

# Professional Standards and Norms of Translation: Reflections from the Perspective of the Sociology of Law



Junfeng Zhao and Xiaoran Xue

**Abstract** As the only national professional association, Translators' Association of China (TAC), along with other relevant departments and institutions, developed and issued a host of professional standards and norms of translation which, to some extent, has contributed to and will continue to push for an orderly development of language services industry in China. Nevertheless, related laws with binding force are yet to be developed to ensure the transition of the industry from "a chaotic market" to "a professional autonomy." Interactive relations between industry norms and prospective laws are explored from the perspective of the sociology of law, and suggestions on the legislation of translation industry are accordingly presented in this chapter.

**Keywords** Translation profession · Standards · Norms · Legislation · Sociology of law

## 1 Introduction

As China's only national association of the translation and interpreting community, Translators Association of China (TAC), founded in 1982, takes the responsibility to safeguard the interests and rights of translators, interpreters, and any people who participate in the language service industry, support, and ensure the quality of translation and interpreting. It also promotes understanding and coordination among all sorts of practitioners in the language service industry. Besides, the Chinese translation industry is in the progress of professionalization, which has become an integral part in the social system and is playing an increasingly important role in the social development of the country.

TAC gradually began to respond to the call of the industry for guidance and regulations. Since 2003, it has helped to establish and promote three national standards

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J. Zhao et al. (eds.), *Translation Education*, New Frontiers in Translation Studies, [https://doi.org/10.1007/978-981-15-7390-3\\_7](https://doi.org/10.1007/978-981-15-7390-3_7)

of the language service industry, and also formulated and issued 18 related specifications. The making of these standards has shown the progress in the regulation and professionalization of the translation industry in the country and can provide some feasible reference for the legislation of the translation industry. This chapter is to study the status quo of the norms and standards in Chinese translation industry issued by TAC, and then to explore the feasible ways of legislation in the Chinese translation industry based on the gaps identified between the industrial standards/norms and prospective laws, i.e., codified statutes.

## 2 Sociology of Law

The sociology of law, also called legal sociology, is a sub-discipline of sociology and also an interdisciplinary approach within legal studies. It consists of various approaches to the study of law in society, which empirically examine and theorize the interaction between law, legal/non-legal institutions, and social factors (Trevino 2008). Areas of socio-legal inquiry include the social development of legal institutions, forms of social control, legal regulation, the interaction between legal cultures, the social construction of legal issues, legal profession, and the relation between law and social change.

The sociology of law benefits from and occasionally draws on research conducted in other fields such as comparative law, critical legal studies, jurisprudence, legal theory, law and economics, and law and literature. It became clearly established as an academic field of learning and empirical research after the Second World War (Deflem 2008). In contrast to the traditional understanding of law, the sociology of law does not normally view and define the law only as a system of rules, doctrines, and decisions, which exist independently of the society out of which it has emerged. The rule-based aspect of law is, admittedly, important, but provides an inadequate basis for describing, analyzing, and understanding law in its social context (Nelken 2009). Thus, legal sociology regards law as a set of institutional practices which have evolved over time and developed in relation to, and through interaction with cultural, economic, and socio-political structures and institutions. As a modern social system, law does strive to gain and retain its autonomy to function independently of other social institutions and systems such as religion, polity, and economy.

Some influential approaches within the sociology of law have challenged definitions of law in terms of official law (also state law). From this standpoint, law is understood broadly to include not only the legal system and formal (or official) legal institutions and processes, but also various informal (or unofficial) forms of normativity and regulation which are generated within groups, associations, and communities. The sociological studies of law are, thus, not internal normative orderings of various groups and communities, such as the community of lawyers, businessmen, scientists, or members of political parties. In short, law is studied as an integral and constitutive part of social institutions, groupings, and communities. This approach is developed further under the section on legal pluralism, which whereby “two or more

legal systems coexist in the same social field” is the dominant feature of most legal orders worldwide (Merry 1988, 869–896).

Legal pluralism is a concept developed by legal sociologists and social anthropologists “to describe multiple layers of law, usually with different sources of legitimacy that exists within a single state or society” (Olgiati 2007, 1117–1119). Legal pluralists define law broadly to include not only the system of courts and judges backed by the coercive power of the state, but also the “non-legal forms of normative ordering” (Merry 1988, 869–896). Under this pluralistic legal system, “law” consists of official rules such as legal regulations set by state authority, and unofficial rules announced by associations, organizations or government agencies, such as citizens’ convention, village regulation and agreement, industry norm, and association charter (Wang 2016, pp. 5–19). In translation service industry, which can be seen as a given domain, the existing standards are one form of “non-legal forms of normative ordering.” In this chapter, the translation industry norms and prospective translation law are discussed with regard to the legal pluralism.

### 3 Norms, Standards, and Code of Ethics Issued by TAC

This chapter focuses on the existing translation industry standards (issued before January 1, 2018), and presents a holistic and detailed description through information gathering, literature analysis, and theoretical analysis. Before the analysis of the industry standards, the current situations of Chinese translation industry and Chinese translation associations are to be discussed.

#### 3.1 *Current Situations of Chinese Translation Industry*

In the past thirty years, traditional translation industry has grown rapidly and developed toward a more complicated and comprehensive service sector. Thanks to the globalization and the soaring increase of the Internet, it has become a very important part of the global industry chain, and has played an increasingly significant role (Guo 2010, pp. 34–37). In China, the translation industry has also experienced such fast growth rates and high profit rate. According to *China Language Service Industry Development Report 2012*, written and issued by Translators Association of China, and Institute of China Translation Development, by the end of 2011, the output value of Chinese translation industry had reached RMB 157.6 billion, and there were 37,197 language service providers and about 1.19 million practitioners (translators and interpreters account for 53.8%) in this industry. In *China Language Service Industry Development Report 2014*, the data were updated, showing a rapid growth in this industry. By the end of 2013, the number of language service providers had increased to 55,975, growing at an average annual rate of 18.5%.

*The Blue Book of Language Service for Chinese Enterprise Globalization (2016)* depicted a much more detailed full view of Chinese translation industry. Against the background of the China's Going Global Strategy, the importance and necessity of language service had drawn the attention of going-out-for-investing enterprises. With more and more enterprises expanding their overseas business territory, the demand for language service had been soaring, and it had also promoted the industry's rapid development. According to the Blue Book, between the year of 2011 and 2015, the growth rate of average annual output value of China's language service industry was 19.7%, 1.2% higher than last statistical survey. This showed that the language service sector, as an important part of the tertiary industry, displayed a good rising tendency (Wang et al. 2016).

Two years later, TAC issued a new industry development report—*China Language Service Industry Development Report 2018*. Based on a holistic and systematic analysis and research, the report showed the latest statistical data, newly-emerged industry phenomena, and the new development trends. By the end of June, 2018, there were 320,874 companies providing language services; compared with the figure of 2016, 72,495 new companies were set up within the two years, which meant a huge growth in industry practitioners and investors on one hand, and a dramatic improvement in social recognition of the language service sector and a further growth in the societal need for language services on the other hand. At the same time, more and more Chinese language service providers were named as world's Top 100 language service providers. According to Common Sense Advisory, there were eight Chinese language service providers on the Top 100 list in 2018. They were Pactera Technology International Ltd., CSOFT International, Sunyu, FBC GLOBAL, EC Innovations, Inc., Sichuan Lan-Bridge Communication Co., Ltd., WordTech International Co., and Master Translation Services. Among them, Pactera Technology International Ltd. was ranked eighteenth, the highest ranking achieved by a Chinese company so far.

Nevertheless, as a relatively newly developed industry, especially at the stage of implementing the Belt and Road Initiative, Chinese translation industry is also facing several serious problems. There are some industry norms, standards, and specifications available at the moment, but they are not well-organized and cannot work in a systematic way. The underdevelopment of translation associations partly leads to a less well-regulated translation industry market. The lack of effective supervision and administration allows for unqualified translators, interpreters, or even language service providers to wedge themselves into this industry, causing a disordered business environment. The low requirement for market access not only fills the industry with incompetent practitioners, but also drives away highly qualified translators. Authorities and regulators of the translation industry are confronted with questions, such as how to attract and retain the highly qualified language talents, how to formulate and implement the standards that can regulate the industry in an ordered way and keep out the unqualified translators, and how to administrate and supervise the industry in an effective and efficient way. Urgent solutions are needed to tackle these problems.

### 3.2 *Basic Conditions of Chinese Translation Associations*

Functioning as an academic and professional association, TAC consists of institutions, enterprises, associations, and individuals all around the country engaged in translation and interpretation, on a voluntary basis, with group, corporate, and individual members in China's provinces, municipalities, autonomous regions, and special administrative regions. With the language service sector fast growing, TAC founded several branch associations, such as Translation Service Committee, Localization Service Committee, Legal Translation Committee, and so on, to take charge of specific affairs and provide targeted services. TAC, as a developing professional association, has several functions. The first is the function of control, including control of expertise. They organize research, offer training, and help to establish a formal education system. The second is the function of control of admissions. They accredit or certify language service providers. Their third function is the control of members. They establish and enforce code of ethics, set standards, negotiate over prices, and ensure quality management. They also have the function of public-related control. They educate the clientele and the public about translation. Lastly, they have the function of government-related control. They conduct political persuasion and lobbying.

In addition, TAC offers training to ensure the expertise of practitioners, organizing all sorts of training programs, such as administrative training, teacher training, and technology training. For instance, in formal translation education, TAC participated in the establishing, developing, and promoting of the education for the master of translation and interpreting (MTI). In current translation industry, accreditation mainly refers to a process in which certification of translation competency, authority, or credibility is presented. TAC helped to organize China Accreditation Test for Translators and Interpreters (CATTI), which was launched in 2003 by the Ministry of Personnel of People's Republic of China. The test is considered the most authoritative national level translation and interpretation proficiency qualification accreditation test in China. It has been designed to assess the proficiency and competence of professional Chinese translators and interpreters in an objective, scientific, and fair manner. TAC also conducted the accreditation of part-time MTI teachers and offered accreditation of MTI practice bases.

With the professionalization of translation industry and the increasing maturity of TAC, some standards and regulations of different areas were formulated and issued to help regulate the members and practitioners' professional behaviors. Since 2003, TAC has devoted to promoting the formulation of industry standards and specifications and helped General Administration of Quality Supervision, Inspection, and Quarantine of the People's Republic of China to establish the first three national language service standards: *GB/T 19363.1-2003 Specification for Translation Service: Part 1: Translation*, *GB/T 19682-2005 Target Text Quality Requirements for Translation Services*, and *GB/T 19363.2-2006 Specification for Translation Service: Part 2: Interpretation*. In particular, the proposal and drafting work of the third national language standard was mainly taken on by TAC's Translation Service

Committee, which indicates TAC has gained more experience in standard making and provided more professional consideration in it. Except for the three national language service standards, TAC successively formulated and issued several industry specifications, requirements, and regulations: *T/TAC 1-2016 Translation Service—Requirements for Translation Service*, *T/TAC 1-2017 Competences of Translator and Interpreter*, *Quotation for Translation Service*, *Quotation for Interpretation Service*, *Quotation for Localization Service*, *Localization—Basic Terms and Concepts*, *Specifications for Selecting Localization Service Providers*, *Regulation on Accreditation of Part-time Teachers of Master of Translation and Interpreting*, *Regulation on Accreditation of Training Bases (Enterprises) of Master of Translation and Interpreting*, and *Guidelines on Procurement of Translation Service—Part 1: Translation*. In terms of ethics of translation industry, TAC released the *Professional Code of Ethics of Chinese Language Service Industry* in 2013, as an attempt to regulate the industry by ethical autonomy. However, it is worth noting that these standards are not compulsory, but recommended standards. The lack of relevant accreditation and assessment mechanism also leads to some awkward situations, where the language service providers are short of wide recognition and strict observance of them.

### **3.3 Status Quo of the Standards in Chinese Translation Industry**

In translation service industry, translation norms are embodied by the standards formulated and issued by national standard-setting bodies and industry associations. In China's translation service industry, General Administration of Quality Supervision, Inspection, and Quarantine of the People's Republic of China as the national standard-setting body has released three national industry standards, China Association for Standardization as the national standard-setting association has also taken part in some standards' setting, and TAC, the only national association in the field of translation in China, has almost participated in all the work of standards setting for translation industry. Therefore, this chapter considers TAC as the main body for setting the standards for the Chinese translation industry.

#### **3.3.1 An Overview of Existing Standards in Translation Industry of China**

In the translation industry of China, the release of the first industry standards goes back to 2003 with the publication of the document *GB/T 19363.1-2003 Specification for Translation Service: Part 1: Translation*, which filled the gap and took the first step to regulate the industry activities. Guided by GB/T 19,000/ISO 9000 and referring to Germany DIN2345 Standard, the first industry standards presented the requirements for translation service providers to run in the whole process of business. To be

specific, since the process management of the translation service providers is a useful measure to ensure translation quality, this standard establishes the requirements for translation service providers regarding all of the following activities—preparation, translation, revision, editing, proofreading, checking, client feedback, documentation management, accountability, confidentiality, and so on. The translation service providers keep their eyes on the whole process and help to form a complete quality guarantee system and service system, which can provide a mutual-trust ground for both translation service providers and clients.

Following the first standard, the other two national standards came into being in 2005 and 2006, respectively. *GB/T 19682-2005 Target Text Quality Requirements for Translation Services*, mainly focusing on the target text quality, can be viewed as a product norm. The standard contains the target text quality evaluation part, listing the evaluation related elements, general evaluation principles, the scope of target text quality, etc. *GB/T 19363.2-2006 Specification for Translation Service: Part 2: Interpretation*, the first interpretation standard in this industry, was mainly proposed and drafted by TAC's Translation Service Committee. As the second part of *Specification for Translation Service*, it also puts emphasis on the requirements for interpretation service providers governing the process of interpretation service. The standard sets up several requirements on the qualification of interpretation service providers, including the elements (such as site, personnel, contents, and the charging standards) of business contacts, interpreter's qualifications, client's support, business management, the process control of interpretation service, and confidentiality.

As localization service is one of the businesses of TAC, and its increasing importance has drawn the attention of the translation industry, TAC founded the Localization Service Committee in 2009 to take charge of the localization-related work. Localization is the process of adapting a product or content to a specific locale or market. Translation is only one of the several elements of the localization process. In addition to translation, the localization process may also incur adapting graphics to target markets, modifying contents to suit the tastes and consumption habits of local markets, adapting certain designs and layouts to properly display translated texts, converting to local requirements (such as currencies and units of measure), using proper local formats for dates, addresses, and phone numbers, and addressing local regulations and legal requirements. The aim of localization is to give a product the look and feel of having been created specifically for a target market, regardless their language, culture, or location. The document *ZYF 001-2011 Localization—Basic Terms and Concepts* is the first sector standard for the language service industry published in China, drafted by TAC's Localization Service Committee and released by TAC. It defines several key terms and concepts related to localization, including comprehensiveness, roles of localization service, localization service process, elements of localization service, types of localization service, and technology. The issuance and use of normative terms and concepts can promote the communication efficiency in localization working process, to provide guidance for small- and medium-sized clients and to improve the fairness and health development of the industry.

Also in 2011, two other regulations on accreditation were published—*Regulation on Accreditation of Part-time Teachers of Master of Translation and Interpreting*, and *Regulation on Accreditation of Training Bases (Enterprises) of Master of Translation and Interpreting*. Both of them are jointly drafted and issued by China National Committee for Translation and Interpreting Education and TAC, aiming to innovate the education mode of master of translation and interpreting (MTI), to promote the collaboration among the translation industry, universities, and research institutes, and to regulate the training bases of MTI. The regulation on accreditation of part-time translation teachers mainly emphasizes specifying the basic requirements, professional qualifications, and the recommendation and verification of part-time teachers, in order to meet the market requirements for application-oriented professional translators and interpreters. The Regulation on accreditation of training bases (enterprises) mainly emphasizes instructing the training bases (enterprises) to provide proper training contents and use effective operation methods in order to make sure that students can obtain serious training and instruction, and at the same time promote the formation of long-term stable relation between universities and enterprises. The two regulations mainly focus on development of professional competence and ability of translators and interpreters and then the promotion of the professionalization of language service industry.

In 2013, at the China International Language Industry Conference 2013 organized by TAC, *Professional Code of Ethics of Chinese Language Service Industry* was officially released. Made up of four chapters with seventeen items in total, it was an upgraded version of *China's Code of Professional Ethics for Translators and Interpreters*. Code of ethics in language service industry has attracted much research, as practitioners in ever-widening fields of translation and interpreting practice see such codes as essential in underpinning their professionalism (Ozolins 2014, pp. 347–370). The professionalization of China's language service industry calls for not only professional competence, but also ethical virtues of practitioners, which can contribute to the establishment of language service industry credit system. The issue of the code of ethics can encourage every practitioner to follow its principles, including professional conduct, confidentiality, impartiality, accuracy, professional development, professional solidarity, and so on.

In 2013, TAC released the industry sector standard *ZYF 001-2013 Specifications for Quotation of Localization Service*, which defined localization service related tasks and quotation modes. Since localization service is an emerging sector, service providers and clients may differ in their understanding the localization service, which usually causes problems in the process of localization service. The specification presents the definition of two main localization tasks, namely software user interface localization service and document localization service, and clarifies the working process and working content of the two tasks.

In 2014, another two sector standards on quotation took effect. They were *ZYF 002-2014 Quotation for Translation Service* and *ZYF 003-2014 Quotation for Interpretation Service*. The former, applying to translation service businesses, stipulates the content and modes of translation service. Based on the procedure of translation



service, the quotation comprises six parts: preparation (before translation), translation, graph editing, desktop publishing, creation and maintaining of glossary of terms, and translation project management. Each part lists detailed quotation modes and quotation equations. *Quotation for Interpretation Service*, applying to interpretation service businesses, stipulates the content and modes of the interpretation service. It defines the two types of interpretation, namely consecutive and simultaneous interpreting, clarifies the content of interpretation service, and explains the modes of quotation. The specification on quotation is an attempt to regulate the language service industry in a more ordered way, so as to meet the requirements of the increasingly mature language service market.

Actually, the first sector standard for the language service industry in China issued in 2014 is *ZYF 001-2014 Specifications for Selecting Localization Service Providers*. In order to instruct not only the client to choose suitable localization service providers, but also the localization service providers to find its own suppliers (including enterprises, associations, and individuals), the specification presented the evaluation content of provider selection, including types of service, number of languages, human resources, comprehensive productivity and quotation, quality and process, response and delivery, technology support, information security, and social responsibility. At the same time, it listed the specific evaluation items under each evaluation content, making the specification more understandable and operable. The specification can be seen as a guide for localization service clients, which has created a good cooperation environment for both localization service providers and clients.

In 2016, TAC released its first standard in China's language service industry in a document entitled *T/TAC 1-2016 Translation Service—Requirements for Translation Services*. The standards were drafted based on several documents, including *GB/T 1.1—2009 Directives for Standardization—Part 1: Structure and Drafting of Standards*, *IOS 17,100: 2015 Translation Service—Requirements for Translation Service* and its revised version in 2016. The standard provides requirements for the core processes, resources, and other aspects necessary for the delivery of a quality translation service that meets applicable specifications. It also provides the means by which a translation service provider can demonstrate their conformity to T/TAC 1-2016 and their capability to deliver a translation service that will meet the client's and other applicable specifications. Applicable specifications can include those of the client, of the translation service provider itself, and of any relevant industry standards and codes.

Also in 2016, TAC released an industry sector standard, i.e., *ZYF 001-2016 Quality Evaluation Code for Localization Translation and DTP*. It defines the category and severity level of errors in localization translation and desktop publishing (DTP), and evaluates the weight of each type of error on the entire quality, providing a guideline for localization service providers and clients to evaluate the quality of localization translation and DTP. It also helps both parties negotiate the price, confirm the process, and accept the service on the same standards, thus ensuring that a smooth cooperation can be achieved.

In 2017, TAC released the second standard in China's language service industry, namely *T/TAC 2-2017 Competences of Translator and Interpreter*. It was also drafted

on the basis of *GB/T 1.1—2009 Directives for Standardization—Part 1: Structure and Drafting of Standards*. Since translators and interpreters are the essential parties to perform translation and interpretation activities, they have great influence on the translation and interpretation service quality. With the lack of competency assessment mechanism of translator and interpreter currently, the competence of these practitioners varies widely in the language service market, and therefore, the quality of translation and interpretation varies too. In view of the above-mentioned facts, clients, language service providers, universities, and other institutions all see the urgent need for regulating the competence of translators and interpreters. The standard can provide criteria for clients to judge the competence of translators and interpreters, provide reference for language service providers when selecting translators and interpreters, and provide translator and interpreter training orientation and objectives for universities and other training institutions. To provide quality translation and interpretation services, the translator and interpreter need to be equipped with several competences. Besides the competence of mastering the foreign language, translation, and interpreting, they also need to possess the competence of word collocation and language processing, the competence of research, information searching and processing, the cultural and technological competence, and the competence of translation and interpretation-related field content understanding and reproduction. It also lists the methods to assess these competences, and the documentary evidence that translators and interpreters can present to demonstrate their competences, because at present it is very difficult to quantitatively evaluate these professional competences.

Also in 2017, TAC released an industry sector standard, i.e., *ZYF 001-2017 Guidelines on Procurement of Translation Service—Part 1: Translation*, in order to further stipulate procurement of translation service, guide, and help translation service purchasers to choose targeted translation service providers conveniently. The guideline can provide not only the rules to be obeyed by both purchasers and translation service providers, but also a good communication and information exchanging platform. This way it will create a fair and square translation service procurement environment and protect the benefit of both parties to the utmost extent. The two main elements that affect the procurement of translation service is the need of the purchaser and the assessment of translation service provider. Therefore, the guideline defines the procurement need of the purchaser and the basic assessment elements of translation service provider. To be specific, the guideline presents the basic content of translation service procurement—the communication between the purchaser and provider, and the general process of translation service procurement. The former is further divided into several parts: general requirements, intended use and form of the target text, translation involved languages and characteristics of target readers, the scale and number of procurement, the time, carriers, and ways of final delivery, terminology and area of expertise, acceptance check, information assurance and security, and so on. The guideline also instructs the purchaser how to choose a reliable translation service provider, and the recommended method is to assess the several elements of the provider, such as factors influencing provider's performance capability, their human and technological resources, the integrating capacity and

cooperating experience of the provider, quality control and standard implementing, and so on.

As an official association, TAC has its charter to explain the purpose for the association's existence and to state the rules and regulations that the association must abide by. At present, TAC has released three administrative documents: the Charter of TAC (revised in 2015), Interim Provisions for Administration of Affiliated Committees (revised in 2016), and Interim Provisions for Administration of Members (revised in 2017). The Charter of TAC identifies the name, nature, purpose, governing bodies, and location of the association and also defines its scope of service, requirements for membership admittance to the association, the makeup of the board of directors, the process for electing board members, the role of each position, and so on. The document, Interim Provisions for Administration of Affiliated Committees, was formulated for strengthening management of TAC's affiliated committees and guaranteeing the healthy development of TAC and its affiliated committees. It describes the purpose, name, and required documents for the establishment of affiliated committees, and the rules that the affiliated committees must abide by. In particular, it states that affiliated committees can admit members in related working and professional areas after being authorized, and these members will also acquire the membership of TAC and have all the rights and obligations of TAC members. The document, Interim Provisions for Administration of Members, is set for strengthening the management of TAC membership, organizing activities in an effective fashion, and providing quality service for all members. Its second article states clearly the eligibility of the membership—any institution, enterprise, association, and individual, who supports the Charter of TAC, is willing to join the association and take part in its activities, and fulfills the obligations, is eligible to become an TAC member. It also defines the makeup of the membership, the application and admission processes, the required supporting documents, the rights and privileges of the membership, the obligations of the membership, membership management, membership dues, and membership services.

### 3.3.2 Existing Standards in Translation Industry of China

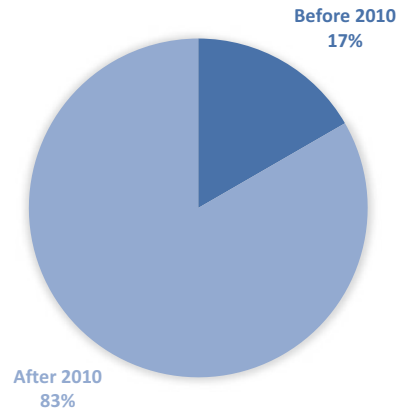
There are totally eighteen existing standards in China's translation industry currently. In this section, we shall classify these standards into different categories based on their time of release, the kinds of standards, and the contents, and carries out some analysis on them, respectively.

#### The Release Year of Existing Standards

Taking the year of 2010 as a dividing line, there are only three standards issued before 2010 and the other fifteen standards published in the last eight years (Fig. 1):

The three standards issued before 2010 were *GB/T 19363.1-2003 Specification for Translation Service: Part 1: Translation* (date of latest amendment is 2008), *GB/T*

**Fig. 1** Release year of existing standards



*19682-2005 Target Text Quality Requirements for Translation Services*, and *GB/T 19363.2-2006 Specification for Translation Service: Part 2: Interpretation*.

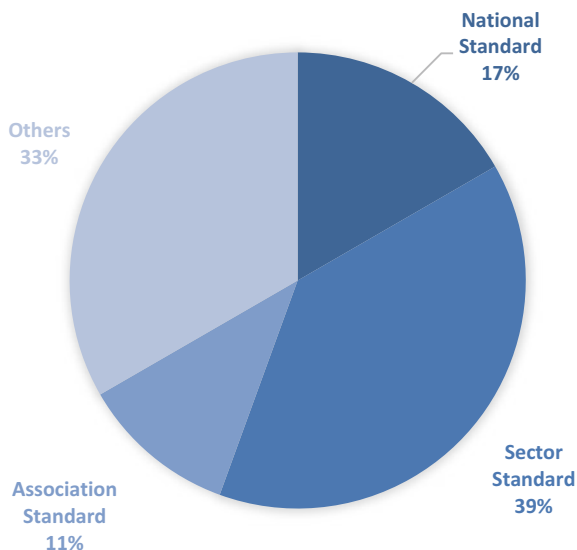
In 2011, there were three standards coming into being; in 2013, there were two; in 2014, there were three; in 2015, there was one; in 2016, there were three; and in 2017, there were three. The statistics shows that in the past eight years, TAC has paid increasing attention to translation standard setting and industry regulation, and it also indicates that China's language service industry has been rapidly developing, which calls for standardized regulation and orderly market conditions.

### The Types of Existing Standards

In November 2017, *Standardization Law of the People's Republic of China* was promulgated. After being revised and adopted at the 30th Meeting of the Standing Committee of the Twelfth National People's Congress, it came into force as of January 1, 2018. The revised law defines the legal status of association standards. It states clearly that standards include national standards, sector standards, local standards, association standards, and enterprise standards. National standards are divided into mandatory standards (GB) and voluntary standards (GB/T). Both sector standards and local standards are voluntary standards.

Among the existing standards in China's translation industry, there are three national standards—*GB/T 19363.1-2003 Specification for Translation Service: Part 1: Translation* (revised in 2008), *GB/T 19682-2005 Target Text Quality Requirements for Translation Services*, and *GB/T 19363.2-2006 Specification for Translation Service: Part 2: Interpretation*. There are two association standards—*T/TAC 1-2016 Translation Service—Requirements for Translation Services* and *T/TAC 2-2017 Competences of Translator and Interpreter*. There are seven sector standards—*ZYF 001-2011 Localization—Basic Terms and Concepts*, *ZYF 001-2013 Specifications for*

**Fig. 2** Types of existing standards



*Quotation of Localization Service, ZYF 001-2014 Specifications for Selecting Localization Service Providers, ZYF 002-2014 Quotation for Translation Service, ZYF 003-2014 Quotation for Interpretation Service, ZYF 001-2016 Quality Evaluation Code for Localization Translation and DTP, and ZYF 001-2017 Guidelines on Procurement of Translation Service—Part 1: Translation. Other standards include one code of ethics—Professional Code of Ethics of Chinese Language Service Industry (2013), two regulations on accreditation Regulation on Accreditation of Part-time Teachers of Master of Translation and Interpreting, Regulation on Accreditation of Training Bases (Enterprises) of Master of Translation and Interpreting, and three TAC administrative documents—the Charter of TAC (revised in 2015), Interim Provisions for Administration of Affiliated Committee (revised in 2016), and Interim Provisions for Administration of Members (revised in 2017) (Fig. 2):*

The three national standards and seven sector standards are voluntary standards. The two association standards were set by the association on the basis of market requirements and conditions. At present, the state encourages societies, associations, federations, and other social organizations to coordinate with relevant market stakeholders in jointly developing association standards. These standards shall be adopted by their members upon agreement or as stipulated by such organizations and may be made publicly available for voluntary adoption by others.

The code of ethics is also a recommended moral instruction, aiming to create an orderly, fair, and transparent market and keep the industry in an autonomous governance situation.

The two regulations on accreditation state clearly the qualification requirements for part-time teachers and training bases (enterprises) of master of translation and interpreting, which to some extent have constraints on applicants. The three TAC

administrative documents mainly regulate the members and branches of TAC and can be regarded as the internal regulation. Since not all the industry practitioners are TAC member, and the qualification requirements for the members are relatively low, the three administrative documents only have a limited restriction on its members and affiliated committees and lack a compelling force to regulate the translation industry. As for the participants who disobey the above-mentioned standards, there is no effective punitive measures against improper behaviors.

### The Contents of Existing Standards

In terms of the contents, the existing standards can be sorted into nine groups, as presented in the following table (Table 1):

**Table 1** Contents of existing standards

Contents	The existing standards
Internal administrative documents	The Charter of TAC Interim Provisions for Administration of Affiliated Committee Interim Provisions for Administration of Members
Specifications for service	Specification for Translation Service: Part 1: Translation Specification for Translation Service: Part 2: Interpretation Translation service—Requirements for Translation Services
Specification for terms	Localization—Basic Terms and Concepts
Regulations on accreditation	Regulation on Accreditation of Part-time Teachers of Master of Translation and Interpreting Regulation on Accreditation of Training Bases (Enterprises) of Master of Translation and Interpreting
Professional code of ethics	Professional Code of Ethics of Chinese Language Service Industry
Requirements for quality	Target Text Quality Requirements for Translation Services Quality Evaluation Code for Localization Translation and DTP
Specifications for quotation	Specifications for Quotation of Localization Service Quotation for Translation Service Quotation for Interpretation Service
Guidelines for clients	Specifications for Selecting Localization service Providers Guidelines on Procurement of Translation Service—Part 1: Translation
Requirements for competence	Competences of Translator and Interpreter

### 3.3.3 The Characteristics of Existing Standards

From the theoretical lens of the sociology of law, we find three main characteristics in the existing standards in China's translation industry.

#### **Professionalism**

As China's language service industry is getting more and more professional, the standards on translation expertise, practitioners' competence, product quality, and so on can not only regulate the professional practice procedures, but also guarantee all the practitioners' benefits. As far as the standard-setting is concerned, these standards were formulated by TAC members, whose professional background and expertise served as a guarantee of the professionalism of these standards.

#### **Multi-Subject Participation**

The proper functioning and sound development of any industry need all participants to be fully involved. Language service industry is no exception. There are five main participants in this industry: the language service providers (enterprises and individuals), the language service clients (enterprises and individuals), the association of language industry (TAC), universities and other training institutes, and the national authority representing the state. From the above analysis of existing standards, it can be found that these standards involve all the five participants more or less.

#### **Self-discipline**

In terms of the implementation of these standards, self-discipline of all participants and their voluntary compliance play a very important role in the whole process. As mentioned above, none of these standards are compulsory rules for practitioners to abide by. In other words, there is no compelling force to guarantee that these standards will be effectively observed. For instance, the three national standards, two association standards, and seven sector standards are all voluntary standards. They shall be adopted by their members upon agreement or as stipulated by such organizations, and may be made publicly available for voluntary adoption by others. The code of ethics is also a recommended moral instruction, aiming to create an orderly, fair, and transparent market and keep the industry in an autonomous governance situation. Even if some practitioners ignore these standards and perform below their requirements, they cannot be penalized.

As the internal regulations, the three TAC administrative documents can only partially regulate the behavior of its members and branches. Since not all the industry practitioners are TAC's member, and the qualification requirements for the member are relatively low, the three administrative documents only have a limited restriction on its members and affiliated committees, and lack a compelling force to regulate the translation industry. For instance, when the members of TAC severely violate the articles of the Charter, they will face a warning or expelling punishment. But for other practitioners in translation industry who are not the members of TAC, the punishment will not take effect.

## 4 Legislation of Translation Industry in China

### 4.1 *Differences Between Norms and Law in Translation Industry*

In the context of China's legal system, *legislation* is a series of acts, including formulating, modifying, complementing, and abolishing normative legal documents, and at the same time approving legal norms by government offices within its legal terms of reference according to the legal procedures (Zhang 2011). Norm is *a set of guidelines which regulate the behaviors of all relevant participants*. Besides, norm is also the umbrella term of standards and specifications in translation industry. As for law, it is defined as *a set of codified rules, imposed by authority, which regulate the behavior of involved parties of a given domain*. In sociology, norms are cultural phenomena that prescribe and proscribe behaviors in specific circumstances. As such, they have long been considered to be at least partly responsible for regulating social behaviors. Without norms, it is hard to imagine how an interaction and exchange between strangers could take place at all.

This is not to claim that norms must do all the things to regulate the society. The state is also responsible for regulating people's behaviors in a modern society. Its principal instrument in this respect is the law. Although the law also relies on norms and is regarded as legal norms, it is different from social norms. The law is created by design—usually through some kind of deliberative process, precisely specified in written texts, linked to particular sanctions, and enforced by a specialized bureaucracy. Social norms, by contrast, often are spontaneous (rather than deliberately planned), unwritten, and enforced informally. Laws are often seen as a means to regulate behaviors when neither self-interest nor social norms produce the desired behaviors in individuals. This suggests, on the one hand, that the law should regulate those areas in which social norms do not exist and provide support and extra enforcement in those areas where social norms exist.

In translation industry, the law generally will be the binding rules of conduct, and it is often issued by the state authority and intended for the regulation of social relations in translation industry. It will determine the rights and duties of the subjects of legal relations, and its abidance will be guaranteed by the state coercion. By contrast, standards, which are specific forms of social norms in the context of translation industry, operate in a different way. Different from other forms of social norms which are usually spontaneous (rather than deliberately planned), unwritten, and enforced informally, the standards in translation industry are well designed and written by state authority, related associations, and professional practitioners. They act on a voluntary basis. In essence, the set of standards is an agreed way of doing something. It could be about making a translation product, managing a translation process, delivering a translation service, or supplying translation materials. Standards can cover a huge range of activities in translation industry undertaken by translation service providers and used by their clients.



To sum up, the differences between norms and law in translation industry mainly lie in following aspects. The law is enacted and issued by organs of state power while the norms are formulated and issued by a related state authority, industrial association, and other related competent organizations; the law is mandatory and binding for the subjects' conduct, while the norms are non-compulsory rules for their subjects who have no legal consequence for their disobedience; the law is of generality, which is binding for an indefinite number of people and cases, while the norms are of specificity, which set out specifically in published documents for a certain subjects; the law is enforceable by the power of the state, while the norms' abidance lacks such state coercion.

#### ***4.2 The Relationship Between Existing Standards and Prospective Law***

In light of the sociology of law, norms and laws are both effective approaches to regulate a given society or industry. There is a lack of translation law in current Chinese translation industry. The question whether the translation law is necessary in the translation industry can be settled by probing into the relationship between existing standards and a prospective law.

Although in the recent decade TAC put many efforts into the promotion and development of Chinese translation industry standards, and has published eighteen standards of different kinds, the implementation of these standards is not so ideal as expected. The problems such as the disorderly market, overall inferior translation quality, low threshold for entering into the business, and so on are still haunting this industry. Standards are lacking to support professional accreditation of translation services and in the wide recognition and implementation among the language service providers (Guo 2010, pp. 34-37); on the other hand, the standards may have their limitations—lacking in mandatory effectiveness. Self-discipline is the core element for the standards to take effect.

From the perspective of the sociology of law, there is a pluralistic legal system including several forms of “law.” Under this pluralistic legal system, “law” consists of official rules such as legal regulations set by state authority and unofficial rules made by associations, organizations, or government agencies, such as citizens' convention, village regulation and agreement, industry norm, and association charter (Wang 2016, pp. 5–19). In terms of the industry norm, it has an interactive relationship with the official rules, also known as the law in the narrow sense, which is specifically reflected in the following ways: (1) the industry norm is the origin of some modern laws; (2) the industry norm can help to keep the industry practitioners in order; (3) the industry norm can be seen as a substitution when there is a lack of law; (4) the industry norm can make up the shortage of the law to some extent; (5) the industry norm provides the trial and error mechanism for the law; (6) the industry norm strengthens the public order constructed by the law (Lu 2003). When the industry norm is specific to the

translation industry, its interactive relationship with the translation legislation can be concluded in three aspects.

Firstly, prospective translation law is a powerful weapon in protecting the sound and orderly development of translation service industry. Under the pluralistic legal system, the law issued by a state authority possesses supremacy, governing other forms of “law,” for instance, the translation industry norms. The law can support and strengthen the implementation of the translation industry norms, for it represents the powerful state apparatus and orthodox values, and can consolidate the position of translation industry norms which conform to relative laws. At present, there is not a single law in translation service industry, which can weaken the implementation of the industry norms.

Secondly, translation industry norms can be the origin of the prospective translation law. The existing translation industry norms have stipulated the process and product of the translations service, the competence of professional practitioners, the ethical requirement for all practitioners, and so on, and have encompassed the five participants in the translation service industry. Taking the requirements for translation service providers for example, since the translation service provider includes enterprises and individuals, there can be separate articles to stipulate the requirements and qualification, rights, and obligations of translation companies (enterprises) and translators and interpreters (individuals), respectively. As for other participants such as TAC, the national industry association, its role, status, and responsibilities should be stated clearly. If necessary, the state can delegate a certain amount of power to TAC to improve its status and broaden the scope of power.

Thirdly, translation industry norms and the prospective translation law can complement each other. On one hand, translation industry norms place emphasis on specific requirements for the industry practitioners and the detailed specification about the process and product of translation service activities. By contrast, the prospective law focuses on general rules, providing framework for formulating specific rules at the macro level. On the other hand, the successful fulfillment of the translation industry mainly depends on the self-discipline of industry practitioners because of a lack of supervisory mechanism and penalty provisions. The prospective law, however, possessing the quality of coerciveness empowered by the state, can clearly state the legal liability and punitive measures and function as a supervisory mechanism for translation service industry, thus making sure that the translation service industry will develop smoothly under a sound legal mechanism.

### ***4.3 Limitations to Translation Legislation***

Based on the above analysis of the contents and the unique condition of Chinese language service industry, some limitations to translation legislation can also be found.

Firstly, as a profession association, TAC is only an academic society as well as a commercial association, unlike American Translators Association (ATA) which

is more powerful in managing and maintaining the association and the profession. TAC does not have the administrative authority, which limits its acts of managing and maintaining the activities in language service industry and the access of profession practitioners, let alone imposing punitive measures. For instance, the China Accreditation Test for Translators and Interpreters (CATTI) is currently the most authoritative translation and interpretation proficiency qualification standards and in compliance with the national system of professional qualification certificate. The test is administered by China Foreign Languages Publishing Administration (CFLPA) under the guidance of the Ministry of Human Resources and Social Security of the People's Republic of China. TAC, as an association under the guidance and supervision of CFLPA, only has the right to organize the test and deal with some general affairs.

Secondly, there is no definite competent department of language service industry. In China, according to the Legislation Law of the People's Republic of China, there are four phases in the legislative procedure—submission, deliberation, voting, and publication. Only two kinds of legislative bodies have the right to submit legislative bills to the National People's Congress: one is the Standing Committee of the National People's Congress, the Supreme People's Court, the State Council, the Supreme People's Procuratorate, the Central Military Commission, and the special committee of the National People's Congress; the other one is a delegation or a group with more than thirty deputies. Since there is no definite competent department of language service industry, the legislative bill cannot be submitted to the National People's Congress.

Thirdly, the denotation and connotation of translation, interpreting, translator, interpreter, and language service provider have changed in recent years. Driven by the growth of the global economy and developments in high technology, the process of translating and interpreting has been evolving rapidly, so has the definition of translator and interpreter. In particular, machine translation (MT) and artificial intelligence (AI) have shown increasing capabilities in effectively accomplishing translation and interpreting tasks. As a consequence, translators and interpreters have learned to use MT as a tool to accelerate their work but with a growing wariness of the potentials for MT replacing them. Some new forms of translation are getting more popular, such as video translation, subtitling, dubbing, and voice-over. Therefore, how to define the all-inclusive translation and translators in the prospective law is a question calling for careful consideration by translation experts.

## 5 Conclusion

Through the analysis of the difference and relationship between the norms and prospective law, the necessity of translation legislation has been demonstrated. Meanwhile, the gap between the industry standards/norms and law has also been somewhat clarified. In a nutshell, industry norms are voluntary rules, lacking binding effect on practitioners, and they are often presented in the forms of specific standards. By

contrast, laws, or codified statutes, focus on general issues in translation service industry, and related laws with binding force are yet to be developed to ensure the transition of the industry from “a chaotic market” to “a professional autonomy,” thus violating the law, there will be legal consequences. It is hoped that the first move to regulate the behaviors of all the stakeholders by means of issuing translation industry standards and norms by TAC can shed light on the related legislation of the industry in the days to come.

**Acknowledgements** This study was funded by The National Social Science Fund of China [Project No. 17BYY005].

## References

- Deflem, M. (2008). *Sociology of Law: visions of a scholarly tradition*. Cambridge: Cambridge University Press.
- Guo, X. 2010. Zhongguo Yuyan Fuwu Hangye Fazhan Zhuangkuang Wenti Jiduce (China's language services industry: Developments, problems and solutions). *Zhongguo Fanyi (Chinese Translator's Journal)* 6, 34–37 [郭晓勇. 2010. 中国语言服务行业发展状况、问题及对策. 中国翻译. (6): 34–37.]
- Lu, L. (2003). *Hangye Xiehui Jingji Zizhiquan Yanjiu (On the economic autonomy of Industrial Associations)*. Beijing: Law Publishing [鲁篱. 2003. 行业协会经济自治权研究. 北京: 法律出版社.]
- Merry, E. S. (1988). Legal pluralism. *Law & Society Review*, 5, 869–896.
- Nelken, D. (2009). *Beyond law in context: Developing a sociological understanding of law*. Farnham, UK: Ashgate Publishing.
- Olgati, V. 2007. Pluralism, legal. In S. D. Clark (Ed.), *Encyclopedia of Law and Society: American and global perspectives*. Thousand Oaks: SAGE Publications
- Ozolins, U. (2014). Rewriting the AUSIT code of ethics—Principles, practice, dispute. *Babel*, 60, 347–370.
- Trevino, A. J. (2008). *The sociology of law: Classical and contemporary perspectives*. New York: Routledge.
- Wang, Q. (2016). Guojia Zhili Zhongde Duoyuan Guifan (Multi-tier Norms in State Governance: Resources and Challenges), *Huanqiu Falv Pinglun (Global Law Review)*, 2, 5–19 [王启梁. 2016. 国家治理中的多元规范: 资源与挑战. 环球法律评论. (2): 5–19.]
- Wang, L., Cui, Q., Meng, Y. (2016). *Zhongguo Qiye Zouchuqu Yuyan Fuwu Lanpishu (Bluebook of “Going Global” Language Services of Chinese Enterprises)*. Beijing: University of International Economics and Trade Press [王立非, 崔启亮, 蒙永业. 2016. 中国企业“走出去”语言服务蓝皮书. 北京: 对外经济贸易出版社.]
- Zhang, W. (2011). *Falixue (Jurisprudence)*. Beijing: Gaodeng Jiaoyu Chubanshe (Beijing: Higher Education Press) [张文显. 2011. 法理学. 北京: 高等教育出版社.]

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