date). The Referral Source shall, whenever practically possible, consult with participants in the identification and selection of a substitute Interpreter/Transliterators.

- 11) Right:** Participants have the right to expect that interpreters/transliterations are aware of current trends in the profession and are familiar with agreed upon standards and conditions for “best practice” in providing services.

Value: Professional Standards and Expectations

Inherent Obligation: Interpreters/Transliterators have an obligation to further their knowledge and skills through a variety of means including, but not limited to, interaction with professional colleagues and activities such as professional training and education. Interpreters/Transliterators also have a responsibility to advance the profession through their attendance at professional conferences

Interpreters’/Transliterators’ Rights (the rights of the individual or team of individuals who agreed to facilitate the interaction between the active participants):

- 1) Right:** Interpreters/Transliterators have the right to be treated with dignity and respect

Value: Worth of the Individual

Inherent Obligation: Interpreters/Transliterators have a right to be treated in a manner that recognizes and accepts individual differences, as well as cultural and ethnic diversity.

- 2) Right:** Interpreters/Transliterators have the right to know of any modifications to previously agreed upon arrangements for interpreting services

Value: Interactional Integrity

Inherent Obligation: The Referral Source has an obligation to inform Interpreters/Translitterators in advance should there be any modifications to or deviations from the agreed upon interactional arrangements (e.g. change of participants, time, place or date). The Referral Source also has an obligation to inform the Client if there are any financial implications resulting from such modifications.

- 3) **Right:** Interpreters/Translitterators have the right to expect reasonable compensation for services rendered.

Value: Business Integrity

Inherent Obligation: Participants, referral sources, and clients shall not routinely expect Interpreters/Translitterators to provide services on a *pro bono* basis. Clients shall expect to compensate Interpreters/Translitterators for services rendered. The decision of whether to provide services on a *pro bono* basis or to provide service according to some reciprocal arrangement rests exclusively with Interpreters/Translitterators. The right to accept a fee for service that is below prevailing local rates shall rest solely with the interpreter/translitterator.

- 4) **Right:** Interpreters/Translitterators have the right to receive compensation for interpretation services rendered in a timely manner.

Value: Fiscal Integrity

Inherent Obligation: Clients shall process all requests for compensation as soon as reasonably possible after invoices have been received unless other billing arrangements have been made.

Client's Rights (the rights of the individual, organization or entity responsible for payment for services rendered):

- 1) **Right:** Clients have the right to be treated with dignity and respect

Value: Worth of the Individual

Inherent Obligation: Interpreters/Translitterators shall treat clients in a manner that recognizes and accepts individual differences, as well as cultural and ethnic diversity.

- 2) **Right:** Clients have the right to know of any modifications to previously agreed-upon arrangements for services and if there are any financial implications resulting from such modifications.

Value: Interactional Integrity

Inherent Obligation: Interpreters/Translitterators have an obligation to inform the client should they be unable to provide services or should there are any modifications to or deviations from the agreed upon interactional arrangements (e.g. change of participants, time, place or date). Interpreters/Translitterators shall, whenever practically possible, assist in the identification and selection of a replacement.

- 3) **Right:** Clients have the right to expect that fees and other terms and conditions of interpretation/transliteration services will be negotiated in good faith.

Value: Business Integrity

Inherent Obligation: Interpreters/Translitterators shall honor the terms and conditions of agreements made for rendering service and shall not use their position to extort additional or unreasonable or inappropriate fees or conditions. Interpreters/Translitterators shall accept

generally prevailing local rates for service or shall inform the client of the reasons for any differences between requested rates and prevailing rates. Interpreters/Translitterators shall refrain from making unfair and unreasonable wage or compensation demands.

4) Right: Clients have the right to be invoiced for interpretation services rendered in a timely manner.

Value: Fiscal Integrity

Inherent Obligation: Interpreters/Translitterators shall submit all requests for compensation to the client as soon as reasonably possible after services have been rendered unless other billing arrangements have been agreed upon.

Referral Source's Rights (the rights of the individual, organization or entity that made initial arrangements with the interpreter/translitterator):

1) Right: Referral Sources have the right to be treated with dignity and respect

Value: Worth of the Individual

Inherent Obligation: Interpreters/Translitterators shall treat referral sources in a manner that recognizes and accepts individual differences, as well as cultural and ethnic diversity.

2) Right: Referral Sources have the right to know of any modifications to previously agreed upon arrangements for interpreting services.

Value: Interactional Integrity

Inherent Obligation: Interpreters/Translitterators have an obligation to inform the referral sources should they be unable to provide services or should there be any modifications to or deviations from the agreed upon interactional arrangements (e.g. change of participants, time, place or date). Interpreters/Translitterators unable to comply with agreed upon obligations shall, whenever practically possible, assist in the identification and selection of a substitute interpreter/translitterator.

3) Right: Referral Sources have the right to determine the level of satisfaction with the interpretation/transliteration services rendered.

Value: Participant Satisfaction

Inherent Obligation: Interpreters/Translitterators shall, when asked, have an obligation to cooperate with referral sources in providing accurate and appropriate information regarding the logistical and interactional success of the interaction. Interpreters/Translitterators shall not exert undue or inappropriate influence on participants to alter information that participants might provide the referral source regarding the logistical and interactional success of the interaction and/or participants' satisfaction with the interpretation/transliteration services.

As stated above, this is a preliminary attempt to develop a rights-based approach to a Code of Ethics for Interpreters/Translitterators. As such, wider discussion among various individuals and groups of right-holders may yield role-related rights, values, and inherent obligations that have been overlooked or omitted in this effort. The formulation of a specific set of rights is, at this point, perhaps not as significant as the fundamental shift in thinking and perspective required by this approach to a Code of Ethics for interpreters/translitterators. By moving toward a Code of Ethics with a focus on the *rights* of those involved, we place the attendant obligations and duties in proper perspective. A shift towards a rights-based code in no way reduces the duties or obligations that

interpreters/transliterators bear. On the contrary, when we acknowledge the role-related rights that obtain in any interpreted/transliterated interaction, we not only increase the obligations and duties of interpreters/transliterators, but we are able to be more specific in articulating those obligations and duties.

A shift to a rights-based perspective also brings with it several advantages and benefits not currently available under the traditional deontological approach to our Code of Ethics. First, as noted above, the notion of and the language of rights has become quite pervasive in society in general. Indeed, in the latter half of this century the notion that rights are somehow essential to our individual and societal well being has become quite well established. One aspect of the commonly held view of rights is that they establish a minimum acceptable and appropriate standard for our interactions with people. A rights-based code of ethics would provide a vehicle for clearly articulating such a minimum standard for interpreted/transliterated interactions.

Second, adopting a rights-based approach to the Code of Ethics serves to empower all those involved in interpreted/transliterated interactions. The essence of empowerment lies in an understanding of the fundamental rights that can be claimed in a given situation. In legal settings, for example, it is my knowledge of and understanding of my legal rights that empowers me, not simply an awareness of the specific duties or obligations of my attorney. Awareness of the duties of the other, devoid of an understanding of my own rights which propel those duties, may, in fact, ultimately be the most dis-empowering state of affairs. What is needed for true empowerment is an understanding of the rights to which I am entitled and which, when claimed, obligate right-observers in specific ways and require of them specific behaviors. In the absence of a clearly articulated set of rights and awareness of those rights, traditional deontological approaches are only able to result in the semblance of empowerment.

Third, there has been discussion (in the United States at least) of the concept of “interpreters as allies” and what this means in concrete terms. It may well be that a rights-based approach to a code of ethics helps to shed new light on this discussion. Adopting such an approach would commit interpreters/transliterators to uphold the rights of all who are directly or indirectly involved in an interpreted/transliterated situation. As professionals (in the truest sense of that word) who have adopted a rights-based code of ethics, upholding the rights of Deaf participants (given our understanding of the Deaf Community as an historically oppressed, un-entitled minority) may, in some instances, require a different set of behaviors from interpreters/transliterators than would be required were the Community not historically oppressed and un-entitled. It is not that members of the Deaf Community (or any oppressed, minority community for that matter) are entitled to a different set of rights. It is, rather, that in upholding the basic rights to which individuals are entitled, interpreters/transliterators may need to act in ways that might not be accepted under traditional deontological approaches. Acting to uphold the rights of all of those directly or indirectly involved in interpreted/transliterated interactions serves to empower all who are involved. As such interpreters/transliterators can truly be seen as allies— allies of the interpretation/transliteration process and of the interaction.

Fourth, while a rights-based code of ethics will not eliminate discussions of ethical conflict, it will provide a more reasonably structured framework within which such discussion can occur and from which resolution can emerge. Currently much of the ethical discussion surrounding interpreted/transliterated interactions is beyond satisfactory resolution because there is neither shared perspective nor a shared metric for determining the ethical viability/acceptability of certain

behaviors. While a rights-based approach will not bring with it easy resolution to ethical conflicts, at the very least those ethical issues can be debated on the basis of conflicting rights, not the basis of “my duty” vs. “someone’s right”. A fundamental reason we are unable, in many instances, to resolve ethical dilemmas is that, as a profession, we have not resolved the issue of which has primacy—duties or rights, nor with the current deontological approach will we ever be able to do so. However, adopting a rights-based code of ethics may move us closer to resolution of such issues by inherently framing our ethical discussions in terms of competing or conflicting rights or, when conflicts do arise, in terms of negotiable and non-negotiable rights.

Summary

The purpose of this paper has been to examine the RID Code of Ethics for interpreters/transliterators and to propose an alternative to the current deontological approach. The alternative that has been suggested here is adopting a rights-based approach to the Code of Ethics. The initial step consists of identifying those roles that obtain in any interpreted/transliterated interaction and then specifying those rights to which each role can lay claim. This role-related specification underscores one of the common and essential ingredients contemporary society has come to expect of professions, i.e. an unbiased equality in approaching and providing services.

As interpreters and transliterators we are, perhaps more than we are comfortable with, occasionally confronted by Deaf people who tell us “If it weren’t for us Deaf people, there wouldn’t be any interpreters!” Without debating the accuracy of the statement, we should minimally appreciate the attitudes motivating the statement. It may well serve us better if we understand this statement as a response to a profession whose Code of Ethics fails to grasp, or at least acknowledge, some fundamental realities. One of those realities is that we can no longer define and present our profession in Ptolemaic terms, espousing a deontological Code of Ethics with all ethical decisions being made in an interpreter/transliterator-centered relationship. The time has come to view our profession in more Copernican terms, adopting a rights-based Code of Ethics that results in decisions being made from a perspective that is decidedly more participant-centered.

Footnotes

- 1 An earlier version of this paper appeared in the 2000 issue of the *Journal of Interpretation* published by the Registry of Interpreters for the Deaf, Silver Spring, MD.

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