ARCHIVAL PROFESSIONALISM AND ETHICS

AN ASSESSMENT OF ARCHIVAL CODES IN NORTH AMERICA

by

TREVOR IAN MAY

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School

~~Department~~ of *Library, Archival and Information Studies*

The University of British Columbia
Vancouver, Canada

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Abstract

This thesis explores the subjects of professionalism and ethics as they relate to archivists and seeks to assess the appropriateness and effectiveness of the ethical codes adopted by two national archival associations in North America. The archival profession in North America is in its infancy compared to its status in Europe. Having been identified with serving scholarship and other "non-essential" pursuits, archivists have begun to involve themselves in more vital records management tasks involving access to information and privacy issues. As the archival profession strives to achieve greater public recognition and trust to better carry out these and other sensitive tasks, the need for a code of ethics has become more acute. Both the Society of American Archivists and the Association of Canadian Archivists have developed codes in the last few years in an attempt to set standards of conduct in the face of rising responsibilities. However, many of the elements have been borrowed from other codes and with the need to ensure that such codes will be observed by members and enforceable by sanction, it seems timely that some means be established for analyzing their effectiveness.

This thesis attempts to establish the tools for analysis of archival codes of ethics. To this end, it examines professionalism and ethics and the relationship between them. It draws upon the literature on emergent professions, establishing some of the characteristics of recognized professions. It also draws upon the literature on professional ethics to determine how one might look at existing codes from an ethical perspective. It examines the nature of archives and archival work to identify ethical principles regarding archival material and its treatment. Ultimately, the elements of these foregoing discussions form the basis for analyzing archival codes of ethics.

The thesis generally concludes that ethical codes must be placed in an ethical infrastructure which reinforces the values and principles embodied in a code of ethics. Moreover, a better understanding and consensus about the purpose or goals of the profession needs to be achieved and stated in the codes themselves. Greater attention needs to be paid to formulating basic principles which can be applied in unpredictable situations. Greater use of logical

relationships between code components is also needed. Finally, to become truly useful, the North American codes need to be made more comprehensive and to this end, it is suggested that professional archival groups abandon their attempt to provide ethical guidance solely in encapsulated form.

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Introduction

With the advancement of professionalization of archivists throughout North America, and the attendant formulation of codes of ethics by professional bodies like the Association of Canadian Archivists (ACA) and the Society of American Archivists (SAA), it would appear timely to establish a means of understanding and evaluating these standards. Many such codes are modeled after those of other professions, transferring both desirable and undesirable features. Casting a critical eye on the effectiveness of these codes of conduct requires an understanding of not only ethics and ethical codes, but also of professionalism and archival principles. Moreover, it is from this understanding of underlying principles that a set of analytical tools or points of reference should be developed for practical application.

The debate about archival ethics has occurred sporadically in journal articles over the last twenty years. Some put forward arguments for developing and implementing a code of ethics, while others served to herald new codes or changes to old ones.

The earliest articles revolved around the widely publicized 1968 case in which a historian claimed wrongful treatment by the archivists at the Roosevelt Library.[1] This incident demonstrated the clear necessity for both mutually agreed upon principles and rules and an awareness of these standards on the part of archivists and their clients. However, it was not until 1976 that an article addressing the whole issue of archival ethics was written by E.W. Russell for the Australian Journal Archives and Manuscripts.[2] Russell recognized the need for some kind of machinery for addressing the problem of interpersonal and inter-institutional conflict in the role of the archivist. The machinery suggested by Russell included an ongoing review process in order to clarify roles, rights and responsibilities; the development of a formal code

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[1] See R. Polenberg, "The Roosevelt Library Case: A Review Article," American Archivist 34 (July 1971), 277-282 and H. Kahn, "The Long-Range Implications for the Historians and Archivists of the Charges Against the Franklin D. Roosevelt Library," American Archivist 34 (July 1971).

[2] E.W. Russell, "Archival Ethics," Archives and Manuscripts V6 N6 (February 1976), 226-234.

of ethics; and the use of more focused policy statements on certain very specific issues.

In the same year, the SAA Council realized the need for a new code of ethics to replace the National Archives 1955 code. It appointed a committee charged with developing the code and with making recommendations as to the appropriateness and feasibility of applying sanctions. By 1980, a final draft was approved by the SAA Council.[3]

David E. Horn reviewed the differences between the old National Archives code of ethics and the new SAA code, as well as other comparable codes.[4] Horn's article served to renew awareness of the ethics code and its underlying principles, while noting the need for both ongoing reviews to meet changing conditions and education of members as to its use in practice.[5]

In Australia, the discussion of ethics proceeded more slowly. In 1987, Anne Cooke wrote an article in Archives and Manuscripts offering some useful points for discussion regarding the formulation of the Australian Society of Archivists' code.[6] To date, it is probably the most enlightening analysis offered. Cooke discusses the reason for a code, its functions, its forms (aspirational or quasi-legal), and its enforcement. More particularly, she examines the effectiveness of three sample codes in dealing with the contentious archival issues of acquisition, disposal, and access. In each case, she emphasizes the duty to respect archival principles, and notes other relevant principles, such as accessibility, equality of access, and privacy. In conclusion, Cooke states:

> . . . to be effective (a code) must be sufficiently detailed and precise to give clear guidelines to its users. It should provide guidelines for settling internal and external disputes and some sort of action which

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[3]David E. Horn, "Ethics in Archival Practice," American Archivist 52 (Winter 1989), 65-66.

[4]Horn, "Ethics in Archival Practice," 64-71

[5]Elena S. Danielson, "The Ethics of Access," American Archivist 52 (Winter 1989), 52-62.

[6]Anne Cooke, "A Code of Ethics for Archivists: Some Points for Discussion," Archives and Manuscripts v 15 no. 2 (November 1987), 95-104.

can be taken for non compliance. It must be reviewed at regular intervals and adapted to reflect changes in public attitudes.[7]

Ethical issues continued to receive attention in articles such as that of Elena Danielson, who tackled the complex and troublesome issue of access. The implication of this article was that a set of policies or guidelines would serve to reduce confusion and inconsistency. Heather MacNeil's book on the ethics of access in an archival setting is the most comprehensive work on the subject, taking a principled approach in addressing the issue of freedom of inquiry versus protection of privacy. She observes that:

> Archival professional ethics demand that, in administering access to records containing personal information, archivists demonstrate a sensitivity to the sensibilities of the individuals represented in the records and, more specifically, that they actively work toward ensuring the protection of the individuals' right to privacy.[8]

MacNeil also delves into the obligations for the archivist which arise from the need to balance these two principles, including strengthening and systematizing policies and procedures, debating the issue as a profession, and raising awareness of privacy issues within institutions and among the public at large. Clearly, the issue of privacy versus access is one of the most pressing and controversial ethical problems facing archivists today and it points clearly to the need for ethical skills and infrastructure to assist in making these often difficult decisions.

It is quite apparent from this brief review that the literature on archival ethics has been sparse and limited almost entirely to journal articles. While the importance of ethical conduct has been recognized and codes developed to address the common dilemmas inherent in the work of archivists, there has been little said about what ethics is and how codes might form a functional part of a system of ethics. Moreover, it is apparent from the foregoing works that archivists have not worked out a framework for analyzing codes of ethics to determine the appropriateness and utility of their provisions. This being

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[7]Ibid., 103.

[8]Heather MacNeil, <u>Without Consent: The Ethics of Disclosing Personal Information in Public Archives,</u> (Metuchen, N.J. and London: Scarecrow Press, 1992), 181.

the case, it may be useful to examine what others have determined about ethics in general and professional ethics in particular.

Notwithstanding the difficulties in applying professionally established standards and norms of behaviour, the position taken by this author is that doing so will not only aid the development of the profession but also lend a sense of purpose to archival work. In establishing ethical guidelines and rules, William J. Goode argued that there must be a correlation between the values of the profession and those of the larger community which is being served. Says Goode, ". . . the professional community must justify each provision in its code of ethics or etiquette by invoking ethical notions that are also accepted by the larger society . . . ."[9] This correlation of professional norms with the interests of the larger community must be kept in mind as we begin to explore the ethics and the design of archival ethical codes.

Archivists in North America have, until recently, undertaken their role in relative obscurity since the establishment of archival institutions around the turn of the century. If their work is recognized at all by the public, it has been associated mostly with assisting scholars in research. Much of this thesis rests on the premise that most archivists wish to establish their occupation as a more widely accepted and respected profession in North America. It argues that archivists must demonstrate not only the importance of the work they perform, but also its relevance to all members of society and not just an academic elite. In short, archival work must be seen as vital to the continuity of the community or organization being served. If archival work is vital to society and certain actions could cause serious harm, the need for a code of ethics arises. Such a document needs to demonstrate the harm that negligent or unethical conduct might cause, offer principles and rules designed to protect society, and assist practitioners in doing the right thing in difficult circumstances.

Designing good and effective ethical codes requires some understanding of professional ethics and the means by which to judge codes from an ethical perspective. There are many opinions among ethicicists as to how ethical

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[9]William J. Goode, "Community Within a Community: The Professions," American Sociological Review 22 (April 1957), 197.

problems ought to be addressed, though this thesis will concentrate more on issues as they might bear on ethical codes. Though not all agree that ethical codes can be made useful, this author takes the position that they can be and should form a major role in ethical reasoning by archivists. More particularly, ethical codes need to form part of a system of ethics within the professional group. No document is likely to be effective if there is no supporting infrastructure.

Moreover, part of understanding who archivists are and what their duties are to society is arguably derived from the nature of the material they work with. Archives are by-products of past events and human transactions. As such, they are inextricably linked not only to those who created them, but to the larger society of the time to which those persons belonged. It is the inherent ability of archives to reveal the truth about what transpired in the past which makes them indispensable, and by extension makes archivists indispensable as evaluators and protectors of this resource -- a resource which is also a public good. Thus, the nature of this public good is likely to reveal much about what it is that archivists are responsible for and the sorts of principles which might be incorporated into a code of ethics. Understanding and agreeing on the basic principles that derive from the nature of archives is likely crucial to reaching consensus on the goals, values, and priorities of the profession.

With all of this in mind, the central aim of this thesis is to establish a means of analysing archival ethical codes so as to reveal possible strengths and weaknesses. The codes which will be examined in chapter four are the two major North American archival codes belonging to the Society of American Archivists and Association of Canadian Archivists. Making these effective tools of ethical reasoning can only assist in demonstrating to the public that archivists have a responsibility that requires genuine professional standards of conduct and that the members of that profession take their duties seriously.

One important aspect of ethics which will not be explored in this thesis is the various ways in which ethical reasoning is conducted. This is, nevertheless, one of the keys to making codes relevant and genuinely useful. Archivists need the skills to fathom ethical dilemmas and reach informed decisions. Codes cannot provide all the answers to ethical dilemmas, nor predict all of the

variables. The methods of balancing ethical principles and other considerations like consequences, are worthy of much further study and are crucial to making the codes of ethics work as part of a system.

This work is divided into four chapters, the first of which looks at the issue of professionalism, how occupations might achieve this status, and what it means to archivists, who, as salaried professionals, lack the independence of the more traditional consultant professionals. It will be seen that the degree of professionalism recognized determines the autonomy one is granted to make decisions. The greater the autonomy the greaater the need for ethical standards. This chapter draws on the extensive literature on professionalism written since the 1950s.

Chapter two examines the topic of professional ethics, with an emphasis on the different ways of looking at ethics and ethical codes in particular. After discussing the most salient points raised by numerous authors on professional ethics as they may relate to ethical codes, it compiles a series of criteria for use in the analysis of archival codes.

Recognizing that designing and implementing effective ethical codes requires a fundamental understanding of the main purpose of the profession, chapter three explores the nature of the material that archivists select, arrange describe and preserve for society. It is from the nature of archives that one draws many of the principles guiding ethical archival practice. Few of these are ever articulated, though they all have as their ultimate goal the preservation of the qualities unique to archives. Though records are not sentient, there is an equivalence between the interests of the records and the interests of society.

Chapter four draws all the concepts of the previous chapters together and applies them to the two North American codes so that there are some means by which they can be evaluated. Finally, the conclusion brings forward some suggestions as to what both professional associations might do to improve their codes and the infrastructure around them.

Chapter 1

Professionalism and Ethics

In recent decades, occupations have, in increasing numbers, endeavoured to seek society's recognition of them as professions by offering numerous arguments to support their claim to this coveted status. This chapter, will examine how occupational ethics is connected to professionalism. In particular, it will be necessary to analyze the phenomenon of professionalization to yield some understanding of the term profession. An assessment can be then made of archivists as professionals, and of the role of a code of ethics in professionalization.

Professionalism and ethics are both fields of study in which there has historically been little agreement, especially as regards professions. However, there are some common threads. We shall try to uncover some facts about professionalism, ethics and how archivists might view themselves, with the hope of reaching some initial conclusions and further questions to be addressed in subsequent chapters.

What Is A Profession?

This is a question which may seem at first blush to be both obvious and unnecessary to our ultimate line of inquiry which is about archival ethics. In fact, the two concepts of profession and ethics are inextricably linked. However, over the past century, the term "profession" has acquired multiple meanings. Sorting out what we mean by "profession" and what it means to archivists and archival codes is the main task of this chapter.

The derivative terms can be quickly defined for our purposes at the outset. Professionalism is the measure of a practitioner's commitment to his or her work, its values, principles, techniques and service to society as a whole. Professionalization is the process by which occupations endeavour to become recognized and accepted as professions. Finally, semiprofessions is a term often ascribed by sociologists to those occupations which meet some but not all, or not enough, of the requirements for professional status. These

terms are all dependent on a sense of what the characteristics of a profession are and we will see that there is no consensus among sociologists as to how to judge what constitutes a bonafide profession.

The terms "profession" and "professional" have many popular contemporary connotations. They are applied to such occupations as law and medicine, but also to athletes, artists, and even janitors. In the cases of law and medicine, there is a notion of commitment to society's most basic needs through arduous preparation and sacrifice. In the case of athletes and artists, the implication is merely one of being engaged in a full-time activity for personal profit. The Oxford English Dictionary offers the following relevant definitions of profession and professional:

> Profession   1 a vocation or calling, esp. one that involves some sort of advanced learning or science (the medical profession).
> 2 a body of people engaged in a profession.
> Professional 1 of or belonging to or connected with a profession.
> 2 a having or showing the skill of a professional, competent. b worthy of a professional (professional conduct).
> 3 engaged in a specified activity as one's main paid occupation . . . (a professional boxer).
> 4 *derog.* engaged in a specified activity regarded with disfavour (a professional agitator).[1]

It is easy to see the limited value of these meanings. They tell us that a profession is usually associated with advanced learning, but is this the only criterion? A professional supposedly demonstrates skill and competency, but this could be said of almost any kind of occupation. Finally, "professional" is attributed to those who engage in a full time occupation for remuneration. Thus, the dictionary is of little help to us, except to confirm the imprecision of ordinary usage.

In the past half century many occupations have sought to join the ranks of the established professions, and in so doing have tried to change the meaning of the term to suit themselves. John Kultgen theorizes that the advocates of these occupations:

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[1] R.E. Allen, ed., The Concise Oxford English Dictionary of Current English 8th ed. (Oxford: Clarendon Press, 1990), p. 952.

. . . were met with resistance by other members of the speech community who were protective of the reputation of the original professions or just traditionally minded and who continued to use the term in its earlier sense. As a result, 'profession' comes to designate a large family of occupations with criss-crossing similarities and differences. 'Professionalism' comes to designate a family of attitudes and skills with criss-crossing similarities and differences, and likewise 'professional' and 'professionalization.'[2]

Whilst sociologists have put forward models of ideal professions, no means of classification has yielded anything with the power to discriminate effectively between true professions and non-professions. Some sociologists have concluded that there are no clear divisions between profession and non-profession but rather varying degrees of professionalism along a continuum or scale.[3] This is likely a sensible view to adopt as it allows one to see professionalism as an evolving phenomenon and a relative quality or set of characteristics.

There are three models through which we can view professionalism and which may yield an understanding of what it entails. The first is the taxonomic model, which was the dominant view prior to the 1970s. The second is the process model, which focuses on the sequence of events leading to acquisition of professional status. Finally, a third approach focuses on the amount of power and accompanying autonomy an occupation has as a measure of its state of professionalization.

Taxonomic Model

Although taxonomies are not always the best theoretical way to explain a phenomenon, examining some of the more common characteristics of established professions may yield some insight into what sociologists look for

[2]John Kultgen, Ethics and Professionalism (Philadelphia: University of Pennsylvania Press, 1988), p. 58.

[3]Such authors include: Bernard Barber, "Professions and Emerging Professions," in Ethics in Professional Life, edited by Joan C. Callahan (New York: Oxford University Press, 1988), pp. 35-36; Ernest Greenwood, "The Elements of Professionalizationalization," in Professionalization, ed. Howard M. Vollmer and Donald L. Mills (Englewood Cliffs, N.J.: Prentice Hall, 1966), p. 9.; Kultgen, Ethics and Professionalism, p. 59; Wilbert E. Moore and Gerald W. Rosenblum, The Professions: Roles and Rules (New York: Russell Sage Foundation, 1970).

in those occupations seeking professional status. The taxonomic model usually identifies five characteristics of professions. Although this number varies from writer to writer, the purpose here is simply to illustrate one possible means of understanding what a profession is.[4]

1. *Extensive education in a systematic body of theory.* One of the most frequently cited requirements for professional status is a high degree of generalized and systematic knowledge gained through intensive and specialized education. Achieving mastery of this abstract body of knowledge is one of the basic requirements for entering a community of experts and forms the basis of specialization. This knowledge base is developed over time through contributions by practitioners and through research conducted at recognized academic institutions such as universities. A profession's underlying body of theory must not only be internally consistent, based on principles which may be applied to an infinite variety of problems encountered in the field, but also be seen as relevant by the public. The degree to which this fund of knowledge is formalized and taught in dedicated university or college programs (and the duration of such education) is therefore critical to an occupation's status as a profession.

2. *A service orientation.* There should be an evident primary orientation to the community interest rather than to individual self-interest. A service orientation involves recognizing the needs of individual or collective clients and attending to those needs in an impartial, competent, and conscientious fashion. Competence is maintained through entry standards and ongoing education while impartiality and conscientious practice are theoretically instilled and reinforced by the professional community through ethical codes, socialization, and possibly a system of rewards.

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[4]This synthesis of ideas and concepts is derived in part from Michael Bayles, "The Professions," in Ethics in Professional Life, ed. Joan C. Callahan, pp. 27-30; Richard Cox, "Professionalism and Archivists," American Archivist 49 (Summer 1986): 232-233; William J. Goode, "Theoretical Limits of Professionalization," in Amitai Etzioni, ed., Semi-professions and Their Organization (Toronto: Collier-Macmillan, 1969), pp. 276-280; Greenwood, "The Elements of Professionalization," pp. 9-19; Moore and Rosenblum, The Professions, pp. 5-16; C. Turner and M.N. Hodge, "Occupations and Professions" in Professions and Profesionalization, edited by J.A. Jackson, (Cambridge: Cambridge University Press, 1970), pp. 23-33.

3. *Professional organization.* To be effective as a group, a profession needs to demonstrate that it is organized into a unified body which speaks largely with one voice. Professional organizations or associations are often formed at some point to provide a forum for discussing and furthering occupational issues. These organizations help to reinforce a membership's identification with its professional calling, recognize and prioritize common interests, establish control mechanisms over performance, and set the standards of admission to the profession. The more advanced professions will have evolved one dominant association per given geo-political area. The degree of professionalism can be measured by the effectiveness, both internally and externally, of the group's formal organization.

4. *A professional culture.* Culture, in this context, can be seen as a common set of values and norms which distinguish ordinary occupations from those with a calling or overriding sense of purpose. Professional organizations provide just one forum for developing a professional culture. Teachers in professional schools usually take the opportunity, not only to impart practical skills and principles, but also to instill values and an ideology to support the sense of mission. In the field, professional culture is built through collective action by the profession to develop and refine the discipline and its commitment to service.

5. *Autonomy.* The occupational group must demonstrate that its knowledge and expertise is superior to all others outside the group. This sphere of autonomy can be measured in terms of the degree of monopoly held over certain activities of recognized value to society. It is a claim made to that society for recognition and backed by various forms of justification (principles and techniques). The autonomy may be manifested in relations with both clients and employers. In a professional-client relationship, the professional should be able to decide the best course of action. Clients have traditionally been thought of as individuals, though collective clients such as companies and governments are also recognized in the literature. Autonomy is a common feature but one which is increasingly limited by bureaucratic institutions in which many professionals now practice. Ultimately, it is attained, or not, through societal recognition and the sanctioning of certain powers and privileges.

Process Model

The taxonomic model aims to understand the characteristics which qualify occupations as professions. It suggests that professional quality is something which some occupations have and some do not or some have in greater measure than others. The simple description of these characteristics alone offers little means of measuring or determining the degree to which any given occupation achieves professional status. This deficiency has led some sociologists to adopt another approach which focuses on the process of professionalization by arranging various elements in some sort of logical sequence based on historical examples. One of the better known proponents of this approach is Harold L. Wilensky, who feels that understanding general criteria is less important than recognizing the typical process by which occupations have historically achieved professional status.[5] He sums up the basic process this way:

> Any occupation wishing to exercise professional authority must find a technical basis for it, assert an exclusive jurisdiction, link both skill and jurisdiction to standards of education, and convince the public that its services are uniquely trustworthy.[6]

After studying the evolution of eighteen occupations, including librarianship, Wilensky derived a typical sequence of events. It starts with the creation of a full-time occupation and progresses to the establishment of a formal program of education. At some stage, the members of the occupational group form professional associations through which they define core tasks and engage in political lobbying. Finally, in an effort to protect clients from the unqualified or unscrupulous, and to ensure that the service ideal is adhered to, a formal code of ethics is adopted.[7] Each stage involves its own series of possible steps and pitfalls, but while the processes may be identifiable, even in Wilensky's study, the sequence seems difficult to predict. By melding the experiences of old and newer professions, Wilensky generalized about the past, present and

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[5]Harold L. Wilensky, "The Professionalization of Everyone?" The American Journal of Sociology LXX 2 (September 1964): 137-158.

[6]Ibid., p. 138.

[7]Ibid., p. 142-146.

future. It is more likely that these activities take place in varying orders and some concurrently. The process is thus always evolving. Perhaps more importantly, though, Wilensky's process does not adequately address the relationship of professions with society which others feel is at the root of the phenomenon. Wilensky's contribution lies in providing what Richard Hall refers to as the structural aspect of this phenomenon which tells us *how* it can take place. Hall acknowledges the significance of these structural elements but explains them as deriving ultimately from "attitudinal" factors exhibited by members of occupations towards clients and society, such as belief in public service, autonomy, and a sense of calling.[8]

Power/Autonomy Model

The last, and perhaps the most comprehensive approach also sees professionalization as a process involving an attitudinal aspect but focuses on the power held by individual practitioners in their relations with society and individual clients. Supporters of this model want to know *why* occupations gain or lose sway in public perception, not just how. This power, according to Forsyth and Danisiewicz, is manifested in several varieties of autonomy (the ability to make decisions without external pressures) in decision-making, including a certain degree of immunity from pressure by clients, non-colleagues, and employers.[9] We will see later that the requirement to act ethically is greatly influenced by the degree of autonomy or power enjoyed by a professional in his or her work setting, as is the ability to enforce an ethical stand. Thus, being able to analyze the power relations of an occupation will aid us not only in predicting its success as a profession, but also its effectiveness in the ethical realm.

Power, in this context, refers to the ability of an occupation's leadership to acquire rights, privileges and responsibilities from a reluctant society. There are two main sources of this power: the margin of indetermination (degree to which an occupation's activities cannot be routinized or easily mastered by

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[8]Richard H. Hall, Occupations and the Social Structure (Englewood Cliffs, N.J.: Prentice-Hall, 1969), pp. 80-82.

[9]Patrick B. Forsyth and Thomas J. Danisiewicz, "Toward a Theory of Professionalization," Work and Occupations V 12 N. 2 (February 1985): 60.

many people) and the level of uncertainty associated with the task.[10] These sources of power vary in importance with each occupation and with the passage of time and may well be either intrinsic or artificially exaggerated by occupational associations or groups to improve their legitimacy in the public mind. Thus, a lawyer might suggest the perils of not knowing our rights with regard to injury claims and attempt to raise the public's level of uncertainty and anxiety in this manner. The goal of any profession in this view is to expand its sphere of recognized expertise and influence. The means for accomplishing these expansions as well as defending existing power against internal and external threats, according to the power proponents, is *ideology*.[11] They suggest that the functional elements enumerated by the taxonomists are merely the ideological tools most frequently used and that demonstrating that they have these attributes proves little.

In testing the degree of professionalization reached by a given occupation in terms of its power, Forsyth and Danisiewicz[12] suggest that it be viewed as a three phase process. In the first phase, the potential for autonomy is established; in the second phase, the profession is formed through public recognition; and in the third phase, the gains in autonomy are stabilized.

In the first phase, Forsyth and Danisiewicz argue that the potential for establishing a claim to professional status is based firstly on three predisposing characteristics and secondly on image-building activity. The three imperatives are that there be:

1. service essential or of great importance to clients
2. exclusive control of the service-task, and
3. complex task involving discretionary application of knowledge

The last of these imperatives can be roughly equated with the two sources of power articulated by Johnson (level of uncertainty) and Jamous and Pelloile (margin of indetermination) respectively. These characteristics (monopoly of

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[10]H. Jamous and B. Pelloille, "Changes in the French University-Hospital System," in J.A. Jackson, ed., Professions and Professionalization, pp. 111-152 and T. J. Johnson, The Rise of Professionalism: A Sociological Analysis (Berkley: University of California Press, 1972), p. 43.

[11]G. Ritzer, Working: Conflict and Change (Englewood Cliffs, N.J.: Prentice-Hall, 1977), p. 59.

[12]Forsyth and Danisiewicz, "Toward a Theory of Professionalization," pp. 62-66.

the service task and complexity of the task) are of particular importance as they relate most directly to ethical codes. One of the main sources of monopoly is competence and it is competence that ethical codes are designed to promote in the eyes of peers and in the public mind. Similarly, the complexity of a task is demonstrated by the application of principles (known only to the professional) to the solution of a class of society's problems. Ethical codes enshrine those principles as a guide to the conduct of the professional's work and their provisions may also suggest ways in which principles are applied in certain circumstances. In this way, the ethical code is an important tool in the building of a credible profession. By extension, its utility and validity in this regard must surely be dependent on its effectiveness in informing conduct.

According to Forsyth and Danisiewicz, the image-building activity involves convincing the public that the profession's service meets the above requirements.[13] The public response manifests itself in the form of autonomy being granted in the client-professional relationship and/or autonomy from the employing organization.

In the final phase, the gains are solidified and maintained. Those professions achieving autonomy from either the client or the employer become semiprofessions and those achieving sufficient autonomy from both become true professions. Those which fail to demonstrate the substance of their claims are just "mimic professions" which must start again from phase one.[14] The latter can be conceived of as those occupations which may possess all the visible signs of being a profession but which have failed to convince the larger community that they deserve special status. Thus, for semiprofessions to be meaningful, in this view, they must demonstrate some degree of autonomy.

Ritzer describes the process as a dialectic in which all factors are interrelated. He sums up the power approach to professionalization in the following six statements:

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[13]Ibid., pp. 62, 64.
[14]Ibid., pp. 64-65.

1. An occupation that controls areas of indeterminacy and/or uncertainty is likely to have great power.
2. An occupation with such power is likely to use it to win the prestigious title of profession.
3. An occupation is likely to use ideology as a weapon in its effort to gain professional status.
4. The power of an occupation is likely to be enhanced once it acquires professional status.
5. A profession is likely to employ ideology in order to help it maintain or even improve its position.
6. Despite its power and the strength of its ideological system, a profession can lose its position as a result of external and internal social changes.[15]

The central variable in Ritzer's mind is ideology. Ideology, in this context, includes all the tools used by professions to promote and maintain their position of strength. In this sense, the characteristics in the taxonomic model become those tools. As an example of the last statement, Ritzer offers the case of pathology which has split into two fields -- the traditional scientific positions and the newer practitioners who see their role as being more closely linked to serving the medical profession. The latter has established an ideology and professional association to differentiate themselves from the scientific counterparts. The scientific segment has tried to resist this internal threat to their exclusive domain and ideology in a battle for new recruits. This scenario may be seen as parallel to the ongoing severing of archival practice in North America from its roots in the history profession. Emerging as a profession or semiprofession with some degree of recognition would then appear to require the ongoing use of familiar ideological tools. One might add, though, that such ideological tools must be substantiated and reinforced by a sincere and demonstrable intent to serve the best interests of society.

The power approach seeks to articulate the contract that is struck between society and various occupations, yielding varying degrees of autonomy. Thus, the more essential, the more exclusive, and the more complex a service is, the more likely society (including clients and employers) is to grant greater autonomy to make decisions and the less likely it will interfere, assuming that the trust placed in the profession is not violated. This test of worthiness

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[15]Ritzer, p. 62.

cannot be avoided by any occupation seeking a privileged position in the larger community.

Where we may have difficulty with the power/autonomy approach is in its inherent cynicism toward the motives of occupational leaders and the implication that the public is being manipulated or duped into granting power for its own sake. That professionalization may seem self-serving is inevitable, given the social and remunerative benefits. However, Ritzer acknowledges that this power is never absolute. Clients have always retained the final judgment on whether the service being offered is adequate.[16] Furthermore, there is growing evidence that the relative power of professionals is declining along with that of other privileged positions as various abuses come to light. However, while status, influence, and relative remuneration may decline, it seems likely that there will always be some positions in society which require some deference to the opinions of specialists, for this is one of the reasons why we invest so much in their education. If the motive for recognizing professions is better service to society, then the necessary degree of autonomy will likely still be granted when tangible benefits are evident or demonstrable. This public perception remains the key variable in the equation, and power will always be relative as opposed to absolute.

Having looked at the three ways of analyzing a profession or the means by which one achieves such status, we have come a long way toward constructing a workable meaning for the term. Moreover, the discussion should assist in analyzing and measuring our own occupation's progress in achieving that status. Having gained this more comprehensive view of what a profession entails, one can say that: *it is a type of occupation whose practitioners have successfully organized themselves into a community with an ideology or philosophy. The practitioners have convinced the larger society that the occupation's values are compatible with those of the larger community, that its services are sufficiently critical to public welfare , and that a potential for harm exists if work is performed by incompetent persons without specialized and extensive education in an exclusive body of knowledge.* The dynamics of the phenomenon appear to be less dependent on the structural attributes or

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[16]Ibid., pp. 63-64.

processes as such than they are on public perceptions and a professional's own attitudes toward his role. Moreover, professionalism carries with it the implication that those who seek the status of profession must demonstrate a mixture of genuine impartiality, honesty and integrity in carrying out their work for society. Being granted such status allows an occupational group to provide service based more on stated principles and values and less on the policies of employing organizations. However, integrating the professional principles with institutional policy may well prove difficult. Arguably the first step involves generating consensus within the group on specific principles and basic rules of conduct. Without such consensus, the movement to professionalize is less likely to succeed.

Archivists as Professionals

If archivists view themselves as performing an essential task requiring the discretionary use of extensive knowledge, then there is a very great need to acquire the necessary resources and authority that recognition as a profession or semi-profession can give. Having that authority or power requires at least some autonomy. In light of this and all the foregoing discussion, we can now attempt to find a place for archivists in this continuum of professionalization. The task here is not to make a definitive judgement, but rather to gauge some of the strengths and weaknesses of archival professionalization.

In 1986, Richard Cox endeavoured to make a similar assessment to gauge archivists' progress on the scale of professions.[17] In the context of the United States, which is roughly comparable to that in all English-speaking countries (and most of the rest of the world outside of Continental Europe), Cox determined that, according to the professionalization model, archivists have not advanced much beyond the "potential" stage. Using the taxonomic analysis, he stated that: the theoretical knowledge base is only partially developed; little control over and standards for education exist; and no sanction or control of entry to the profession has been established. Furthermore, he notes that cohesion among archivists is strong but the extent of influence by archival associations is questionable and the influence of related occupations

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[17]Richard Cox, "Professionalism and Archivists in the United States," American Archivist 49 (Summer 1986), pp. 229-247.

such as records management and librarianship are of concern. An archival culture or identity is emerging and an institutional altruism or service ideal is demonstrated by a commitment to making documentary heritage accessible and by the establishment of the SAA's albeit voluntary code of ethics. On the matter of autonomy, he states that the close association with the historical profession has contributed to marginalizing the independence of archivists, leaving it a "mimic" or semiprofession. Cox concludes that six issues must be addressed in establishing an acceptable status for the profession: promoting recognition of archivists commensurate with that of archival institutions, developing a more united national voice, strengthening education by means of graduate programs, developing systems for institutional accreditation and certification to support standards and the archival mission, and finally, to promote the highest standards possible.[18]

Cox was speaking to an American audience. Though at the time Canada was in much the same position, the establishment of the Master of Archival Studies Program at The University of British Columbia five years earlier did much to further the educational goals. It sowed the seeds for the broadening of theory and creating a standard for the profession. In both countries, archivists continue to strive for recognition of their work. This will only succeed if a united philosophy can be demonstrated based on sound principles in harmony with those of the "larger community" referred to by Goode.[19]

Ultimately, the ability of a profession to achieve its mission is determined by its ability to persuade society of the importance of that mission. In this regard, a program of education establishing a common set of principles and standards of knowledge is critical. Ethical codes reflect these values and if properly constructed, serve not only to establish appropriate modes of conduct, but also to demonstrate competency in the service of society. While many of the elements of Cox's agenda are being addressed, we may identify some fundamental limitations which are likely to persist indefinitely and which may indirectly affect the ability to fulfill ethical standards.

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[18]Ibid, pp. 235-245.

[19]William J. Goode, "Community Within a Community: The Professions," _American Sociological Review_ 22 (April 1957): 194.

Applying the three initial criteria of the power model as laid down by Forsyth and Danisiewicz suggests that public recognition holds the greatest trouble for archivists. Firstly, do archivists offer an essential service? The answer to this question a few years ago would have brought the definite answer "no" in large measure because of the occupation's obscurity and general attachment to the apparently non-essential realm of culture. Today, with the ever-increasing demand for access to public records and fear of the misuse of confidential information by governments and other agencies, the potential does exist for archivists to offer their expertise and impartiality in protecting the public interest in this area. The key point to be recognized is that the essential service implies the potential for harm to occur if the practitioner is not given sufficient trust and autonomy to act for the good of society. William J. Goode makes this crucial connection between autonomy and vulnerability, when he says,

> the claim to autonomy or trust loses its point unless the client or society can *in fact* be *harmed* because of unethical or incompetent work by the practitioner; and because of the substance of the problem certain professionals cannot do their work unless they are *able to do harm.*[20]

The problem for archivists may be that the public is more likely to fear the actions of governments and corporations who employ archivists than they would be to fear incompetent archivists. In this regard, the public ignorance as to what archivists do is problematic, for if they know nothing of their work, how can the public fear incompetency? The work of librarians is well understood but they fail the harm test according to Goode.

> The image of the librarian is primarily deprecatory, not threatening: he is thought to be able to help, but not to harm. In the public view, there is little reason to give the librarian any autonomy or trust, because he can do his job perfectly well without it.[21]

But for the identification of a crucial role in society in which incompetence can yield harm, an occupation's chances of gaining public acceptance and autonomy are slim indeed. Architects can easily demonstrate the harm that

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[20]Ibid., "Theoretical Limits of Professionalization," in Amitai Etzioni, ed., The Semi-professions and Their Organization (New York: The Free Press, 1969), pp. 295-296.

[21]Ibid., p. 297.

occurs if deference is not given to their expertise. Dentists have similarly been recognized as the experts in the care of people's teeth as the loss or decay of this part of our body has an impact on our general health and social life. Archivists must be able to demonstrate not only the existence of a similar vulnerability to which their expertise can be applied but also the possibility that incompetent performance of the work could lead to serious harm.

The second criterion is the exclusive control over the service task. Archivists have traditionally been associated with historians and the realm of culture. Whilst this might arguably present lingering problems with regard to proving worthiness to be trusted with an essential service in the mind of the public, the confusion about the role of archivists, librarians, records managers, and other "information management" occupations is also problematic. In an effort to maintain their distinctiveness, records managers have already begun to stake their claim to professional status with a code of ethics and other mechanisms.[22] In this sense, archivists will be competing with this occupation for public recognition of their monopoly over ensuring proper record-keeping practices. To this end, demonstrating a superior knowledge base, and service orientation would be crucial.

The third criterion requires that practitioners perform a complex task involving the discretionary application of knowledge. This encompasses the notions of a high degree of client uncertainty and an inability by laymen to perform the task sufficiently by simply dividing the labour. For archivists, demonstrating the complexity of their task may well prove the most challenging, because whilst there are innumerable complexities involved in appraisal, diplomatic analysis, arrangement and impartial description, the public, and frequently the employer, does not see nor appreciate these intellectual activities. Nor do people generally see the results or consider who is responsible when they benefit from proper treatment of records. Records may be a vital part of our lives in the late twentieth century, but they have long been treated with ambivalence in North America as witnessed by the lack of formal education and authority granted by society to those who administer

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[22]See for example J. Michael Pemberton and Lee O. Pendergraft, "Toward a Code of Ethics: Social Relevance and the Prfessionalization of Records Management," Records Management Quarterly (April 1990), pp. 3-4, 6-8, 10-11, 15.

our written memory.[23] In short, then, whilst the complexities may be demonstrated, they are largely hidden from public view and understanding. Logically, before this can be attempted, archivists need to convince the public that records are of vital importance by exposing their vulnerability to those in authority or those with power to influence authority when records are destroyed or "lost." Moreover, they must demonstrate the danger of an archivist's complicity in this and other ethical considerations.

Archivists in North America have yet to convince the public that their unique skills and knowledge are essential to protect and make accessible our documentary heritage. This is borne out by the advertisements for archival positions in which candidates with library degrees or history backgrounds are sought. William J. Goode touched on the problem in his examination of librarians as professionals.

> . . . even if in fact librarians had such a body of knowledge, the public does not know it, but rather views the librarian as a gatekeeper and the custodian of the "stock room". . . the librarian is an intelligent clerk who can help them find the goods they need. . .

and

> The public, and perhaps most librarians as well, is not convinced that the nonprofessional with experience simply cannot do the job the professionals can do, because he does not know the basic science on which the profession rests.[24]

Overcoming this kind of perception and cementing the distinction in expertise will likely require a wider proliferation of archival schools endorsed by ACA or SAA. As Cox noted, this has been a particular weakness in the United States, where there is no free-standing degree program available and no extensive formal education required. In addition, there is a great deal lacking in the knowledge of North American society as to the importance of competent records work and what it constitutes.

Given all the variables offered by the sociologists, whether they promote the taxonomic, process, or power models, the most problematic one for archivists

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[23]One might also cite the poor storage conditions to which much of North America's documentary heritage has been subjected to in the past two centuries.

[24]William J. Goode, "Librarianship," in Vollmer and Mills, eds., Professionalization (Englewood Cliffs, N.J.: Prentice Hall, 1966), pp. 39, 40.

involves the concept of client.[25] For a lawyer, doctor, or engineer, there can be only one client -- the one who engages their services, but for archivists the distinction is less clear. We have noted that archivists are primarily salaried employees of government, corporate or other entities, but is their employer always their client? It would seem to depend on the task being performed. Frequently, host institutions (such as municipalities, for example) engage the services of archivists as specialists to identify and preserve valuable records. In this sense there is a conventional client relationship in which the professional skills of the archivist are applied to the benefit of those who are providing his or her livelihood. However, as Jane Parkinson observes:

> . . . it is in the nature of their work for archivists to regard current and future users as their clients, and to try to promote their interests by preserving and protecting valuable records. . . the division between records management and archival work has been based on rigid allegiance to different interests, while a perspective compatible with archival principles and accountability needs to be based on a recognition that records serve multiple and changing interests.[26]

The function of the archivist is certainly complicated by the number of interests that need to be addressed, notwithstanding the artificial dichotomy between records management and archives.

From an ethical standpoint, archivists may be seen as standing in the middle of a hexagon of obligations. The points of this hexagon include the creator, the employer, the donor, any persons identified in records, the user and the records representing society's interests. The creator of the records relies on the archivist to maintain its proof of actions as administrative memory. The employer's interest revolves around fiscal and administrative efficiency, an adherence by the archivist to the mandate of the institution, and the observance of policies and procedures. Donors have an interest in the appropriate care of their donated material and in any restrictions they may feel to be appropriate. The interests of these first three may even be intertwined when employer, creator, and donor (transferring agent) are the same entity.

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[25]The term "client," simply refers to the person using the services of a professional.

[26]Jane Parkinson, <u>Accountability in Archival Science</u>, Master of Archival Studies thesis, University of British Columbia, 1993, 118.

The individuals who find themselves the subject of records are the primary focus of debate over access to information versus privacy considerations. Such persons expect that their privacy will at least be taken into account when sensitive or personal information is involved.
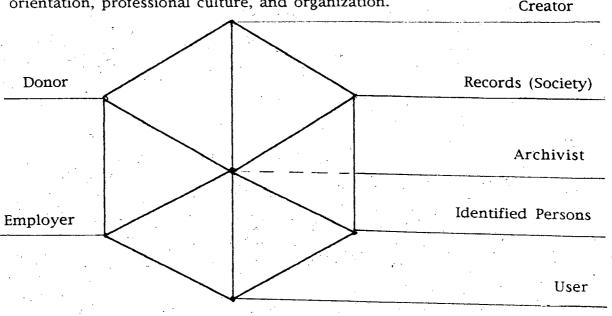
The most obvious client relationship, however, is with the archives user, who relies on the archivist to safeguard and provide adequate access to the material in his or her custody. These are the end-users of what the archivist does, and as such, they frequently require the assistance of the archivist in their research. Archivists have the responsibility to respect and balance all of these interests of persons when conducting their work, but they also have a responsibility to society as a whole and those interests are tied up in the welfare of the record itself. Society has an interest in the selective preservation of its documentary heritage, and more particularly, the protection of the qualities which make archives valuable as reliable evidence of past actions.[27] This is the only way in which a literate society can ensure its continuity and explain actions from one generation to the next.

At times the hexagon may metamorphose as when employer, creator and donor (or transferring agent) are one and the same, but the obligations remain the same. The problem for archivists, then, lies in the complexity of their relationship with society and its members. The hexagon is imaginary but the situation it represents is real.

The centrality of inanimate things -- records -- and the duty of the archivist to preserve their integrity, is peculiar to this occupation,[28] and will always

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[27]See chapter two for a full discussion of these qualities.

[28]One might argue that museum curators have a comparable responsibility to their artifacts, and at a conservation level they do. Artifacts may also have an organic affinity with other artifacts. However, the quality of records is much more profound and vital to their utility because without preservation of their integrity, their value as evidence of activities is nullified. Librarians also have a responsibility for the physical wellbeing of books but the the value of the latter is not affected by anything other than that physical integrity. Architects provide perhaps the closest equivalent to archivists in that they have an inanimate object for which they are responsible (a building) which is for the benefit of a client or society in general. The difference likely lies in the greater degree of flexibility the architect has in satisfying the humans without destroying the integrity of the building.

exist regardless of the progress made in the areas of education, service
orientation, professional culture, and organization.

Creator

Donor

Records (Society)

Archivist

Identified Persons

Employer

User

Fig. 1 <u>The Archivist's Hexagon of Responsibility</u>

The complexity of professional relations in the archival setting is likely to be a
stumbling block for recognition of professional status until the public can
fully appreciate the connection between the archives and the collective
welfare of society. The task of archivists is to convince people that ensuring
and maintaining an authentic, complete and reliable documentary record is
vital to their interests. Most importantly, however, they must convince people
that their knowledge and principles are best suited to that purpose.

The situation in which archivists commonly find themselves is partially
identified by Wilbert E. Moore, G. Harries-Jenkins, and Richard H. Hall. Moore
identifies three types of professionals: those in which the employer and client
are the same and unorganized (the individual practitioner); secondly, those in
which the employer and client are different; and thirdly, those in which the
client and employer are the same but are highly organized. The first group
has the greatest authority, while those in the second group retain some but not
all of their authority. The third group's authority is at a minimum because the
organization stands between the professional and the ultimate consumer.[29]

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[29]Moore, <u>The Professions,</u> p. 65.

Many of the emerging professions fall into this latter category, including archivists who usually find themselves employed by governments and other large organizations. One might argue that archivists retain some claim to the second type of professional by virtue of their reference services for user clients from outside their employing institutions. The service is to the outside client in the name of the organization.

Hall would probably place archivists in his third of three basic professional settings. "In this setting the professional and his department are merely a part of a larger organization. It is often assumed that this setting confronts the professional with many situations in which organizational and bureaucratic norms conflict with professional standards."[30] Because archivists must necessarily work within the confines of larger organizations subordination is an unavoidable handicap for them. This set of circumstances in which professional norms are subordinated to organizational exigencies defines the semi-professions, and as such we can suppose that archivists will always be semi-professionals. How much influence they have will depend on the efforts of organizations like the ACA and SAA and more particularly on the abilities of individual practitioners.

Parkinson states that the "lack of a clear client-practitioner relationship, and the fact that their work is not essential to individual members of the public, make it very unlikely that archivists will ever be fully self-governing professionals. Nor should this necessarily be regretted."[31] If a professional is truly accountable for his or her actions, that accountability must not only be to peers, as is frequently assumed, but to all those who have a legitimate interest in the outcome of those actions. For professionals, ethical matters arise from the position of trust they are placed in and accountability is needed to help ensure ethical conduct.

According to Parkinson, accountability involves the delgation of authority to an individual to act for a principal entity by performing certain functions or tasks within the bounds of some form of discipline or rules. This delegation necessarily involves trusting the judgement of the delegate or agent, though a

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[30]Richard H. Hall, Occupations and the Social Structure, p. 92.
[31]Jane Parkinson, Accountability, p. 120.

formal or informal code of conduct exists to guide the performance of the functions or tasks. Since a delegate must perform actions in the name of the principal, that delegate must have discretion to act but must also submit to the judgement of the principal.[32] Though no consensus has emerged as to whom archivists should be accountable first, (creator, employer, user, or society) in the publc sector, at least, their authority derives from the authority given to the institutions they work for in the service of the public. Thus, all relevant interests ought to be addressed in an archival code of ethics. In the context of professionalism, the code is a sort of terms of reference for professionals whose expertise is deferred to by employer, client and society in the performance of a defined sphere of functional responsibility.

The Code of Ethics and Professionalism

Archival codes of ethics must signify a unity of purpose and commitment to a common set of principles and values bearing demonstrably on the welfare of society. For many aspiring professions, the code of ethics is the document which manifests and reinforces five things: the principles acquired during intensive training, the service orientation, the unity of the occupation, the sense of calling, and the autonomy or superiority of knowledge which must be demonstrated over time to gain societal recognition. The codes are at once a promise to society and a warning or guide to practitioners. Pemberton and Pendergraft also note the distinction among code provisions between "social ethics" *directly* related to the social relevance of the profession, and those which address behaviour and conduct. Professionalism is not just about improving one's skills. As they note, "to assume that one's ethical commitment and obligations extend solely to one's work environment or merely to one's professional association is . . . a dangerously narrow view."[33] In order to fulfill this dual function of linking the profession to wider social values on the one hand and regulating conduct on the other, codes must be effective and enforceable. To be enforceable, there must be a collective commitment to the values and principles the code protects in the name of society -- a common ethic. In order to create a more common ethic and minimize dissent, it has been noted that a common eduction is needed for archivists. It is very difficult

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[32]Ibid., pp. 14-16.
[33]Pemberton and Pendergraft, "Towards a Code of Ethics," p. 6.

to enforce measures which are controversial. Attempting to do so would likely serve to undermine the profession rather than strengthen it. In the mean time, ethical codes have been established by archival associations to suggest (if not enforce) a set of principles that it has decided are important or appropriate.

Summary

The foregoing dicsussion has attempted to set down the nature of professions and professionalism, explore the challenges archivists face, and suggest a role for ethical codes in their development. Keeping in mind the ultimate goal of analayzing archival codes of ethics, the discussion also raises some important questions which bear further inquiry.

Firstly, professionalism is partly based on utilizing principles and values acquired during extensive training. This begs the question: on what values or principles should archival practice be based and can they be enumerated so as to check for their presence in a code? We will see later that codes of ethical conduct are evolving documents which cannot be written once and for all. As with the law, their provisions need continual scrutiny and revision as change occurs.

It has been shown that an occupational group aspiring to professionalism must demonstrate superior service based on sound principles related to their work. In the case of archivists, the object of their activities is the preservation of records of continuing value to society. What is it about archives that must be preserved and why is this vital to the interests of society? To answer these questions, the principles arising out of the very nature of archives will be the topic of investigation in chapter three.

The hexagon of duty referred to earlier also presents problems when considering ethical questions. Given that the archival hexagon presents the probablility of conflicting principles, can these principles be prioritized to assist in ethical judgements?

This issue of prioritization has frequently been neglected in professional codes of ethics and yet it is arguably fundamental to their successful implementation. More will be said later as to the practicality of prioritizing principles in advance and whether it should be a requirement of ethical codes. Nevertheless, the responsibility of archivists to the records and their accountability to creator, user and society present a formidable challenge. The conflict of professional standards with bureaucratic norms referred to by Hall is of particular relevance in this context.

Even though the ultimate goal of this thesis is to analyze archival codes of ethics, it is useful to draw out some tools which might be gleaned from the discussion thus far. When analyzing the principles expressed in a given document one might ask:

* Do the provisions in the code cover all areas of archival responsibility and accountability?

* Are any of the underlying principles merely self-serving to the profession or are they defensible in the interest of the public good?

and

* Do the rules issuing from the principles presuppose a high degree of professional autonomy? In other words, are they realistic given the position of archivists as salary-dependent employees?

However, prior to applying these questions, a comprehensive understanding is needed of the means for assessing ethical codes and ethical systems. Drawing on the work of various professional ethicists and others, the next chapter seeks to establish a basic understanding of what professional ethics is about and how ethical codes might be assessed.

Chapter 2

Ways of Thinking About Ethics and Ethical Codes

In seeking to assess the way in which archivists govern their professional conduct through ethical codes and related mechanisms, there seems an obvious need to appreciate what ethics means, as well as how we might think about ethics generally and professional ethics in particular. Drawing together the salient points in the literature on professional ethics will provide part of a framework for analyzing archival ethical codes. The intent is to examine the points brought forward by professional ethicists and others as they may bear importantly on the construction of codes. Thus, we are attempting to view archival ethical codes not as archivists but as ethicists. The archival point of view cannot be ignored either, but this is largely derived from archival theory, the implications of which will be discussed in chapter three.

Ethical Theory and Premises

While the importance of ethical conduct has been recognized and codes developed to address the common dilemmas inherent in the work of archivists, there has been little said about what ethics is and how codes might form a functional part of a system of ethics. Moreover, there is a lack of tools for analyzing codes of ethics to determine the appropriateness and utility of their provisions. This being the case, it may be useful to examine what others have determined about ethics and its application. Moreover, with an eye to our ultimate goal of analyzing codes of ethics, an attempt will be made to draw from the more prominent writers in professional ethics a sense of the role of codes and some tools to be used in analyzing them.

Notwithstanding the difficulties in applying professionally established standards and norms of behaviour, the position taken by this author is that doing so will not only aid the development of the profession but also lend a vital sense of purpose to archival work. In establishing ethical guidelines and rules, William J. Goode argues that there must be a correlation between the

values of the profession and those of the larger community which is being served.

> . . . the professional community must justify each provision in its code of ethics or etiquette by invoking ethical notions that are also accepted by the larger society . . . As an additional complexity, the client may be only partially aware of the provisions that guard him, and is himself not bound to do much in order to be protected by them. It is the professional who must abide by them.[1]

This correlation of professional norms with the interests of the larger community must be kept in mind as we begin to explore the ethical responsibilities of the archivist. However, it will be useful first to examine what is meant by ethics, where it fits as a philosophical study and how matters of an ethical nature might best be approached. To this end, we will attempt to define some key terms. Before that, however, a few words about the use of ethics literature for this chapter are in order.

The literature consulted for this section can be loosely defined as that which pertains primarily to professional ethics or applied ethics in general. More general works which concentrate on the finer points of theory are well beyond the scope of the present study. Such works include George Edward Moore's Principia Ethica [2] which examines highly theoretical topics like naturalistic ethics, hedonism, and metaphysical ethics; similarly, Guy W. Stroh's American Ethical Thought[3] dwells strictly on non-applied topics such as puritan ethics, enlightenment ethics, transcendentalist ethics, and pragmatist ethics. Also the metaethical study of language use and meaning discussed by philosophers such as Carl Wellman[4] was judged to be of limited use at the level of this study. Because the highly theoretical literature has dominated ethics up to the 1960s, this focus on applied ethics serves to limit the available literature considerably.[5]

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[1]William J. Goode, "Community Within a Community," p. 197.

[2]George Edward Moore, Principia Ethica (1903) (Cambridge: Cambridge University Press, 1959).

[3]Guy W. Stroh, American Ethical Thought (Chicago: Nelson-Hall, 1979).

[4]Carl Wellman, The Language of Ethics (Cambridge, Mass.: Harvard University Press, 1961).

[5]For other examples of highly theoretical discussions see: Michael Slote, From Morality to Virtue (New York and Oxford: Oxford University Press, 1992); C.D. Broad , Ethics edited by C. Lewy, (Dordrecht, Boston, Lancaster: Martinus Nijoff Publishers,

The literature on applied ethics is strongest for the established professions in healthcare and law. Most of it is of limited use because it examines problems peculiar to particular professional-client relationships.[6] However, there are exceptional works in this category which offer useful insights which have been drawn upon where appropriate. These include White and Wooten's Professional Ethics and Practice in Organizational Development and Jack N. Behrman's Essays on Ethics in Business and the Professions, both of which make useful observations about ethics and ethical codes in general. The other works drawn upon in this thesis tend to make observations which transcend the peculiarities of professions and which are therefore more useful with regards to the archival profession.

First, let us examine what ethics is and what it is not. Ethics is a branch within the field of philosophy also known as moral philosophy. Ethics, by itself, *is a study or discipline involved in judgements as to the rightness or wrongness , goodness or badness of actions, or states of affairs.*[7] It can also refer to an analysis of those judgements.

Moral philosophy or ethics has been discussed for centuries by philosophers such as Aristotle, Plato, Hegel and John Stuart Mill. Its study has continued to this day without reaching any consensus on how to approach ethics either at the general theoretical level or at the applied level. Nevertheless, the study of ethics can be broken down into three distinct subdivisions: metaethics, theoretical normative ethics, and applied ethics. Metaethics focuses on the meaning of moral terms, how justification is carried out in discussing moral matters and the dynamics of moral arguments in general. This first branch need not detain us except to seat the notion that the words used both in conversation and in statements in ethical codes are reflective of their ethical

1985); and William McDougall, Ethics and Some Modern Problems (London: Methurn & Co. Limited, 1924).

[6]Examples of this kind are the volume edited by Philip J. Barker and Steve Baldwin, eds., Ethical Issues in Mental Health (London: Chapman & Hall, 1991); Martin Barradell, Ethics and The Accountant (London: Gee & Co., 1969); and Marilyn Peterson's At Personal Risk: Boundary Violations in Professional-Client Relationships (New York: Norton, 1992).

[7]Dagobert D. Runes, ed., Dictionary of Philosophy (New York: Philosophical Library, 1942), p. 98.

intent. That is, there are ethical statements which can be identified as such by virtue of the words used in their construction. Garth Hallett demonstrates this notion by stating that:

> We are all familiar with moral statements, employing terms like "right" and "wrong," "should" and "shouldn't"; but we may not have observed what is distinctive about them. We may not have noticed ... . that they are categorical, not conditional, and so apply to everyone, regardless of personal preferences.[8]

The implication of this observation is that moral statements, though applied to individual instances, have a unique universal applicability, unlike other statements. Thus, the sentence "He *should* help his friend" implicitly suggests that anyone in a similar position should help, but "He *may* help his friend" carries no such implication. Therefore, one can see that the words chosen for provisions in a code of ethics, or in any moral statement, determine their moral force and character. In looking ahead to an assessment of archival ethical codes, we already have the first of the criteria needed to evaluate archival codes; it seems reasonable to ask: *Is the wording of this provision categorical, creating a statement of universal applicability which precludes the relevance of personal preferences?* If the answer is no, then one must question why it was deemed necessary to place the provision in the code in the first place. If the provision can be interpreted as being optional, then it is probably not an ethical issue.

Theoretical normative ethics, involves making the ethical judgements analyzed in metaethics. These judgements are at the general level for the purpose of generating moral theories. Finally, applied ethics seeks to resolve specific moral questions or cases which arise in particular situations.[9] Insights are frequently borrowed from metaethics and theoretical normative ethics in attempting to solve practical ethical problems. Often, the questions raised in the attempt to apply high level theories leads to revisions in those theories and some ethicists suggest the application of more than one theory to solve moral quandaries. Professional Ethics is the area of applied ethics aimed at the specific moral problems faced by members of professions.

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[8]Garth Hallett, Reason and Right (Notre Dame, Indiana: Notre Dame University Press, 1984), p. 10.

[9]Joan C. Callahan, ed., Ethics in Professional Life , p. 7.

The terms morals and morality are so closely allied to ethics that they can almost be thought of as synonyms. Morals usually refer to the codes, conduct and customs of groups or individuals[10] while morality often refers to the adhesion (or lack of adhesion) to rules and their underlying principles and values. When professionals talk of acting ethically they might well be referring to their moral responsibility. Robert Hannaford focuses on this concept and describes it as ". . . being willing and able to respond to others in the community in ways that are morally approved-- i.e., in ways that are acceptable to the judgment of the community's members."[11] Though Hannaford applies his remarks to general ethics, we need only narrow the concept of community to that of a profession to see its applicability at that level. Of course, professionals must be responsible not only to their colleagues, but to the larger community as well and this involves weighing various relevant principles, values and rules. It seems logical to conclude therefore, that *the provisions of ethical codes must be comprised of principles, values and rules which reflect or are compatible with those of society at large.*

Ethics or the science of morality is traditionally associated with relations between individuals or groups of people. The boundaries of acknowledged responsibility of moral agents (adult human beings with a moral conscience) for their actions is a matter of debate. Some suggest that moral agents are only responsible for other moral agents of their generation, while at the other extreme, the boundary is drawn around sentient beings, including animals and sometimes other forms of life present and future.[12] We know that professionals have responsibilities over and above those of ordinary moral agents or laymen by virtue of their expert knowledge and position of trust. For archivists, ethical responsibility focuses in large measure on protecting a community's memory by preserving its records in their integrity. Records cannot be considered sentient. Because they are inanimate objects incapable of feeling pain or any other sensation, one might suppose that actions

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[10]Runes, Dictionary of Philosophy, p. 202.

[11]Robert V. Hannaford, Moral Anatomy and Moral Reasoning (Lawrence, Kansas: University Press of Kansas, 1993), p. 2.

[12]Bernard Gert, Morality: A New Justification of The Moral Rules (New York: Oxford University Press, 1988), pp. 14-15

performed on archives cannot be considered as ethical or unethical. However, while records may have no feelings, this does not mean that incompetent actions towards records cannot harm people. When records are destroyed or altered before their useful life has expired individuals or even an entire community can be harmed. Archivists will have to make this argument very clearly in their ethical deliberations and in discussions with non-archivists. At this stage it would appear that archivists' ethical development is impeded by the unavoidable fact that they serve society primarily through serving the records in their care.

As noted in the previous chapter on professionalism, keeping this complication in mind will likely be useful in evaluating the utility or adequacy of archival codes of ethics, but first it may be helpful to understand the main theoretical premises which underlie the myriad approaches to applied ethics and which affect how codes are written and used. By necessity, this is a cursory treatment, allowing an understanding of the larger debate without becoming caught up in its complexities.

In the first place there are two long-standing divisions of theoretical thought in ethics. These are represented by the deontologists and the teleologists. The former outlook, represented by such philosophers as Immanuel Kant, W.D. Ross and H.A. Prichard, places duty or principles ahead of values (such as happiness), and designates at least some duties as being independent of values. The teleologists, notably represented by utilitarians such as John Stuart Mill, believe that we must produce value (that which is desirable or good) for others or distribute it in some fashion. Thus, an action must be judged by its consequences.[13] Fundamentally, ethics is about what we *ought* to do. Utilitarians see what one ought to do as being that which produces the greatest *good* or least evil for the greatest number of people. Good is equated to happiness or pleasure and operational procedures concentrate on how to measure it. The deontological Kantians, on the other hand, define actions as good based on universalized maxims (such as respect for persons) of what one ought to do in a given situation. Their procedure centres on deciding the

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[13]A.R. Lacey, A Dictionary of Philosophy 2d ed., (London: Routledge & Kegan Paul, 1986), pp. 66-67.

applicability of a given maxim by the exercising of rational will.[14] In other words, the focus for deontologists when attempting to solve moral dilemmas is on what norms, moral principles, rules or rights are to be applied while teleologists look to the possible outcome of an action to make a judgement. Joan C. Callahan explains the difference between Kantian and utilitarian reasoning as this way:

> When one appeals to a teleological reason to support a decision in favor of or against an action or practice, one is holding that the action or practice is morally justifiable or not . . . (at least in part) because of something *extrinsic* to it, that is, something it will bring about in the world or will prevent coming about in the world. . . . On the other hand, when one adduces a deontological reason for or against an action or practice, one is holding that the action or practice is of a certain kind (e.g., it is fraudulent, it involves unfair treatment), which (at least tends to) make it wrong. To use deontological reasons in the moral evaluation of actions or practices is to appeal not to something *extrinsic* to the act or practice, but to some feature *intrinsic* to the act or practice.[15]

Recognizing the difference between deontological and teleological reasoning is helpful to understand the dynamics of moral dilemmas and how priciples and consequences are taken into account to varying degrees, depending on the moral agent's viewpoint.

Alternative approaches such as Thomism, which focuses on intentions, have emerged more recently, though the traditional dichotomy endures. However, for many modern ethicists, the boundaries between the two primary outlooks have become somewhat blurred. Eric Mount expresses the difficulties with deontology and teleology in his book on professional ethicsin this way:

> Moral quandaries do not go away because we are people of principle; our principles, rules, or rights may conflict with one another . . . And even if we consider certain rights or rules absolute, we still have to decide whether they apply to the problems we face and, if so, how they do.

He also says:

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[14]Abraham Edel, "Ethics Applied Or Conduct Enlightened?," in <u>Ethical Principles and Practice</u>, ed. John Howie, (Carbondale and Edwardsville, Illinois: Southern Illinois Press, 1987), p. 26.

[15]Joan C. Callahan, <u>Ethical Issues in Professional Life</u>, p. 20.

> Not everyone agrees on the good toward which we should be striving, and when utilitarians pursue the greatest good for the greatest number, we may find reason to object that there are some rights that should not be violated (the right not to be tortured for instance) no matter how lofty the goals.[16]

The point of Mount's observation is that neither a strictly deontological nor teleological approach to ethics is satisfactory. However, there are issues of right and wrong. While weighing cost and benefits of actions is a difficult activity, it is also very necessary. Thus, the suggestion is that we need to view problems in their full context and to draw out from that understanding the relevant principles and all the anticipated consequences of alternative actions. Codes furnish moral agents with the deontological and teleological input and with suggestions as to how provisions might be applied but it still remains for people to do the moral reasoning. This being so, codes really need to be thought of as instruments to be used in moral reasoning and not as definitive statements on right and wrong for all situations. They make principled observations which presuppose that all other factors are equal. This is what makes them useful. They are a firm point of reference, even if they do not always provide the whole answer in black and white. In short, codes are part of the ethical system within a group, and their effectiveness needs to be judged in that context.[17]

With this background in applied ethics, ethical reasoning and the place of codes in ethical decision-making, let us now turn to the writings of contemporary professional ethicists for insights into how we might assess the provisions of codes as well as their effectiveness as instruments in ethical reasoning.

Applied Ethics and Ethical Codes

The theorists demonstrate that the central problem in applying ethics is one of discovering what is relevant evidence to be used in moral reasoning. It is also

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[16]Eric Mount, Jr., Professional Ethics in Context: Institions, Images and Empathy Westminster/John Knox Press, 1990), pp. 22-23.

[17]More will be said in the next section about ethical systems and the place of ethical codes within them.

a matter of how such evidence is to be weighed and some sort of consensus reached. Because the utilitarians and Kantians focus on different aspects of a moral problem and elevate that focus to primacy, the lack of consensus among proponents of the two is not surprising. However, many utilitarians and Kantians have moderated their stance to allow considerations from different perspectives to be taken into account. Other ethicists have chosen to abandon the traditional theory and let practical cases shape their moral reasoning. For archivists it is likely that acting for the greatest good of the greatest number will be a consideration, but principles of archival practice and human conduct will also be essential. Some sort of synthesis and flexibility is therefore in order. Moreover, this flexibility is likely something that is universally required when dealing with the complexity of human relations. DeMarco and Fox perhaps said it best when introducing their book of essays by various ethicists. "It is just possible . . . that none of the theories described in the following essays are wholly true or wholly false, but that each contains elements which must be included within a more comprehensive philosophic view."[18] We can say even more confidently that any theory which promotes one concept, principle, or value while ignoring others is not likely to be useful in practice.

In the realm of professional ethics, much has been written about the correct approach to ethical problems which arise from a position of trust. As professional associations like the ACA and SAA grapple with establishing workable codes of ethics, some might question why such codes are necessary or desirable in the first place. Can they actually be effective instruments in the enforcement of ethical conduct, and if so, how? We shall address the first part of the question in the following section.

What are Ethical Codes and What Use Do They Serve?

Before examining the various points of view on ethical codes and ethical systems, it may be helpful to have a more solid understanding of what constitutes a code of ethics. At the most basic level, one can think of them as a system of principles and rules which pertain to the special tasks that

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[18]Ibid., p. 23.

professionals are trusted to perform. However, few authors choose to explicitly define the nature of these codes. Kultgen describes them simply as "texts that communicate ideas, express attitudes and direct behavior."[19] Carolyn J. Tuohy and Alan D. Wolfson describe a code of ethics in more specific terms as

> an articulation of the terms of reference within which particular agency relationships are established between individual practitioners and their clients. It constitutes not only a set of prescriptions, but is treated as a set of enforceable rules governing individual practitioner-client relationships.[20]

This latter definition is adequate but for the fact that it seems to exclude provisions affecting anything other than a professional-client relationship. Scrutiny of professional codes of ethics shows that there are many ethical issues to be covered which involve the professional's relations with employers (where the practitioner is salaried) as well as other members of society affected by the work. In the archival profession, there are relationships with creators of records, with donors and even with other archivists.

David Horn, in his discussion of archival ethics, also makes statements about what he thought codes of ethics should constitute.

> A code of ethics is a statement of the generally accepted guidelines for a profession. A code of ethics is not a statement of legal or moral imperatives; it is a guide for professional behavior. Whereas legal and moral strictures are approximately the same in all professions, a code of ethics addresses those responsibilities that are unique in each profession.[21]

Horn chooses to limit the term "moral" to refer to ordinary morality as opposed to ethical behaviour in general. However, his suggestion that ethical codes should include just those provisions that are specifically the responsibility of

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[19]John Kultgen, Ethics and Professionalism, p. 218.

[20]Carolyn J. Tuohy and Alan D. Wolfson, The Political Economy of Professionalism: A Perspective," In Four Aspects of Professionalism (Ottawa: Consumer Research Council of Canada, 1977), 56, as cited in Jane Parkinson, Accountability in Archival Science, Master of Archival Studies thesis, University of British Columbia, 1993, 119.

[21]David E. Horn, "The Development of Ethics in Archival Practice," American Archivist 52 (Winter 1989): 65.

the professional is valid and might well be taken into account when considering the appropriateness of provisions. As members of society, professionals are presumably well familiar with what is expected of them as ordinary citizens. Ethical codes serve only to delineate those responsibilities and that behaviour which is expected of the members of a given profession.

With an idea of what ethics codes are, the question naturally arises as to why they are really needed in the first place. We have seen that positions of trust require professionalism, which in turn (among other things) implies integrity, honesty and accountability. For an occupation requiring the trust of the community it serves, it is important to demonstrate an adherence to standards aimed at protecting that community. Written or even unwritten codes are an effort to enumerate those standards in a way which inspires and informs new practitioners as to what their peers expect of them and what society should expect of them. Moreover, codes offer a means by which ethical decisions can be made or judged. As Jack Behrman observes,

> it is only by demonstrating that the group is, in fact, concerned with the welfare of society and that the code is written for that purpose, that a group steps toward professionalism in the highest sense. Contrarily, there can be no such thing as a profession without a code of ethics.[22]

Ethical codes are not a new phenomenon. Legal codes governing the conduct of occupational affairs are known to have existed at least 4,000 years ago, and professional codes developed by medical practitioners were recorded about 2500 years ago.[23] Thus, the need to set down standards and guidelines has been apparent for millennia.

In addition to building a sense of professionalism among members and a sense of trust by society, there are several reasons why ethical codes remain necessary to the governing of professional affairs today. Firstly, and most obviously, ethical dilemmas inevitably arise when one is placed in a privileged position of trust. Archivists frequently have access to material which could

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[22]Jack N. Behrman, Essays on Ethics in Business and the Professions (Englewood Cliffs, N.J.: Prenticee Hall, 1988), pp. 106-107.

[23]Chauncey Leake, ed., Percival's Medical Ethics (Baltimore: Williams & Wilkins Co., 1927), 11, 18 cited in Vollmer and Mills, Professionalization, 129.

damage reputations, affect people's rights, and livelihoods, and so forth. Having a set of principles and rules as guidelines on conduct can be a useful tool in sorting out the ethically correct thing to do.[24] Moreover, the increasing complexity of ethical issues and ambiguity of group norms in today's world suggests the need for the establishment of standards arrived at through some sort of consensus among both professions and the public on values and ideals.

In part, codes are also necessary for the same reason that accountability to the public is necessary. Power, as Behrman observes, requires a "counterbalancing responsibility to the larger society" and in as much as members need to re-consider their relationship with other groups and society in general, "this can be facilitated through the formation, promulgation, and implementation of codes of conduct."[25]

At another level, we have already noted that an occupation's drive for professionalization (in essence to be trusted not to do harm) depends, in part, on achieving a monopoly over services and distinguishing itself from competitors. Violations of the code and the reaction of the professional association to those violations helps to demonstrate the seriousness with which it takes its collective responsibility.

However, of greater significance to professionals or semi-professionals such as archivists "is the positive function of translating moral values into a set of principles governing the conduct of the average worker in complex or ambiguous situations."[26] Designing codes that members of a professional association (and hopefully employers) can live by requires a consensus on matters of principle in all facets of their work. In as much as codes really need to be documents born of consultation, they can also serve to strengthen a sense of professional cohesion and common purpose. However, as noted earlier, because ethics and professional relationships involve laypersons, this

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[24]It will be noted later that codes cannot function in isolation. Other factors such as training in ethical reasoning contribute to achieving a defensible ethical decision.

[25]Behrman, "Essays on Ethics," p. 156.

[26]Michael F. Winter, The Culture and Control of Expertise: Toward and Understanding of Librarianship (New York: Greenwood Press, 1988), p. 30.

consensus must also include the public by some means of consultation or liaison.

Perspectives on Ethical Codes

Having established some sense of why ethical codes are necessary and useful, we may now turn to the matter of how to ensure that such codes are effective and not just "window dressing" to make an occupation *appear* professional. Some of the key voices in professional ethics offer suggestions as to how we might assess codes and their individual provisions. Some do not speak directly of ethical codes, but rather of how to look at ethical problems, so that some extrapolation is required at times. Inevitably, there will occasionally be some overlap of ideas, but these have been kept to a minimum. In the summary, the resulting criteria for analysis of ethical codes will be articulated with reference to those whose writings suggested them.

Durkheim

A relatively early contribution to modern professional ethics was made by Emile Durkheim writing in 1950. Durkheim emphasized the necessity for moral discipline to be based on moral and juridical facts which consist of rules of conduct having sanction. No other kind of fact has this feature of sanction, by which Durkheim means a consequence dependent absolutely on the relation that exists between an act and a regulation governing its toleration or prohibition.[27] The deontological notion that rules based upon tried and true principles should guide daily practice endorses the need for ethical codes. That these moral or ethical rules must have sanctions and form a kind of professional consciousness lends a sense of meaning and purpose to their establishment. We can suppose that such sanctions might take all kinds of forms, from collegial reprimands and disapproval to expulsion or other punitive measures. They might also be positive reinforcement of ethical decisions. As Durkheim puts it,

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[27] Emile Durkheim, <u>Professional Ethics and Civic Morals</u> (1950) translated by Cornelia Brookfield (Bristol: Burleigh Press, 1957), pp. 1-2, 14.

> There is need for professional ethics to be established, nearer the concrete, closer to the facts, with a wider scope than anything existing today. There should be rules telling each of the workers his rights and his duties, not vaguely in general terms but in precise detail, having in view the most ordinary day-to-day occurrences. . . . A system of ethics . . . is the task of the very group to which they are to apply.[28]

Durkheim also recognized the need for cohesion and strength within a profession in order for a system of ethics to function properly. However, some argue that his conception of ethics is too narrow and rigid. Robin Snell asserts that "Durkheim's . . . implied definitions [do not] cater adequately for situations or epochs where changes in practices are demanded by changing needs and requirements among clients, employers or other professional groups."[29] The rigidity in Durkheim's conception of an ethical system stems not only from its unresponsiveness to change, but also from an implied reliance on detailed codes to address every conceivable situation directly.

However, if codes are to be useful guides in applying moral principles to real life, vagueness or ambiguity would do nothing to assist the practitioner and thus we must conclude that, to this extent, Durkheim's firmness has some merit. What Durkheim does is to articulate the linkage between moral facts (principles) and rules which the community (the professional group) feels must be observed. While we may question Durkheim's faith in codes to directly address every conceivable ethical dilemma, his insistence on comprehensiveness is not unreasonable if a code is to be a useful point of reference. It would also seem reasonable to expect an adequate level of clarity and precision. Kultgen has more to say on these last points, and his views will be discussed later.

Bayles

Michael Bayles, a professor of philosophy at the University of Florida, takes a different view of how professional ethics should be derived from ordinary morality. Bayles criticizes what he calls deductivism, which he feels has not

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[28]Ibid., pp. 12-13.

[29]Robin Snell, Developing Skills for Ethical Management (London: Chapman & Hall, 1993), p. 41.

addressed the problem adequately.[30] The deductivists, such as Durkheim, take fundamental principles together with relevant facts and apply them directly to moral dilemmas to deduce a policy. Bayles states that this procedure leads to rigid distinctions, for it is often difficult to link facts directly with the correct rules or principles, and other values and norms are ignored.[31]

Bayles' alternative seeks a middle road. He borrows some features of legal reasoning to mediate between abstract theory and actual cases. According to Bayles, the main ethical concerns of a profession should be determined through broad consultation. All relevant facts or considerations should be gathered through studies and discussion with colleagues and other knowledgeable people to establish an understanding of the extent of the ethical problems the profession faces. Possible outcomes, policies or actions are then classified as to their ethical dimension. The need to reconcile competing values is partly accomplished by "midlevel bridging principles" derived from basic values like freedom and fairness.[32] In the case of archivists, a bridging principle might be "protection of privacy." For doctors, it might be informed consent. Each becomes specifically relevant to the profession which formulates it. These principles each encompass a value or a specific ethical consideration providing a "bridge" between general moral theory and the ethical dimensions of the professional practice in question.

As with legal principles, ethical principles ought, in Bayles' view, to be derived from actual cases. They do not provide the correct solution, but rather "one consideration that must be weighed or balanced against another."[33] Principles, then, each highlight one ethical consideration and others may highlight different considerations leading to different conclusions. This leads to the need to weigh the competing principles in light of the values in the specific case. Thus, it does not make sense in Bayles' mind to formulate rules

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[30]Michael D. Bayles, "Moral Theory and Application," in Ethical Principles and Practice, ed. John Howie, Carbondale and Edwardsville, Illinois: Southern Illinois Press, 1987, p. 1.

[31]Ibid., pp. 2-4.

[32]Ibid., pp. 9-16. For a similar approach (deriving professional morality from ordinary morality) applied to the medical profession, see Alan H. Goldman The Moral Foundations of Professional Ethics (Totowa, N.J.: Rowan and Littlefield, 1980).

[33]Ibid., "Moral Theory and Application," p. 7.

for situations in which a principle or consideration might acquire widely varying degrees of importance depending on the circumstances. The weighing and balancing of such principles, according to Bayles, can sometimes lead to the formulation of rules or directives for classes of cases or situations in which the weights of various considerations do not vary greatly from case to case.[34] Midlevel bridging principles help to narrow the gap between divergent theories, but there is always more room for disagreement in the ethical realm than in the legal one.

Essentially, Bayles is suggesting an inductive approach. While the Durkheimian or deductivist approach deduces principles from moral theory and applies it directly to a specific action or practice, Bayles prefers to infer principles from particular cases or instances. Thus, he seeks to make generalizations from knowledge gained in handling a class of similar cases.

If Bayles' conception of how ethical theory and practice are related is acceptable, then it might well assist in the construction of appropriate and effective ethical codes. Applied ethics, in this framework, helps professionals in determining what is relevant to a problem, formulating the appropriate midlevel principles which allow moral assessment of actions and policies, and devising rules for classes of cases where there is a stable balance between principles.

Durkheim tells us that ethics is a matter of consensus within a group. Using Bayles' "bridging" principles might well assist in achieving greater consensus and therefore greater respect for an ethical code. It would help bring the members into closer agreement through a better mutual understanding of the problem. In essence, then, provisions in codes need to be based upon sound principles which are well articulated and sufficiently refined to be useful and perhaps provide a reconciliation between those with a deontological view and those with a more teleological perspective.

The other conclusion one might draw is that rules may be codified when different implications of principles need to be reconciled and only when the

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[34]Ibid., p. 18.

weights of the various considerations are all relatively stable or predictable. Thus principles whose weight depend on circumstance, ought not to be brought together in an injunction, because the response to it will always be: "Yes, but it depends."

Edel

Abraham Edel is of the opinion that the Kantian, utilitarian and other models can all be applied in different situations depending on the nature of the ethical dilemma. However, his most useful observation with regard to applying ethics revolves around his distinction between professional ethics and common morality. He recognizes that the former must be compatible with the latter (if not actually derived from it as Bayles believes) but notes the difference between the two as follows:

> On the face of it, each province may . . . seem to be setting up its own ethics contrary to the common morality. But in fact it is grappling with a conflict between objectives within its field under the conditions in which they are pursued.

and

> What remain uncatalogued interpersonal relations and what become institutionalized . . . make no sharp difference in ethical import, *except in so far as the latter pins further special responsibilities on those involved in it.*[35] (emphasis added)

In making a point about the similar way in which ethics is applied in the professional and non-professional milieu, Edel seems to confirm the difference between occupational and ordinary morality. While he is saying that there is no difference in ethical importance between "institutionalized" or professional ethics and common morality, it is implied that they do differ in as much as professional ethics involves those issues and responsibilities which only members of a given group or profession must face. It follows, therefore, that the professional code of ethics for a given occupation would contain provisions for problems which are of a specialized nature. Professionalism is about doing something important which laymen cannot do for themselves.

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[35]Abraham Edel, "Ethics Applied?", pp. 33, 34.

Thus, we can conclude that provisions of codes ought to say something useful about the unique responsibilities and situations of the professional and not merely offer injunctions applicable to any moral person.

Lang and Hendler

Like Bayles, Reg Lang and Sue Hendler also feel that a balance has to be struck between the ends-oriented teleological and means-oriented deontological positions in their discussion about the application of ethics to city planning.[36] They endorse the use of bridging principles in this regard, but add some of their own thoughts on the utility and content of ethical codes and the need for their placement within an ethical system.

In the first instance, Lang and Hendler distinguish two main types of provisions: those which establish the minimum acceptable standards of behaviour, and those which establish standards of conduct to which practitioners should aspire.[37] As such, codes contribute a united sense of commitment to service, while placing limits on individual freedoms otherwise enjoyed by the non-professional.

Lang and Hendler also cite several problems which contribute to weak and ineffective codes of ethics. These include a troublesome array of conflicting allegiances and obligations, an ambiguity as to who is the client (due, for instance, to employee status), and a shifting of roles from technical/analytical to interactive/political.[38] It is not difficult to see how such conflicting allegiances or relationships occur in the ethical practice of archivists. As we have seen, they have a range of obligations to different persons. They must grapple with a host of sometimes conflicting relations with records creators, donors, users, employers, and society through the records themselves. Like the planners who are becoming society's experts on urban design, archivists

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[36]Reg Lang and Sue Hendler, "Environmental Ethics: Ethics and Professional Planners," in Don MacNiven, ed., <u>Moral Expertise: Studies in practical and professional ethics</u> (London: Routledge, 1990), pp. 52-70.

[37]Ibid., pp. 60-61.

[38]Ibid., p. 61. Two additional problems more specific to the planning profession are not included here.

seek to move from a custodial role to one of resident expert on records and their use by society.

The result of these problems is an inevitable reluctance on the part of professional associations to impose norms of professional conduct that decide in advance the supremacy of some considerations over others. However, Lang and Hendler observe that in order for codes to be seen as more than just "window dressing", they must be "carefully developed and maintained, fairly interpreted and properly enforced. . . ." Moreover, they "visualize professional ethics as a process functioning within a system."[39] Thus, they astutely recognize the need for codes to operate as a tool within a larger infrastructure supporting the ethical stance of the profession.

It would seem, then, that codes ought to form part of a system which might also consist of education, mechanisms for ethical reasoning, enforcement, and review of provisions. While this does not assist in analyzing specific provisions of codes, it helps one to predict their overall utility. In other words, the placement of a code within a workable ethical system might well be superior to one that stands alone with no supporting infrastructure, especially where the profession is largely salaried and not wholly independent. In addition to forming part of an ethical system, ethical codes need to be dynamic and part of an ongoing assessment of what constitutes ethical practice if they are to be respected and enforceable.

White and Wooten

Louis P. White and Kevin C. Wooten concur with the need for an ethical system, suggesting that the development of codes should be judged by their *comprehensiveness*, the existence of a *formal review process*, as well as a *system of sanctions*.[40] White and Wooten aim their discussion at the organizational development field, which, like the archival profession, is trying to acquire greater public recognition in part through a greater commitment to ethical standards. Organizational development experts have

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[39]Ibid., pp. 62, 64.

[40]Louis P. White and Kevin C. Wooten, <u>Professional Ethics and Practice in Organzational Development</u> (New York, Praeger, 1986), 166, 168.

arisen to assist companies and other organizations with human resource issues, helping to promote mutual adaptability to structural and technological changes and to create an environment in which organizational and individual potentials are maximized.

Comprehensiveness, the first of White and Wooten's three criteria for analyzing the effectiveness of ethical codes, is the most useful for our purposes because it focuses on the content of the code itself. In addressing this issue , White and Wooten choose to categorize anticipated provisions by type of infraction, which they classify as technical ineptness, coercion/manipulation, misuse of data, value and goal conflict, and misrepresentation/collusion. These, in turn, are rated on a scale of very thorough coverage, minimal coverage, and no coverage.[41] Categories will differ from profession to profession and there will always be more than one way to divide the provisions up for analysis. Though the method of assessment is crude and lacks specific criteria, White and Wooten do offer a means of conceptualizing or compartmentalizing codes for the purpose of examination. Thus, in assessing comprehesiveness, codes could possibly be divided up by responsibilities to different persons or agencies, or even by class of actions (appraisal, description and reference in the case of archivists, for example).

The last two criteria, review processes and formal sanctions, support Lang and Hendler's call for an ethical system as well as Durkheim's assertions that moral facts are distinguished by the application of sanctions. While comprehesiveness is seen as a requirement of ethical codes, review mechanisms and sanctions can be seen as necessary parts of the whole ethical system because they help enforce adherence to values and principles. F.A.R. Bennion addresses this issue.

> In essence (a code) is the judgment of the profession on how members should conduct themselves . . . Many, if not most, of its precepts are unknown to the general law, breach of them constituting neither crime nor tort. It binds the professional man because, in voluntarily joining the profession, he is taken to have agreed to be governed by its code as currently in force.[42]

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[41]Ibid., pp. 168-169.

[42]F.A.R. Bennion, Professional Ethics: The Consultant Professions and Their Code (London: Charles Knight & Co., 1969), p. 27.

Whether a profession is self-governing or not, members of many professional groups join with the understanding that they are expected to abide by its rules of conduct and can expect the application of a system of review and sanctions, ranging from reprimands to expulsion, if they fail to do so. Since the reputation of the professional organization is determined by its memebers' conduct, it is not unreasonable to expect adherence to certain agreed upon principles and behaviour.

Kultgen

John Kultgen adopts the largely utilitarian premise that "on any occasion, one ought to perform that act which, on reasonable reflection, promises to maximize benefits for the moral community and distribute them fairly." However, he acknowledges that "we must also insist that agents in the routine of life maximize their chance of producing desirable consequences . . . in the professional context by taking very seriously considered rules, established practices and shared ideals."[43] In this sense, he recognizes the need for codes of ethics, but, enumerates certain stipulations to ensure their effectiveness. Like Lang and Hendler, Kultgen is generally wary of codes which have no substance or, worse, have provisions which masquerade as serving the public interest but which ultimately serve only to protect the interests of the profession. Kultgen is also one of the few authors in applied ethics who actually seeks to analyze ethical codes and as a result, his ideas are particularly worthy of note, especially as his attitude toward the professions is generally a cautious one.

In attempting to lay down a strategy for analyzing ethical codes, Kultgen notes that there is frequently a conflict between the human and social functions of codes with the former aimed at protecting the interests of the public and the latter aimed solely at furthering the welfare of the profession.[44] With this in mind, the object in assessing codes, according to Kultgen, is to clarify the

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[43]John Kultgen, Ethics and Professionalism, pp. 14, 19-20. He goes on to qualify his formula with seventeen caveats and clarifications (20-36).

[44]Ibid., pp. 211-218.

terms of a code to enhance its ability to guide conduct[45] and presumably to expose those provisions which masquerade as regulative or "human" functions but are in fact merely ideological or "social" functions.

Since the more self-serving provisions in codes are usually couched in vague terms, Kultgen suggests that codes be examined by looking for what he calls "semiotic virtues" -- clarity, consistency, and truth -- which he suggests are necessary attributes of any code. Determining the degree of clarity, consistency and truth in a code requires, in part, an analysis of 1. its semantic properties and 2. its logical structure and 3. its presuppositions.[46] Rooting out vagueness and ambiguity are the objects of all three criteria, but the first focuses on the clarity and precision of terms or phrases used. The second involves looking at the way in which provisions are (or are not) ordered and related to each other so as to enhance understanding. Finally, presuppositions refer to those values and beliefs through which people interpret codes.

The need for wide acceptance of ethical codes frequently means that their component terms and phrases are vague or ambiguous. This vagueness in codes leads to the appearance of high standards but a lack of demanding duties. Like Durkheim, Kultgen feels that detail and clarity ensure a stronger ethical stance because context is not always sufficient to demonstrate meaning.[47]

Logical structure refers to the need for rules to be systematized under general principles even if they are born out of a response to transgressions. There ought, in Kultgen's mind to be instructions as to the relations of provisions so that either principles are arranged in order of priority, or the code contains ordering principles indicating priorities (stating ends for which other principles state means).[48]

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[45]Kultgen, "Evaluating Codes of Ethics," Wade L. Robinson, Michael S. Pritchard and Joseph Ellin, eds., Profits and Professions: Essays in Business and Professional Ethics (Clifton, N.J.: Humana Press, 1983), pp. 229, 245-256.

[46]Kultgen, Ethics and Professionalism, p. 219. See also Kultgen, "Evaluating Codes of Ethics", pp. 229-237.

[47]Ibid., Ethics and Professionalism, p. 227.

[48]Ibid., pp. 235-238

Placing principles in descending order of priority may not always be possible or practical. However, the notion of a logical progression may be helpful and Kultgen's idea of ends-oriented principles serving to establish a goal for the means-oriented principles has possibilites.

Finally, in order to combat the pitfalls of people's presuppositions about the code's meaning or intent, Kultgen suggests the need for a rationale. This rationale would candidly outline the nature of the profession as well as its more prominent moral problems and act as an authoritative basis for interpreting the code.

The point to be gleaned thus far is that a code which means different things to different people is of little use and may do more harm than good. While logical ranking of principles may be possible to some extent, the infiniteness of circumstances in reality may well oblige the practitioner to do only that which could be explained before a panel of professional peers. As Kenneth Kernaghan observes, ". . . if a code of ethics is formulated, it must reflect an appropriate balance between rigidity and flexibility, between generality and specificity, and between comprehensiveness and selectiveness."[49] While we might question the notion that a code of ethics can largely relieve professionals of ethical inquiry or reflection, any mechanisms which assist interpretation and application of principles and rules to real situations is obviously going to be helpful. Conversely, provisions which use vague or undefined terms, a poor logical structure, and no rationale to set the context for provisions will likely be problematic.

Kultgen makes one additional point worthy of mention and one which might well be considered when assessing ethical codes. He asserts that while there are technical, economic (or prudential) and moral standards in professional life, codes should contain only ethical norms consisting of rules and ideals.[50] These, in turn, he distinguishes by the use of sanctions -- the former enforced by negative sanctions and the latter by positive ones.

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[49]Kenneth Kernaghan, Ethical Conduct: Guidelines For Government Employees (Toronto: Institute of Public Administration of Canada, 1975), p. 9.

[50]Joan C. Callahan makes a definite and useful distinction not only between ethics and economics, but also law, prudence, religion, and obedience to authority. See Callahan, Ethical Issues in Professional Life, pp. 10-14.

Rules consist not only of prohibitions and prescriptions (role duties) which have sanction, but also permissive clauses that allow but do not insist on certain behaviour.[51] Kultgen suggests that while these clauses may be legitimate, they frequently lack accompanying ideals to guide the individual in the permitted action. We may also recall Hallet's assertion that for a statement to be ethical it should use ethical language -- "ought", "should", "must" and so on. Permissive clauses tend to use an auxiliary verb such as "may" which does not imply that every person in similar circumstances ought to do the same. However, since codes are designed to articulate the behaviour that is expected of them, permissive clauses may still have their place. The test of their legitimacy will be the soundness of their justification or rationale.

Summary

Professional ethics is the set of standards by which people with a distinct expertise and weighty responsibility attempt to meet the expectations of society. For archivists, the distinct expertise revolves around an understanding of how records are created, their special characteristics and vulnerabilities, and their value to society. Thus, there is a protective aspect, but archivists are more than custodians; they are evaluators as well as arbiters of access to those records. Since records serve the needs and various interests of society, this requires a high level of impartiality and integrity. The ability to resolve ethical problems effectively as individual practitioners and as a profession is of very great importance indeed. Therefore the effectiveness of the profession's ethical code can play a role in its overall development.

It is apparent that there are at least two levels at which ethical codes can be analyzed. They can be assessed either in their entirety as instruments within an ethical system or by examining them provision by provision.

At the first level, one determines how the code is to be used in the decision-making process. In many respects, ethical codes are inherently Kantian in that there is an underlying presumption that these rules enunciate what one

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[51]Kultgen, _Ethics and Professionalism_, p. 246.

ought to do in given situations. However, utilitarian concern for happy consequences must surely come into play from time to time and this points up the importance of ethical systems and professionals with skills in ethical reasoning. It may not be just a matter of turning to the appropriate provision in a code of ethics, but to consider whether those provisions can stand given the specific circumstances (or consequences?) of the case. Following the code to the letter could possibly prove harmful to individuals and it will always be the judgement of the archivist (in this case) which determines the outcome. As professionals or those who aspire to professionalism, archivists are accountable for their actions and must be prepared to answer to their employers, their archives users, to their professional peers and the community they serve. As such, decisions based solely on ethical code provisions and not on ethical reasoning would appear to be inadequate.

Thus, it seems clear that an overall structure or system is needed to support ethical practice. Such a system, as invisaged by Lang and Hendler and White and Wooten would be judged by the presence of several components. In addition to the existence of a code of ethics one ought to ask:
* Are new members of the profession educated in ethical reasoning?
* Is there an ethics committee to review the code and discuss ethical problems?
* Is there a formal review process to deal with complaints of misconduct?

And
* Are sanction/reward mechanisms in place?

Ultimately these questions are aimed at gauging the extent of the ethical system in place for any given professional organization. Without an adequate ethical infrastructure in place, the effectiveness of ethical codes would likely be greatly diminished.

At the second level, one examines the component parts of a code with an eye to their appropriateness and effectiveness. The points put forward by the professional ethicists allow us to view ethical codes from the moral point of view, especially with regard to what code provisions ought to be based upon.

John Kultgen provided us with the most potential criteria and perhaps the most appropriate opening queries.

*Does the code contain a rationale explaining the nature of the occupation and its ethical problems to serve as a justification and explanation for its provisions?

* Are the provisions of the code as free as possible from ambiguous terms or phrases?

* Does the code have a logical structure which assists in revealing intended meaning?

* Does the code contain only rules and ideals consisting of moral norms?

* If the code contains permissive clauses, are they ethically justifiable?

Bayles was more concerned with the origin, specificity, and relative weights of principles used in ethical reasoning, all notions which may assist in assessing the basis of code provisions.

* Are the principles compatible with or traceable to the common principles recognized by society?

* Are the principles sufficiently refined to assist in resolving ethical dilemmas?

* Do the relative weights of principles vary greatly with circumstances?

In the earlier dicsussion of ethics in general, we noted Hannaford's observations that ethical language plays an important role in the moral force of statements and particularly how ethical or moral language tends to make statements universally applicable to all members of the group. Thus, it may be useful to ask:

* Are provisions written using appropriate ethical language?

On a related matter, Abraham Edel's comments point out the importance of ensuring that the provisions all articulate some obligation or consideration arising out of that particular professional situation and not things which might be expected of any citizen. Thus, we may ask:

* Are the provisions of demonstrable relevance to the individual as a professional and not just as an ordinary citizen?

Finally, Durkheim and White and Wooten maintain that codes must be comprehensive in order to be effective and useful. White and Wooten offered a method of assessing comprehensiveness through categorizing different types of provisions. We noted that provisions could potentially be categorized several different ways. However, as many ethical dilemmas for archivists involve the integrity of records in one way or another, comprehensiveness will be assessed with reference to the principles of archival practice as articulated in chapter three. In the mean time, then, the question Durkheim, et al. would ask is:

* Is the code comprehensive enough to adequately address all the major ethical issues?

All these considerations provide a means of assessing codes from an ethical or moral point of view and may well assist in establishing a sound basis for achieving a professional stance and genuine commitment to service. It is important to realize that these criteria are tentative and require testing to determine their value as analytical tools. This will be undertaken in chapter four. It may well be that certain criteria are not useful in the examination of archival codes but this determination cannot be made here without reference to the codes themselves.

Provisions need to provide an objective basis for resolving ethical questions. To do this requires, in part, a complete, well founded and well organized set of rules and ideals to which practitioners can turn. Clearly, though, success in implementing codes as part of an ethical system also requires a general

consensus among practitioners as to the norms of the occupation and particularly its principles of practice. It is to the fundamental principles derived from the nature of archives that we turn in the next chapter. For, while there are many other principles which archivists must weigh in reaching decisions, these principles address the well-being of the records, and as such, form a major part of archival ethical reasoning. By examining the nature of archives which gives rise to principles of their treatment, it is hoped that these will become clearer and provide another means of assessing the adequacy or appropriateness of archival ethical codes.

Chapter 3

The Nature of Archives
and the
Principles Which Guide Archival Work

The discussion of ethics for archivists, or any professionalizing occupation, must always begin on a foundation of principles. Principles of honesty and respect for others inform and guide the conduct of daily life. Principles are also what guide and inform archivists in their work. They assist archivists to make sound decisions in protecting archival integrity, the institutions which employ them, and the society they serve as public officers. These three interests can sometimes come into sharp conflict with one another, but such conflicts can be set aside for the present to examine the nature of archives and the principles which ensure the maintenance of their integrity. From the nature of archives and their uses we gain a definition of archives and this, in turn, suggests the role of the archivist. From there, it is possible to look at the ethical implications which arise in practice and to develop some general rules of conduct which archivists should follow when making decisions affecting records in their custody.

Arguably the key responsibility of the archivist lies in the duty to protect the probative value of records as evidence of past actions, functions and activities. Society needs to be able to rely on its documentary evidence to accurately reflect what transpired in the past, whether for legal, administrative, or historical purposes. Archivists are charged with preserving in their integrity documents at the end of their active life which still have an ongoing utility to society.

In reference to the appraisal function, Jane Turner cited the shared use of records by the legal and historical profession to seek the truth. In this regard, she observed that

> Both disciplines recognize the central problem inherent in using documents to establish truth: the probative nature of documents is directly dependent on the reliability of the creation process. The

preservation of the nature of archival documents must, therefore, remain a guiding principle of the appraisal process.[1]

This statement is equally true of all archival functions, for they are all aimed at the same goal. It is in the legal context that the importance of reliable evidence is most apparent. While considered "hearsay," as a general rule, records can be made admissible if a "circumstantial guarantee of trustworthiness in the creation process" can be provided.[2] Thus, in order to judge the reliability of records as evidence, courts under the Common Law system look to the reliability of an organization's procedures of making, receiving and controlling documents. Though for different purposes, all other users of archives require the same assurance. Archivists, therefore, are expected to keep records in the same state of integrity as the creator or, as Jenkinson asserted, "to take all possible precautions for the safeguarding of his Archives and for their custody, which is the safeguarding of their essential qualities."[3]

It has also been demonstrated that archives are instruments of accountability used by their creators and ultimately preserved as such by archivists. Jane Parkinson summarizes it this way:

> The records that are preserved for accountability enable individuals and organizations to maintain legitimate relationships of delegation, and to uphold the rights and obligations that flow from those relationships, by providing evidence of what has been done and why. Persons who keep such records are required to act responsibly by both ensuring and demonstrating that the records and their valuable qualities are protected.[4]

The principles which guide archival practice are based on these essential or "valuable qualities" and are the basis for the ethical treatment of archival records. The same qualities make archives distinct from all other forms of material one might encounter. Archives are always naturally created in the

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[1]Jane Turner, A Study of the Theory of Appraisal For Selection, Master of Archival Studies Thesis, University of British Columbia, 1992, 10.

[2]Ibid., p. 21.

[3]Hillary Jenkinson, Manual of Archival Administration (London: Percy Lund Humphries, 1965), p. 15.

[4]Parkinson, Accountability in Archival Science, p. 101.

course of affairs, and as such, impartial with respect to their contents, authentic with respect to their creator and meaningful by virtue of their web of relationships. These characteristics all contribute in one way or another to the various definitions of archives that have been suggested over the last century and more. To yield the principles which inform the ethical treatment of archives, a detailed examination of their unique qualities will be helpful.

Naturalness and Impartiality

Naturalness is the first and perhaps the most important criterion for identifying archival material. This is the notion that archives are naturally accumulated by juridical or physical persons.[5]

During the creator's existence, the documents, (whatever their medium) are accumulated as a matter of course. Letters are written; copies are retained; correspondence is received and retained; and notes or minutes are taken at meetings for future reference. While all of this sort of activity occurs, the archives resulting from it accumulate naturally. Things that may be of use in the future as evidence for legal, financial, or purely reference purposes, are retained and accumulated in the order established by the creator.

It is crucial to realize that archival material is natural by virtue of the fact that it is created as a by-product of the activities of the creator. Stanley Raffel noted that "The events are not seen as produced by the record, but the record is seen as produced by the events. . . (and) the record cannot occur without the event."[6] Raffel's assertion is true but the underlying perspective is too limited, for he sees records more as recorded observations than by-products of all manner of activities. Parkinson provides a more complete description of

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[5] The term juridical person comes from Europe and the field of diplomatics. It is defined as: "an entity having the capacity or potential to act legally and constituted either by a collection or succession of natural or physical persons or a collection of real properties." Luciana Duranti, "Diplomatics: New Uses for an Old Science," Archivaria 28 (Summer 1989): 25, note 20. In North America, such entities include the concept of "corporation" or "artificial person" (as with a state, agency, association or a deceased person's estate).

[6] Stanley Raffel, Matters of Fact: a sociological inquiry (London: Routledge & Kegan Paul, 1979), 19. Raffel's discussion was based almost exclusively on his experience with medical records. See, for example, chapter two, pp. 21-47.

the nature of archives and their relation to actions when she states that: "Records do not merely provide information, which may be available from many other sources; *they are also a tangible trace of the transactions they were created to accomplish . . .*"[7] (emphasis added). Taken together, the documents become the collective memory of the activity or transaction. They, in effect, provide a true reflection of the administrative activities and function(s) of the creator because they arise out of those activities and functions and serve the practical needs of the affairs at hand.

In contrast, material that is brought together after creation for purposes unrelated to the continuing conduct of affairs cannot be said to be archival. The person who collects letters by famous people or photographs by a particular photographer, is creating an artificial collection because it is not naturally accumulated by the creator for his or her own purposes. Similarly, reports based on original documents are end products rather than by-products of individual actions.

Flowing from this concept of naturalness is the resultant impartiality of archives with respect to their content as it provides evidence of action. Because archives are created in the course of an activity and not for the sake of posterity, they can collectively be relied upon to tell the truth, even if individual documents are misleading. The heart of this concept is that archives are created for the benefit of the creator by the creator while carrying out affairs.[8]

Since records are not created or kept for posterity, but for the purposes of the creator in the course of his activities, they provide an impartial view of what has occurred in the past. Narrative sources, on the other hand, convey a specific view assembled by the author and are not as trustworthy by themselves. For example, an autobiography provides one view of an individual, but it may be distorted because it is dependent on the author's point of view. Archives collectively provide a true impression because they are part of the actions of their creator, and not made to inform historians or any other

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[7] Parkinson, <u>Accountability in Archival Science</u>, p. 32.

[8] Sir Hillary Jenkinson identified this characteristic in his <u>Manual of Archival Administration</u> (London: Percy Lund Humphries, 1965), p. 12.

secondary user. In short, archives have no axe to grind by virtue of the fact that they are an incidental result of someone's activities and used by that person to remember or prove what has occurred and how. Their utility to the creator for its own purposes gives secondary users confidence in its impartial representation of past events.

The concern of all secondary users of archives is the truthfulness of their sources. While the historic truth can only be gleaned from imperfect interpretations of records, archives provide the documentary truth as it was recorded in the ongoing course of affairs. The documentary truth may not be the historical truth -- the information may be incorrect -- but the archival document normally records the truth that its creator acted upon. This lack of self-consciousness with respect to future uses is what is meant by Jenkinson's notion of impartiality and by his statement that archives are not created for the benefit of posterity.

The purpose of discussing these characteristics of archives is to arrive at principles for their ethical treatment. The principle one must draw from this discussion is that these characteristics of naturalness and resultant impartiality yield probative value which ensures the ability of records to accurately reflect the activities and administrative processes of their creator. Let us call this the principle of probative value. By extension, the corresponding ethical rule would have to be: *An archivist ought to take all reasonable precautions to protect the probative value of archives.*

Authenticity

Authenticity is a characteristic of archives not easily defined. In its common usage it has the meaning of "undisputed origin; genuine" and "reliable or trustworthy."[9] The dictionary definitions do hold for archives as well. However, in this context, authenticity has two specific strands of meaning. These are: 1. accuracy in reflecting the actions, processes and procedures generating the documents and 2. freedom from tampering guaranteed by reliable custody.

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[9]Allen, ed., Oxford English Dictionary, p. 72.

Taking the first aspect, all archives are authentic with respect to the actions of the creator who generated them. That is to say that anything an entity creates is truly a reflection of that entity's activity and this is true regardless of proof. The problem for archivists comes when determining the authenticity of a document with respect to a fonds. This can only be determined by examining various characteristics of the document and making a judgement as to whether it is really authentic in the context of that fonds. At the diplomatic level, individual documents are said to be authentic if they are "those which were written according to the practice of the time and place indicated in the text, and signed with the name(s) of the person(s) competent to create them."[10] Thus, a document is said to be authentic with respect to the creator of a given fonds if all the necessary elements in the document are present.

Authenticity in the archival or diplomatic senses should not be confused with legal authenticity which requires the signed endorsement or guarantee of a representative of a public authority. Nor should it be confused with historical authenticity in which the document attests to actions that really happened or information that is true. Thus, in the archival and diplomatic senses, records may be authentic and yet be legally inauthentic (unattested) or historically inauthentic (bear false information).[11] Authenticity is the capacity of archives to truly reflect the action which gave rise to it.

The second aspect or strand of authenticity relates to its ongoing custody. For a document to be thought of as authentic, or at least trustworthy, Jenkinson asserted that custody should be unbroken between the creator and the material it has accumulated in the course of its affairs.[12] If material is alienated from its creator or legitimate successor, its trustworthiness or ability to reflect the actions which gave rise to it, may be called into question. On the other hand, government agencies often become subsumed by others and their archives are taken into the new agency but this does not break the link with the creator because the new agency is a legitimate successor whose reasons for keeping

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[10]Duranti, "Diplomatics," p. 17.
[11]Ibid.
[12] Jenkinson, Manual, pp. 12-15.

the material are the same as that of the original creator -- reference and administration.

Archives accurately reflect the actions which gave rise to them and, by virtue of their custody and use by their creator, are free from suspicion of tampering. The principle one might draw from this aspect of archives is that authenticity or trustworthiness is assured through continuous reliable custody. Let us call this the principle of reliable custody. The corresponding rule would then be: *Treat as dubious all material that fails the test of authenticity.*

Interrelatedness

All documents created by a juridical or physical person form an interrelated whole. Records are kept by their creator for their ongoing utility and as such are kept in an order which facilitates that use. Being naturally created, archival material has an organic structure -- a series of relationships which are made apparent by the order in which the records are kept.

This interrelatedness has a functional basis manifested in some form of classification. That is to say that the provenance of archival material has a structure based on the functions being performed and the way the juridical person organizes its affairs. As expressed by Eastwood, this structure of provenance has both external and internal features.[13] The structure of an archival fonds (all documents made and received by a person - natural or artificial - in the course of affairs) is established in part by the way in which an entity organizes or structures its business. This, in turn, is usually revealed by the delegation of authority and function. Logically, the division of an organization into several operational groups or agencies (some of which may be superior to others) will affect the way in which their records are created and maintained. These subdivisions correspond to an assignment of distinct functional responsibilities such as sales, finance, or shipping.

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[13]Terry Eastwood, ed., Introduction to The Archival Fonds: from Theory to Practice (Ottawa: Bureau of Canadian Archivists, 1992), pp. 4-9.

With regard to non-institutional fonds, Eastwood states that: "Even though purely personal archival fonds are not subject to authority relations in the manner of administrative fonds, personal archival documents arise in comparably functional ways."[14] Individuals still tend to serve multiple functions and arrange their archives accordingly.

The internal structure of provenance arises from the way in which an entity orders its archives for the purposes of retrieval. The conduct of affairs generates patterns of relationships among records which are observable only through the original order assigned by the creator. Usually, this takes the form of some kind of classification system based on the above mentioned functions.

By virtue of the structure of an organization, the functions it serves and the corresponding way in which it orders its memory, the importance of preserving context becomes apparent. Contextual relationships are the key to understanding and imbue archives with their value as evidence. The relationships within an archival fonds are referred to as documentary context. There are also relationships between documents and their creator which contribute their administrative context. The relationships between documents and the activities that created them are their transactional context. Finally, because juridical persons regularly interact with each other there are also relationships between fonds as well.

In this regard, it is also apparent that in order to protect context, these relationships must remain intact so that those who wish to use the information in archives may understand their true meaning. From the context of a document in a fonds, we can understand its meaning with respect to the other documents, the administrative procedures of the creator and the activities which caused it to be created. All this is possible because archives are kept in an order which makes sense to the creator for his purposes. For example, if one received a letter from someone, one might place it with other correspondence. Further, one might place it with correspondence that related to that individual or the transaction or according to some other scheme. This

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[14]Ibid., p. 7.

document will make sense in the future because it is in the context of a fonds and has relationships with the other documents in the fonds. Similarly, a photograph within an album has a context and makes sense because the relationships with other photographs are apparent. If that photograph is separated from the album, it loses its meaning almost entirely. Thus, we can see how archives grow in an organic fashion, with a network of relationships between documents.

These relationships extend throughout a fonds and beyond it as well. A hotel, for example, has relationships with its guests, its employees, various levels of government, suppliers and so on. This suggests that fonds are linked to each other almost infinitely in the same way that documents are linked to each other based on the shared involvement in actions or transactions. Such exterior relationships have to be taken into account when deciding on the acquisition of archival material.

The uniqueness of archival material is derived from the relationships between a creator and its fonds and between documents within a fonds. The context of a document in relation to other documents in a fonds gives it its unique quality. Archives are unique because of their relationships which are established as a fonds accumulates. Thus a record is part of the organic whole of the documents and has a relationship with the other records that is unique to it. These relationships explain the story of the development of the fonds and as such, the story of the creator. If several copies of a document were found together, then only the original would be archival. However, if many copies of a document were found in a fonds but in several different contexts, they may still be unique if each copy carries a different meaning by virtue of its association with the other documents. Published material by contrast, is not unique because there are many copies whose meaning does not change in different contexts. A book does not rely on relationships for meaning and is not unique with respect to context.

Deriving from the need to preserve the external structure apparent in a fonds is the primary and most familiar principle of archival science -- respect des fonds. This principle refers to preserving the integrity of a fonds by avoiding the intermixing of documents from one fonds with those of another,

thus obscuring provenance. That the original ordering of archives (its internal structure) is the only scheme which yields context and meaning, is established in the allied principle of respect for original order. Thus, administrative use by the creator establishes order and no other form of ordering should normally be contemplated.

There is an underlying obligation on the part of archivists to be aware of and preserve relationships of all kinds as they present themselves in and among archival fonds. Because these two principles are so vital to maintaining the value of archives as reliable evidence of their creator's activities, they ought properly to be kept in mind at every stage of archival processing, from acquisition and selection to arrangement and description. Thus, the corresponding ethical rule to be observed is: *Avoid any action which would unduly compromise or obscure the relationships amongst records in a fonds or between records and their creator.*

The Ethical Treatment of Records

Up to this point, we have been establishing the basis for ethical treatment of records according to their nature as organic by-products of human activity, ordered and kept as a means of memory and evidence. The object of the foregoing is to establish the fact that the nature of archives reveals the need for both the external and internal integrity of a fonds' structure. It was noted in the first chapter that the obligation to records (inanimate objects) embodied in the moral defense of archives was a situation peculiar to the archival profession. Ethics involves human relationships and our responsibility to society. How, then, can one discuss the ethical treatment of records? The simplest answer is that as a vital means of carrying on our daily affairs and of accounting for past actions, archives are an extension of both the entities which create them and the society to which those entities belong. Thus, the violation of principles of provenance and original order should be thought of as a potential offense to society. Embodied in this statement is the recognition that records are not kept for their own sake but for the welfare of people. Whilst records cannot have moral rights, the entities and communities which create and use them do. The difficulty for archivists in communicating their

ethical stance to others lies in convincing them that protection of the integrity of a fonds achieves the protection of the welfare of humans or human organizations.

This is not to say that archival principles must always be thought to have some sort of inherent primacy in the deliberation process (though we may accord them more weight than other principles). It merely suggests that these principles must always be given due consideration with any other principles of human conduct. One must also remember that employers or other users of archives in judging archival decisions, may not take archival principles into account or may not give them the same weight, which, of course, harkens back to the quest for a professional status. Assuming limited public recognition of archival principles, the onus will be on archivist's to defend their ethical positions as articulately and compellingly as possible.

Having established the ethical relevance of archival principles, we will now look at the implications of a principled approach to archival activities. The analysis will focus not on those activities thought to be prudent, desirable, or preferable, but rather on those activities which have a consequence bearing directly on a matter of principle. While there are many activities (such as maintaining lead files for future acquisitions), which are advisable or even essential, failure to observe or avoid these practices have no direct relevance to principle. Similarly, it is not possible to enumerate all the many ramifications of principles on practice. However, an attempt will be made to address the main consequences of archival principles in the realms of appraisal, arrangement, description as well as the ancillary activities of reappraisal and deaccessioning.

The Ethics of Appraisal

For archivists, ethical considerations and responsibilities begin even before a fonds or part of a fonds is entrusted to their custody. Appraisal is an archival function which can cause the archivist a great deal of consternation, because it is a matter of determining those elements of the past which must be preserved for the continuance of society in the future. It is our means of accounting to future generations for past actions and it is at this point that the

community's documentary heritage is being permanently formed. How satisfactorily and by what means this can be done is the subject of ongoing debate. Terry Eastwood suggests that archivists "... might well regard appraisal as a matter of reckoning the balance of threats and promises of archival documents, of puzzling out what the likely costs of not having them might be, and what benefit might come from continuing to have them."[15] Jenkinson took a much more hard line attitude in his manual written in the early 1920s. While recognizing that bulk was becoming a problem, he maintained that the archivist was a moral and physical conservator. There was virtually no role for the archivist to play in appraisal, because there was no way to predict future uses for material and because it could not be done without adversely affecting the organicity of archives.[16] The passage of time and the proliferation of records due to advances in technology, complex bureaucracies as well as other factors, meant that Jenkinson's hands off approach could not stand. Archivists, as seekers of documentary truth (as opposed to historical truth) remain the only people sufficiently impartial enough to decide the fate of bodies of records and who can be held accountable for their actions.

Our purpose here is not to discuss the methodology of appraisal or any other archival function, but rather to examine the implications of the archival principles as they bear on appraisal. The appraisal function has some pitfalls in terms of human dynamics and corporate policy, but at this point we shall confine discussion to the archivist's responsibility to the integrity of the record and the fonds of which it forms a part. Thus, issues such as the management of restrictions (which occurs at the time of appraisal) will be left to our later discussion of user/donor expectations. It should be noted, however, that whilst separating human considerations from archival ones is necessary for analysis and codification, they are often intertwined in practice.

There are two separate aspects to appraisal which must be considered individually as they take place at different times and involve different and yet related judgements on the part of the archivist. Acquisition is the first act of

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[15]Terry Eastwood, "How Goes it With Appraisal?" Archivaria 36 (Autumn 1993): 111.

[16]Jenkinson, Manual, pp. 145-147.

appraisal, involving a decision as to the appropriateness of a body of records entering an archival institution for permanent preservation.[17] It can also be thought of as the selection of fonds. The other aspect of appraisal is selection of records within a fonds. Acquisition and appraisal are different in that one addresses the external integrity of fonds while the other addresses the internal integrity, but related in that both are aimed at making a judgement of future utility or expendability.

In appraisal for acquisition, there are arguably four main issues to consider from a principled perspective: territorial organicity, maintenance of fonds integrity, reliable custody, and institutional suitability. In a sense, these can be thought of as acquisition-specific principles of practice.

Territorial Affinity

Territorial affinity, in this context, refers to the natural ties that a fonds has with other fonds in the geographical area in which it was created. In Canada, large archival institutions historically acquired material from across wide regions of the country, alienating records from their local contexts and concentrating them in urban centres where their physical care was assured but where they were distant from complementary local records and from local users. This has been less of a problem in the United States where local archives or manuscript repositories were established long before many of the state and national institutions. With the increasing number of small archives in Canada in the past two decades, coupled with a decline in acquisition budgets for larger institutions, sensitivity to territorial organicity has become more apparent.

Simply put, maintaining territorial organicity means that generally speaking, records should be preserved in the context in which they were created, or more precisely, as close to the original site of creation as possible. In this way, the relationships with other local fonds are preserved and help to form a more

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[17]Here, one should keep in mind the difference between an archives of concentration and one which serves only its parent institution. The latter will acquire through transfer only those fonds created by the parent institution, while the former acquires from the larger community.

complete community memory, which is the ultimate goal of archival preservation.

Where two contexts are relevant to a fonds (eg. an agency in one locale with a head office located elsewhere) and where the archivist is in a position to make a decision, the principle of provenance would dictate that the strongest context should decide its place of final disposition. Thus, if the relationship with head office is stronger than those with the community, the fonds should be preserved with the larger fonds at head office. On the other hand, the records of the local branch of a bank may have much greater affinity with the records of the local community. It follows that their utility would be much greater in the community rather than in the company's repository hundreds or thousands of miles away. Frequently, however, such decisions are a matter of policy and the archivist can only make suggestions as to why one location would be more appropriate than another.

On this first point, then, we can state that the principle of territorial affinity requires that records ought normally to be preseved in the context in which they were created. Accordingly, archivists have a responsibility to try and ensure that records are preserved in the appropriate geographical area.

Maintenance of Fonds Integrity

Maintaining the integrity of the fonds is at the heart of the archivist's task at all times but in the context of acquisition the concern is to avoid acquiring parts of a closed fonds. When acquiring records through transfer, whole fonds are rarely acquired at once, but the understanding is that as an agency's records become inactive, they will be transferred to the archives. With acquisitions outside the host institution, accessions usually consist of whole fonds or at least all that remains of a fonds.

Because archival fonds are created as a natural by-product of human activity, they cannot be split apart without destroying context and meaning. For this reason, and by virtue of the principle of *respect des fonds*, we can say that it

would be unethical to knowingly accept part of a fonds when another part was to be acquired by another repository or agency.

Reliable Custody

In preserving authenticity, Jenkinson stressed the issue of reliable custody, noting that ". . . the custody of any given person or official must not cease without his expressly handing over his functions as Archive-keeper to some other responsible person."[18] To this end, Jenkinson stated that archives' value as evidence was greatly diminished if it could not be demonstrated that they were ". . . taken over direct from the original owner or his official heir or representative."[19] This notion has been referred to as *inalienability*.

The rule derived from this desire to ensure authenticity is that one should not accept records whose provenance is in doubt or whose reliable custody has apparently been broken through sale or other form of alienation. After all, the reliability of archives as evidence of activity is crucial to their value to society.[20]

Institutional Suitability

Finally, there remains the issue of suitability. It may be just as unethical to accept a fonds unsuited to the archives mandate or resources as it would be to split a fonds in half for it serves only to limit the contribution of the fonds to public memory.

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[18]Jenkinson, Manual, p. 38.

[19]Ibid., p. 41. This is one of four criteria that Jenkinson established. The one quoted being the most relevant to our discussion.

[20]By extension, the need to prove the authenticity of records with respect to their creators, obligates the archivist to keep track of acquisitions as a matter of routine in an accession register. Without such a record no proof exists of the way in which custody was transferred to the archives or from whom. This issue clearly involves the principle of reliable custody, but it also suggests a second principle encompassing the notion that, as professionals, archivists need to be accountable to their employers, the public, and future generations as to what decisions were made and why. This principle is discussed under the "documentation of actions" section.

Institutional suitability might be determined by such considerations as: sufficiency of financial and personnel resources, complementarity with existing holdings, and absence of overlap with holdings of other institutions. Thus, acquiring a fonds for which there are insufficient resources to arrange and describe it, or a fonds which more closely fits the acquisition policy of another institution, can be thought of as unethical and insupportable by the archival community.

More particularly, archivists ignore their responsibility to the public good when they fail to reconcile the boundaries of their acquisition policies with those of other institutions and engage in competitive acquisition of fonds. This state of affairs occurs most frequently when acquisition is pursued by reference to subjects rather than creators. Thus, the potential for conflict is greatly increased when an archives seeks records *about* nineteenth century steelworkers, for example, rather than establishing, in cooperation with other archives, that it will acquire the records of companies involved in heavy industry within a defined area. Failing to do this violates the principle protecting the interrelatedness and complementarity of fonds (respect des fonds) and the meaning which is apparent when related fonds are preserved together in the geographical region to which they most properly belong. This notion of the appropriateness of institutions might best be labelled the principle of institutional affinity and this is a bridging principle of respect des fonds.

To summarize, then, archivists are also responsible for ensuring that their repositories are truly the most appropriate recipients of any given body of records.

Selection is the other part of the appraisal activity and for archivists it provides as many problems of an ethical nature as acquisition. The difference here is that examination focuses not on the fonds as a whole but on the series and other components which make up the fonds. What needs to be kept so that the structure is not compromised and what can be safely destroyed so that our memory is not cluttered with records of marginal utility? At this stage, then, the objective is to maintain a representative part of the fonds selected during

acquisition. As such, it is an exercise which deliberately and rationally attributes value to records and which needs to be carried out on the basis of knowledge and evidence.[21]

Selection, by its very nature, involves the partial destruction of fonds to make them more usable and less bulky. Inevitably, this intervention affects their naturalness, impartiality, authenticity, and interrelatedness. The integrity of the fonds is affected and therefore crucial decisions must be made which have a direct impact on the reliability of evidence. With this in mind, it becomes imperative to be able to account for the reasoning behind all appraisal decisions and hence to consider the *principle of professional accountability.*

Ethics involves a sensitivity to the interests of others. With regards to selection (and all subsequent actions for that matter), these interests include those of the host institution which provides limited resources for the permanent retention of records. Creators have an interest as to the adequacy of their records for their use, but there are also the interests of users with unlimited and unpredictable research needs. Finally, in a broader sense, there are the interests of society as a whole, which expects the cultivation of an adequate long-term memory for its continued existence. The archivist, being a professional, needs to be able to set his or her own particular interests aside so that the selection activity may result in as impartial a result as possible. The assumption of this grave duty by archivists on behalf of society was something Jenkinson felt was an inappropriate "share in the creation of those Archives which it is their true business only to keep and use . . ."[22] However, the proliferation of records production has left society with little choice but to destroy and retain archives for its own purposes in accordance with the needs of the creator.

Appraisal consists of two specific actions which reduce the bulk of a fonds. These are: culling and sampling. Culling involves little of ethical concern since it is merely a matter of removing non-archival material. However, sampling will require some examination. Whatever the task, it may be helpful to keep in mind Jenkinson's golden rule that fonds should be preserved in

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[21]Eastwood, "How Goes It With Appraisal?," p. 119.
[22]Jenkinson, Manual, p. 149.

such a way that anyone with reasonable intelligence and knowledge on reviewing the records could carry on the affairs of the office in question.[23] In addition to that which is crucial to administration, an archivist must have a good knowledge of what is likely to be useful to other users. While the former and the latter are frequently coincident, the archivist's knowledge assists in ensuring that nothing is destroyed which can reasonably be demonstrated to have ongoing value to society.

Managing this task from an ethical perspective means acquiring an understanding of the needs of the organization while avoiding becoming co-opted by its internal politics (in the case of appraisal within an employing organization). This is to suggest that good appraisal requires some professional detachment to ensure a sufficient degree of impartiality and that decisions are based on sound evidence rather than on the interests of certain individuals. Let us call this the **principle of professional impartiality**.

Sampling

There are numerous methods of sampling each of which have different objectives in mind. The intention here is not to explore these methods but to understand what sampling is and what kind of series may be deemed appropriate for sampling. This is the most subjective activity that archivists may engage in for it relates to research needs and is based on historical criteria rather than on strict utility. It is an action that, like culling, seeks to reduce bulk. This is done by selecting certain elements within a series either (1) to try and preserve those deemed most significant or (2) to achieve a totally objective selection representative of the whole.

Since we recognize that archives, to be useful as evidence of activities and to assist in carrying on affairs, must be preserved in their integrity, it follows that *sampling can only be considered for those series which would otherwise be destroyed.* Thus, it would be unethical for an archivist to consider sampling of a series which he/she deems worthy of retention. We may characterize this

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[23]Ibid.

notion as the principle of optional retention and note that it is derived from the more all-encompassing principle of *respect des fonds.*

Documentation of Actions

Ultimately, ethical practice is about maintaining accountability with those whom archivists serve as professionals. In the realm of appraisal, this accountability has historically been haphazard at best. The importance of documenting decisions cannot be overstated, for it informs future generations and successors as to what has been destroyed and why. Jane Parkinson summarizes the accountability of archivists this way:

> The records that are preserved for accountability enable individuals and organizations to maintain legitimate relationships of delegation, and to uphold the rights and obligation that flow from those relationships, by providing evidence of what has been done and why. Persons who keep such records are required to act responsibly by both ensuring and demonstrating that the records and their valuable qualities are protected.[24]

In a sense, providing accountability through documentation of actions is also a means of preserving the integrity of the fonds by explaining past decisions and enumerating the parts affected. Without an accounting of appraisal actions (both affirmative and negative), by means of signed and dated notations, it is difficult to justify decisions and learn from previous ones. Moreover, the public must be certain of the completeness and authenticity of documentary evidence for it to be reliable.

Archivists have always been accountable to those whom they serve, due, in part, to their recognition of the role of records in accountability, but also because their authority and resources have always been delegated. There has also been a requirement to take external interests into account when making appraisal decisions, especially those involving destruction. In this regard, records scheduling procedures have facilitated consultation with records creators as to administrative utility.[25]

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[24]Parkinson, Accountability, p. 101.
[25]Ibid., pp. 103-104.

As salaried people with delegated authority, archivists cannot make decisions based on personal whims or preferences. They need to be able to demonstrate that their actions as professionals were based on sound principles. Employers will insist on adherence to prescribed procedures and policies, but this does not ensure ethical conduct. Policies may run counter to the public interest at times and ultimately, archivists make some of the decisions that affect what is kept and what is not. As a means of accounting for archival actions, documentation of appraisal decisions (both acquisition and selection) should be thought of as an ethical requirement of practice and not just a desirable precaution. Such documentation embraces a principle we might call the principle of professional accountability. While some actions in archival practice can be undone, appraisal decisions are usually irreversible.

Reappraisal

The concept of reappraisal has been put forward by some archival writers in North America as a legitimate means of making available more space for new acquisitions. Most notably, Leonard Rapport, in a 1981 article, argued that there should be no ethical compunction on the part of archivists to destroy accessioned material if, after two or three decades, it was not being utilized.[26] Rapport was challenging the long-standing reticence of archivists to deaccession material deemed worthy of preservation by those who came before them. Rapport contended that there are three reasons for the excessive volume of "records of questionable value" in institutions like the National Archives: (1) Appraisal was not conducted by the standards of the time, (2) Standards of appraisal had changed since the initial appraisal was conducted, and (3) No appraisal was done at all.[27] The ethical question that Rapport raises is whether or not it is acceptable to destroy material acquired by previous generations of archivists with different standards.

First, it is necessary to make a distinction between reappraisal on the one hand and deaccessioning on the other. The former is a practice conducted by a second generation whereby material from a fonds is destroyed based on

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[26]Leonard Rapport, "No Grandfather Clause," American Archivist 44 no. 2 (Spring 1981), pp. 143-150.
[27]Ibid., p. 144.

research trends or current judgements of utility. Deaccessioning, by contrast, is the removal of a whole fonds from an archival institution, either by returning it to the donor, transferring it to another institution or destroying it.

Taking Rapport's last scenario first, a body of records which has received no appraisal at all would not be the object of reappraisal but of conventional appraisal. We have already noted that appraisal is necessary for good memory and as such conducting appraisal for selection, even long after acquisition, would be in line with this goal. However, the assumption here is that there was sufficient evidence that no appraisal decision was made at all including appraisal for acquisition.

If appraisal had been conducted, then a rather different attitude is required by the archivist. The decisions made by our forebears as to what was important enough to be kept for future generations reflects on the society they represented including the priorities and values they held at that time. In this sense, maintaining the integrity of archival holdings, once appraisal has been conducted, ensures that the next generation will understand the cultural mind-set of the previous one. The implied principle is that such evidence must be preserved in perpetuity.

Rapport's first scenario involves the possibility that a predecessor archivist failed to follow the appraisal standards of his or her time. This presents the difficulty of establishing what those standards were and begs the question as to whether one generation can appraise according to another generation's standards. However, Rapport's intention was, in all instances, to appraise according to contemporary standards and that this should be an ongoing process, based on an assessment of continuing utility.[28] In this regard, Rapport makes the fundamental error of advocating reappraisal based on current research needs -- a practice which presumes that if material has not been used within a given period, it should be discarded. Based on the principle that archival holdings from past generations reflect their perception of what was important (and as such, culturally revealing), Rapport's proposition can

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[28]Ibid., p. 145.

not be supported, for it perpetually alters the historical record. His second scenario, noting the changing of standards through time as a reason for reappraisal perhaps illustrates this violation of principle most clearly.

The point of this discussion is to suggest that because previous appraisal decisions are revealing of what archivists of the day thought was important, and by extension, records the cultural mindset of the time, reappraisal of previously appraised material is a practice which could potentially destroy evidence. In short, it compromises part of the historical record deemed worthy of preservation by preceding generations. Archival decisions are, by their nature, long-term decisions.

This issue is contraversial among North American archivists, but, if the archival community were to adopt this position, ethical codes would likely have to cite *respect des fonds* and a more specific principle such as the principle of continuous retention. In an effort to gain widespread acceptance of newly drafted codes, it is unlikely that ethics committees would attempt to include such a measure. However, if the consequences of such actions were to become more widely appreciated, especially by the public, a standard would have to be created.

Deaccessioning

Extending Rapport's reasoning to the treatment of whole fonds previously accessioned, we can assume that he would have no difficulty in retroactively deaccessioning material after a change in acquisition policy. His criteria of use within a certain time would dictate that fonds not already utilized should be removed to make room for others. However, as use depends on the quality of descriptions and research needs change regularly, we can quickly determine that this is a very unreliable criterion and one that consequently would not bear much scrutiny.

However, there are situations in which the archivist can improve the quality of holdings through deaccessioning fonds without compromising the integrity of the principle applied to reappraisal. More acceptable criteria include the presence of duplicate or redundant records; records which had no research

value when they were accessioned (eg. acquired through blackmail); fonds which, on reflection, would be more appropriate in another institution; records in a physical condition which renders them inaccessible and uneconomical to restore; and records acquired under false pretenses. None of these situations, when remedied through deaccessioning, involve the distortion or endangerment of the historical record as established by previous generations. Deaccessioning serves here to improve the collective memory.

In short, because research needs are unpredictable and constantly changing, deaccessioning ought not to be considered on the basis of past use.

The pitfalls of appraisal are undoubtedly the most treacherous, given the wide discretion archivists have in forming the documentary heritage for the community being served. As with all aspects of archival practice, coming to a common understanding of the rules governing appraisal will require agreement on the principles which are to underlie those rules. The foregoing discussion has suggested the relevance of certain principles in this area and by extension has reached conclusions about the more common pitfalls or temptations of appraisal. Let us now turn to the next stage in the processing of archival material: its arrangement.

The Ethics of Arrangement

The ethics of arrangement, as with appraisal and all other actions with respect to records, involves a thorough appreciation for the nature of archives and the utility which derives from that nature. Arrangement is a process which, according to Michael Cook: ". . . perpetuates and demonstrates relationships between (a fonds') components, explaining and authenticating the significance of the information in them."[29] Arrangement is at the heart of what Jenkinson referred to as the moral defense of archives. Imposing schemes of arrangement foreign to that established by the creating body, such as by subject or chronology, is a reprehensible and often irreversible action according to the most respected writers of archival theory. The chief principle governing practice, according to Jenkinson is that "the only correct

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[29]Michael Cook, The Management of Information From Archives (Aldershot, England and Brookfield, Vermont: Gower Publishing Co., 1986), p. 79.

basis of Arrangement is exposition of the Administrative objects which the Archives originally served."[30] In a similar statement, Dutch archivists Muller, Feith and Fruin declare that:

> *The system of arrangement must be based on the original organization of the archival collection, which in the main corresponds to the organization of the administrative body that produced it. . . This rule . . . is the most important of all, because in it is formulated the fundamental principle from which all rules follow.*[31] (Muller, Feith and Fruin's italics)

Underlying this principle that the creator's arrangement should be respected regardless of its defects is the principle of provenance or respect des fonds which governs all archival work. Provenance, according to Eastwood, has two structural aspects: external and internal. The external structure is the way original order was systematized to reflect the way the creating body organized its affairs, while the internal structure is the way in which documents are ordered during the conduct of business.[32] Recognizing these aspects of provenance and making them clear is the goal of arrangement.

Intellectual Arrangement

Because archivists are as fallible as other humans, arrangement must be an intellectual exercise carried out on paper. That is to say that physical rearrangement of records, because it is usually irreversible, should be considered an ethical breach of practice.[33] While intellectual arrangement on paper requires a location guide to actual files, any mistakes made by the archivist can be recognized later and corrected. Thus, the archivist must restore the original administrative order without altering the physical order.

In this regard, we take a more rigorous position than the Dutch Archivists who allow for the "correction" of errors in filing or other deviations from

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[30]Jenkinson, <u>Manual,</u> p. 97.

[31]S. Muller, J.A. Feith and R. Fruin, <u>Manual for the Arrangement and Description of Archives</u> 2d ed. (New York: H.W. Wilson Co., 1968), p. 52.

[32]Terry Eastwood, ed., Introduction to <u>The Archival Fonds,</u> p. 4.

[33]An exception to this would be files or volumes which are clearly numbered and have somehow been packed in the wrong order.

administrative practice made by secretaries through time.[34] Because arrangement is aimed at recreating as much as possible the way in which an office worked, we are also arguably obliged to be faithful to its imperfections and deviations (troublesome though these may be). Jenkinson expressed this position succinctly by stating that: "What is to be guarded against is the alteration of anything done by the original administrator, the person or body who compiled the Archives: because what they did is a part of the Archive itself."[35] The misplacement of files or documents can reveal much about the office's ability or inability to function effectively. With cross references, one is able to restore access to alienated records without intervening to alter their physical order.

In summation, the only impartial scheme capable of serving all users of archives is that adopted by the creator of the fonds. Therefore, the archivist is duty-bound to respect the original order given by the creator to its records and to refrain from imposing any kind of foreign scheme such as subject or chronological systems, one or other of which may seem more convenient to a given group of researchers.[36] The two principles which appear most relevant in this instance are the principle of *respect for original order* and the *principle of probative value* -- the former for obvious reasons, and the latter because to arrange material in other than its natural order would diminish its utility as evidence.

The Ethics of Description

The ethics of description is a logical extension of that expressed for the ethics of arrangement, though here the task is to create an accurate representation of the arrangement in a finding aid which can be utilized by all secondary users. Description has been broadly defined as "a major function in the processing of archival material, and the products of this function are finding aids of various sorts which give administrators control over their holdings and

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[34]Muller, Feith and Fruin, Arrangement and Description, pp. 62-64, 70.

[35]Jenkinson, Manual, p. 114.

[36]It is worth noting that the original order of some fonds is so badly obscured that imposing some kind of arbitrary order is the only apparent option. Such fonds are of very dubious value indeed and should likely not have been acquired in the first place.

enable users and archivists to find information about particular topics."[37]
Once again, the issue of the archivist's impartiality arises, for in order to have
an accurate reflection of the fonds, the archivist must be as detached as
possible from the subject matter contained in records. In this regard
Jenkinson observed that:

> ... most of the bad and dangerous work done in the past may be traced to
> external enthusiasms resulting *in a failure on the part of the Archivist*
> *to treat Archives as a separate subject*. . . (the archivist) should be all
> things to all Archives, his interests identified with theirs, his period
> and point of view with theirs.[38]

Thus, the archivist can be said to have a duty to those whom he or she serves to
assume and maintain a certain disinterestedness with respect to the records
being described so that the finding aid produced contains the most equitable
and faithful representations as possible.

In keeping with this notion of impartial treatment, Muller, Feith and Fruin
establish the main principle of description as being that the inventory should
serve merely as a guide to the fonds and not as a surrogate for the documents
which compose it.[39] That is to say that there is no room for the archivist's
interpretation of the content of records. Only a clear and concise description
at each appropriate level (fonds, sub-group, series, sub-series, file or item)
based on a sound knowledge of the provenance of a fonds, its external and
internal structure and its related functions, will serve the needs of all users.
From the above mentioned points we can derive the ethical rules of:
objectivity of treatment, and equity of treatment. Both of these are arguably
important elements one would expect to find in a comprehensive code of
ethics. While reflectivity of structure and function is also important, it is not a

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[37]Bureau of Candian Archivists, <u>Toward Descriptive Standards: Report and</u>
<u>Recommendations of the Canadian Working Group on Archival Descriptive Standards</u>
(Ottawa: Bureau of Canadian Archivists, 1985), p. 9.

[38]Jenkinson, <u>Manual</u>, pp. 123-124. Muller, Feith and Fruin took the position in
their manual that older records were more important than newer records. (pp. 104-105).
However, we may be more inclined to agree with Jenkinson, given that there can be no
satisfactory definition of "old" and all records deemed worthy of preservation will
eventually become old and valuable with the passage of time. Their age should therefore
not be a determinant of the fullness of description.

[39]Muller, Feith and Fruin, <u>Arrangement and Description</u>, pp. 100-101.

moral issue so much as it is a technical one and we noted earlier that only moral norms have a place in ethical codes.

Objectivity of Treatment

In recognizing the *principle of professional impartiality*, the archivist should approach description as a disinterested party, making clear the relationships between the various components of a fonds without imparting a judgement as to their relative value or utility for specific purposes.

Equity of Treatment

Similarly, the need for impartiality obliges the archivist to treat each level of description equitably, giving no more detail than is necessary to comprehend the records concerned.

Reference Service

Having observed and preserved the special qualities of archives discussed earlier, archivists have an additional obligation, subject to reasonable restrictions, to make their holdings available to clients, be they employers or members of the public. Reference is the public face of archival work -- a logical extension of the so-called "primary" functions of the archivist discussed above. Part of the written mandate of archival institutions across the continent, whatever their individual peculiarities, is to "make available" the material in their custody to those whom they serve. Since, archives are kept expressly because their unique qualities enable them to be used again for any number of unpredictable purposes, the obligation to provide good reference service is readily apparent. Today, more than ever before, the North American public is demanding access to records kept by government agencies which employ the majority of archivists. Noting this trend, Parkinson states that:

> In response to such assertions of the rights of researchers, archivists became conscious of the need to provide accessible catalogs and finding aids for all of their holdings, even restricted ones, and to announce acquisitions or special projects. . . Criticism from within and outside the profession has also led many archivists in research repositories to

distinguish their role more sharply from that of users, and rather than seeing the relationship as one of partnership, regard it as one of service.[40]

The concept of partnership revolved primarily around the traditional relationship archivists had in the past with historians and other academic elite. Today it is likely that any claim to professional status will require fair and equal access for all researchers.

Service to the public is arguably one of the most neglected aspects of archival practice, and as such we have noted earlier that the public's understanding of and attitude towards archives and archivists in North America has suffered as a result. There are no principles of conduct laid down by the great archival theorists. Their preoccupation was primarily with the records themselves. Jenkinson commented that: The archivist . . . is the servant of his Archives first and afterwards of the student public." and ". . . in his second position and capacity *(if he is able to take it up)* he is no longer the expert on his own ground but simply the servant of the Public."[41] (emphasis added)

The implication of those statements is that service to the public is desirable, though relatively unimportant. The logic of Jenkinson's attitude seems to be that in order to serve the users, the records (the collective community) must first be served. This is quite valid in the sense that without physical and intellectual control over archives they can be of little use to individual researchers. However, the problem with Jenkinson's order of priorities is that it leaves one with the impression that researchers are to be served only after the primary tasks have been performed. This author would argue that the two duties must be accomplished concurrently, even though it is true that, with respect to individual fonds, the primary duty must be satisfied first. With respect to all the holdings of an archives the two duties should more properly acquire equal priority. Thus, the archivists who morally defend archives without attending adequately to the immediate needs of the community neglects half of their responsibility.

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[40]Parkinson, <u>Accountability</u>, pp. 111-112.

[41]Jenkinson, <u>Manual</u>, p. 124.

Thus, in most instances, the public usually has a right to benefit from the work archivists perform and from the knowledge acquired through close contact with records. As public officers, most archivists would also agree on the need to employ the principle of fairness in all reference activities and more specifically, the bridging principle of fair access. At the same time, archivists, by virtue of their control over access, have an obligation to balance the teleological principle of freedom of information with the deontological right to privacy. Clearly, any archival code of ethics which failed to provide guidance in this regard would be lacking a crucial component.

Summary

This chapter has attempted to articulate the various characteristics of archives and examine the main principles of provenance and original order as well as related principles which derive from the need to protect those characteristics. Fundamentally, the foregoing discussion illuminates the necessity on the part of archivists to understand the records entrusted to them, the structures and functions which shaped them, and above all, to be as impartial as possible in their treatment and the treatment of users.

In our discussion about the responsibilities of archivists which derive from the nature of the records in their care and the work that they perform, the intent was to draw out or propose the main salient principles at issue. In order to facilitate an assessment of the comprehensiveness of codes in this regard, these principles or main points were given tentative names and it may well be useful to list them here in preparation for our analysis of archival ethical codes. The proposed principles are:

* Principle of Probative Value
* Principle of Reliable Custody
* Principle of Respect des Fonds
* Principle of Respect for Original Order
* Principle of Territorial Affinity
* Prinicple of Professional Accountability

* Principle of Institutional Suitability
* Principle of Optional Retention
* Principle of Continuous Retention
* Principle of Professional Impartiality
* Principle of Fair Access

These are by no means the only principles needed in making ethical decisions and some, like the principle of continuous retention, will require time to achieve the necessary level of consensus necessary for enforcement. What this preceding analysis will do is provide a means of judging one important aspect of the comprehensiveness of archival ethical codes.

Given that the principles governing archival practice have the same goal at their root -- the preservation of evidence of actions and transactions, we would not expect them to come into conflict. The conflict emerges when the complexities of human dynamics are introduced. When we consider the principles and other factors which, in reality, force us to weigh professional principles with those of the community or organization in which we operate, the correct course of action can appear less obvious and more troublesome. Codes are meant to address the more common of these conflicts and to provide a clear sense of the archivist's obligations, even if they cannot provide the definitive answer to specific dilemmas. We shall now turn to our assessment of how well archival codes might assist archivists with ethical matters as well as its setting within an ethical system.

Chapter 4

Assessing Archival Codes

In this last chapter, an attempt will be made to apply the points drawn out in the preceding chapters to an analysis of the Association of Canadian Archivists' (ACA) and the Society of American Archivists (SAA) codes (see Appendices I and II). The object of this exercise is to try and suggest ways in which both of these codes might be improved and at the same time compare their merits and shortcomings. It seems likely too that it will prove the relative utility of these criteria for analysis. Some will be more revealing than others.

The code of ethics for archivists in the United States was first written for employees of the National Archives in Washington and first appeared in print in the <u>American Archivist</u> in 1955. As the occupation proceeded to professionalize in the 1970s with extended responsibilities and an increased need for skills, new ethical questions and problems became apparent. The SAA grew more influential and its executive decided that it was time to establish a new code for its members. In December 1976 Council approved the formation of a committee to write a new draft code and to make recommendations as to the viability of sanctions. Through a consultation process with member archivists and others, the newly revised code was approved by Council in January 1980. It was later revised and reissued in 1992.

In Canada, the process of drafting a code of ethics for archivists began much later, though it followed the American pattern in many respects. The draft presented in the May 1991 <u>ACA Bulletin</u> provided a set of moral precepts or principles followed by guidelines for their application to practice. The advice of members was sought at the annual general meeting that year as to the appropriateness and acceptability of the provisions and the code was formally adopted in 1992. Further recommendations for implementation were submitted a year later. Unlike the SAA committee, the ACA committee did not attempt at the time to address the issue of enforceability but it did look at other complementary features of an ethical system, such as education. It was

recognized that the code had a practical role to play in the work of archivists. Said Shelley Sweeney, Chair of the Ethics Committee:

> The principles are our "personal code of right conduct;" they are the moral precepts which underlie our profession. We use these principles in applying our reasoning to a particular action. . . The principles represent the ideal; it is the archivists' job to ensure that they try to meet these ideals responsibly."[1].

The Americans, by contrast, tended to play down or even expunge wording which lent a moral tone to the text. David E. Horn, who chaired the SAA Ethics Committee, made the rather odd assertion that a code of ethics "is not a collection of moral . . . requirements: therefore, the National Archives document immediately establishes the wrong tenor. Throughout, this document is somewhat moralistic or preachy in tone, with too many negative strictures." From reading the foregoing chapters, it is hoped that the reader will see that "moral" and "ethical" are two terms that are almost synonymous and that codes are meant to lay down moral standards of conduct in plain language. Horn's comments are indicative of a reluctance on the part of some archivists to take a principled stand on issues, preferring a vaguer set of "guidelines" with a greater flexibility of meaning.

The criteria for analysis drawn from the foregoing discussion, embody the general view that professionalism requires observance of a set of principles unique to the occupation which must be weighed, where appropriate, with those found in ordinary morality. Principles, in this sense, are not just mere guidelines, but yardsticks by which professionals, their peers, and others can assess the rightness of conduct. They are also the means by which one must defend one's actions. Flexibility, in this light, comes from a consideration of unique circumstances in applying principles and rules clearly stated in a code, as opposed to trying to build the flexibility into the code.

Let us now turn to SAA and ACA codes and to the assembled points for their analysis. The latter are presented here in largely the order in which they

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[1] Shelley Sweeney"ACA Ethics Committee," <u>ACA Bulletin</u>, V. 15 No. 5 (May 1991): 1.

were discussed in the preceding chapters.[2] Firstly, there are some points arising directly from the discussion of professionalism which may serve to make an initial assessment of the codes' general thrust. Reference will be made to professionalism where appropriate throughout the chapter.

Social vs. Human Functions

Because professionals are, by their nature, in positions of trust and their effectiveness depends on the trust of the public or the client, it is apparent that provisions in ethical codes serve to ensure that that trust is not violated. The assumption, here is that what is good for the client or good for the public should also be good for the profession as a whole. Therefore, provisions which serve only the profession are performing merely ideological or social functions, (to use Kultgen's terms) as opposed to human functions. What needs to be avoided are the self-serving provisions which tend to find their way into so many codes.

Much of the self-serving or ideological provisions present themselves in the forms of limitations on competition. This is especially true of Engineers, lawyers, and other consulting professionals, who find themselves competing with their colleagues for new clients. As salaried professionals, archivists do not share the same problem, though there are elements of competition which both societies deemed necessary to discourage.

Thus, with regard to acquisition policies,[3] provision III in the SAA code suggests that archivists "do not compete for acquisitions when competition would endanger the integrity or safety of documentary materials of long-term value, or solicit the records of an institution that has an established archives." The ACA takes a very similar stand as noted in provision A2, though the Canadians apparently thought that the latter part was superfluous.

This statement acknowledges that competition between institutions may occur, but points out that the integrity of the records must not be compromised by such competition and that soliciting the records of an institution with its own

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[2]Both codes of ethics are reproduced for easy reference in Appendices I and II.
[3]The SAA code refers to them as "collecting policies."

archives constitutes such a violation. The question to be asked is: does this provision serve the interests of society and if so, how? Clearly, we have seen that integrity of the record is usually synonymous with the public interest. In this context, competition does not further the public good; it merely serves to fragment related records and diminish the amount that researchers can learn from them. This is one example of what sets archivists apart from consulting professions in which the lack of competition has frequently been seen as only benefiting the professional.

Of greater concern is the conclusion in the SAA code (provision XIII) which states in part that "Archivists work for the best interests of their institutions and their profession . . . " This is a curious statement in that it makes no mention of the interests of archive users or society for whom archivists are ultimately working. The implication would appear to be that as long as an archivist does nothing to disgrace the profession or hurt the institution who employs them, they are doing their duty. Ethicists like John Kultgen would likely complain that this provision, in its current form, creates the wrong impression. It seeks to protect the reputation of the profession without acknowledging that the interests of society must always come before those of the profession. The ACA code (at least without its introduction) has no such comparable statement which makes it even more lacking than the SAA code, for at least provision X seeks to provide a broad sense of priorities when using the code, even if its priorities may be misplaced.

Assumptions About Professional Autonomy

There is always a risk that in creating a code of professional ethics, members of an occupational group may overestimate the amount of autonomy they possess. We recognized earlier that most archivists are salaried employees of institutions. As such it is all very well to lay down expectations for members of a profession, but if the institution does not recognize the professional code of ethics and its provisions, especially in cases where that institution's interests are at stake, or where the archivist does not have adequate resource support, living up to those provisions can be very difficult.

This may largely be a question of wording. For the most part, the existing archival codes do not presuppose an unrealistic degree of autonomy, though, it ought to be recognized that the institutions which employ archivists may not always agree with their professional principles, or (more likely) they may not always recognize their applicability to certain situations. The ACA's Select Committee on Ethics did make a recommendation in its final report that another committee be established to develop institutional ethical guidelines for member institutions.[4] Unfortunately, this recommendation was turned down on the dubious grounds that institutions cannot have ethics. It may well be that, at the very least, discussions with employers need to be conducted in advance of problems so that policy can be coordinated and clarified to minimize conflict with ethical principles. Ultimately, however, it will be up to the individual archivist to decide on a course of action and be prepared to defend that action on the basis of principles. If policy is synchronized with those principles, the argument is that much stronger in the bureaucratic context.

Education in Ethical Reasoning

We have noted in chapter two that ethical codes need to form part of the structure of an ethical system in order to be effective and useful. In part, that system requires a membership which understands basic methods of or approaches to ethical reasoning. In order to apply the principles and/or rules of ethical codes to real life situations, professionals need to have the necessary skills to accomplish this. The members of SAA in the United States have no formally recognized free-standing program of education specifically designed for archivists. However, a committee is currently working to establish an agreed upon curriculum. Whether ethical reasoning will be included in this curriculum is not known although doing so would arguably signal a new level of professional commitment and maturity among American archivists.

In Canada the Master of Archival Studies program at the University of British Columbia currently offers no training in ethical reasoning and no mandatory section on ethical matters facing archivists generally. It does provide a clear

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[4]Heather MacNeil to ACA Executive, <u>Final Report of the ACA Select Committee on Ethics</u>, April 1992, p. 4.

sense of archival principles as they relate to the nature of archives, however, and this at least provides a sense of appropriate and inappropriate treatment of records.

The importance of education did not go unnoticed by the Canadian ethics committee in its recommendations to the ACA Board of Directors in April 1992. These included providing workshops on applying the new code to ethical issues, publishing a manual for interpreting the code, devoting an issue of Archivaria to archival ethics, having archival educators discuss the code as part of their curriculum, and having the Advocacy Committee raise awareness of the code and its implications. All but the last of these was approved or taken under advisement.[5] The Canadians, thus, do seem to have recognized several different avenues of education and are willing to implement them. The SAA, on the other hand, has concentrated more on the feasibility of sanctions than programs of education, though this may change if and when a new committee on ethics is established.

Ethics Committees

Ethics committees within organizations like SAA or ACA can conceivably serve several different purposes. They can establish a draft code of ethics, review matters of ethical concern, recommend revisions of the code to the membership, and, if given the authority, can review specific cases brought to their attention by complainants.

The SAA, having established its code of ethics, is at the time of writing, trying to decide on the need to establish a permanent ethics committee. Chief among the proponents are Luciana Duranti, Karen Benedict, and Waverly Lowell who form a Council Committee charged with investigating alternatives. In a letter submitted to the SAA President and Council in May 1994, this committee stated that it:

> . . . believes that the Society's responsibilities for ethics need to be clearly assigned and fully addressed on a continuing basis, that no body within the society is given a charge even indirectly related to ethical issues, and that the importance of such issues warrants the

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[5]Ibid., pp. 2-3.

> establishment of a separate standing committee. A committee with exclusive and direct responsibility on professional ethics would be (an) expression of the unity of the profession and of its autonomy. . .

and in even stronger language:

> By not establishing a distinct standing committee on ethics, the SAA would indicate a lack of respect for and recognition of the value of archives and archival work in society.[6]

Thus, the Council Committee recommended that a nine member "Committee on Ethics and Professional Conduct" be established, charged with periodic updating of the code, conducting an assessment and revision of it every five years, as well as developing procedures for addressing alleged violations and reviewing such complaints. In June 1994, the Committee on Ethics and Professional Conduct was created and in September of that year, the guidelines for that committee were issued. The new committee was charged with recommending updates of the code of ethics to the Council, conducting periodic reviews and recommending revisions as necessary, monitoring the rise of new ethical issues, and lastly, with recommending to Council procedures for responding to complaints to the SAA.

The ACA has also established its ethics committee in recognition of the importance of ethical issues to the profession. However, its role falls short of that envisaged by the SAA Council Committee. The Committee's mandate, as enshrined in the ACA's constitution, makes it:

> responsible for advising the Board of Directors on ethics issues, on the implementation of A Code of Ethics for Archivists in Canada and on its periodic revision; for cooperating with other standing committees to raise awareness on ethics among archivists in Canada by means such as education workshops, publications, etc.; for maintaining relations with other archival organizations on ethics issues.[7]

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[6]Luciana Duranti, Karen Benedict, and Waverly Lowell to SAA President and Council, 9 May 1994, p. 2.

[7]Association of Canadian Archivists, Association of Canadian Archivists Membership Directory 1994-1995 (Ottawa: Association of Canadian Archivists, 1994), 47.

Thus, while being able to offer significant support to the ACA directorship and membership, the Canadian ethics committee lacks the power to review specific cases of complaint.

Formal Review Process

Neither ACA nor SAA currently have any formal review process for addressing cases of alleged ethical misconduct. Creating and implementing such a process would be essential once the association decided to enforce its ethical provisions with sanctions. However, until the ethical codes can be demonstrated to be enforceable and until the membership indicates that it has reached that level of consensus about its values, little progress can be made in this regard.

Sanction/Reward Mechanisms

It follows from the above observations that neither ACA nor SAA have any sanction or reward mechanisms in place at present and consequently, have no means of addressing possible ethical transgressions or rewarding exemplary conduct. Heather MacNeil put it this way in her report to the ACA Executive:

> The Committee has taken the view that, for the present, education and advocacy should take precedence over enforcement. Until we have developed case studies, guidelines, and interpretations relating to the Code, and achieved some consensus with those interpretations, enforcement and sanctions are premature.[8]

Though the order of implementation is little discussed in the literature, the decision to place the priority on education first seems appropriate. One must conclude that while the ethical system deemed so necessary by Lang and Hendler and others, is beginning to materialize in North American Archival organizations, it is far from complete. Until these elements are in place, observance of the ethical codes promulgated by ACA and SAA will be strictly voluntary and no mechanism will exist by which to judge ethical decisions.

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[8]Heather MacNeil to ACA Executive, Report of the ACA Select Committee on Ethics, n.d., n.p.

Rationales

John Kultgen suggested that to ensure that everyone reads a code the same way, an official rationale should precede the provisions offering an authoritative basis for their interpretation. In Kultgen's mind, this rationale would accurately detail the nature of the occupation, acknowledge obstacles to moral behaviour and explain how such problems are addressed by the profession.

In the case of the archival profession, then, the rationale might include statements about the archivist's role as a public officer to protect the integrity of the historical record, its probative value, authenticity and interrelationships so that future generations might understand what transpired and why. It would highlight the main archival functions of appraisal, arrangement and description, as well as the reference service which archivists offer. In addition, though, it would identify the public whom the members of the occupational group serve, noting that each archivist is accountable to his or her public as defined by the community being served. Having a clear sense of the archivist's purpose as a professional would assist in making the provisions more meaningful to outsiders.

In making mention of the ethical problems inherent in archival work, a code might cite freedom of inquiry versus protection of individual privacy, avoiding abuse of their privileged access to information, maintaining professional disinterestedness (avoiding bias), and resisting undue influence to alter the record. Each of these is a major source of potential trouble for archivists wherever they work. Even private corporations, though they may be less open with their records, are still accountable to their community for their actions and archivists, as public officers, ought always to consider themselves accountable to the larger community for theirs.

Ultimately, professional groups like the SAA and ACA must also work out the way in which these and other problems are to be overcome by members. The rationale requires a modus operandi noting how principles and/or values need to be weighed along with the relevant consequences so that an ethical decision

has basis for defense as well as criticism. It might also outline the ethical system which has been set up by the group and the resources it offers.

Let us turn now to the SAA and ACA codes. In neither case do they offer comprehensive rationales of this kind, though some initial provisions make a brief attempt to outline the profession and/or the purpose of the code. The SAA code's first provision outlines the purpose of the code as being to inform or remind new or experienced archivists of their responsibilities in the more sensitive areas of archival work and to encourage high standards of conduct. It is also needed "to educate people who have some contact with archives, such as donors of material, dealers, researchers, and administrators, about the work of archivists and encourage them to expect high standards." Finally, the SAA code's second provision attempts to summarize the principal functions of archivists. The commentary on this introduction acknowledges the necessity of explaining the nature of archival work because of the need for non-archivists to "understand the role of the archivist."

In light of what rationales can provide, we must conclude that the SAA code is lacking. It falls short of making any mention of the most problematic ethical issues for archivists. There is no suggestion of how members of the SAA address ethical problems. Neither does it give much sense of those being served by the profession. The code does attempt to explain what archivists do, but not with any clear sense of the object of their work -- protecting the probative and other values inherent in the nature of archives.

The ACA code also attempts to outline the general function of the archivist in its first principle, which does make passing reference to the "intellectual integrity" of records and "responsible physical custodianship." However, it too fails to address itself to any of the other issues that might be expected in a useful rationale. However, the introduction to the code has yet to be published and a planned manual for the code might well be the better vehicle for such a rationale.

In short, the two codes presently lack the necessary details to enable laymen to adequately understand the intended meaning of the provisions. In fairness, the introductory statements in these codes were not intended to serve the

function that Kultgen envisages, but the analysis does suggest that, if this part of the code were to be made useful, a great deal more detail and thought would be required.

Semantic Ambiguity

Semantics may seem like an unnecessary concern to some minds; however, if an archival ethics code is to be applied consistently to real life situations and not just serve as moralistic rhetoric, then some attention needs to be paid to the clarity of statements. The SAA code presents problems in this regard, though there are also examples of clarity. The ACA code, with some exceptions, tends to be clearer in the way it articulates its provisions.

The SAA code makes clear reference to the very thorny issue of privacy and restricted information in provision VII, stating that:

> Archivists respect the privacy of individuals who created, or are the subjects of, documentary materials of long-term value, especially those who had no voice in the disposition of the materials. They neither reveal nor profit from information gained through work with restricted holdings.

These are very clear statements with little or no chance of misinterpretation and no attempt to create false impressions of commitment to public service. To take the first passage, we are told that privacy of individuals must be respected but special consideration should be accorded those who were uninvolved in the disposition of the material. Thus, in any situation where privacy is an issue, a review panel would have to satisfy themselves that the member showed reasonable care in this regard, especially if the injured parties were not donors of the material. The SAA code also provides a "commentary" for each of its provisions which assists in making clear why the provision has been deemed necessary.

The ACA code is organized differently, but manages to keep vagueness to a minimum. With regards to deaccessioning, provision B2 provides very clear guidance as to the morally correct course of action.

> Archivists who find it necessary to deaccession archival records should make every effort to contact the donors or their representatives, and inform them of the decision. Archivists endeavour to offer the records to other repositories in preference to destruction. Archivists document all decisions and actions taken with regard to deaccessioning.

Clearly, to demonstrate that their actions are above reproach, archivists must have made a reasonable attempt to contact donors, and to offer the records in question to an appropriate institution before allowing them to be destroyed. There can be no mistake as to what is intended by this provision but there are others which are not so focused. Principle 4, for example, states that "archivists carry out their duties according to accepted archival principles and practices, to the best of their abilities, making every effort to promote and maintain the highest possible standards of conduct." Is there a consensus on archival principles and practices and if so, are they so well known as to not require articulation? The impression is left that all members of the Association are in agreement on the principles of archival science and their application to the extent that no further elaboration is required. The corresponding application rules do not provide any further help either. This may well mislead the public to thinking that they are protected when they are not and that the principles are agreed upon when they are not.

However, the SAA code presents more numerous examples of ambiguity. Provision II makes reference to the code of ethics being based on "sound archival principles" and asserts that archivists "promote institutional and professional observance of these ethical *and* archival standards." (emphasis added). Thus, on the one hand, archival principles form the basis of the code of ethics (though, which principles we are not told) but on the other hand, it is implied that abiding by archival standards is not necessarily the same as abiding by ethical standards. Is it not unethical to violate archival standards? Semantic problems of this kind can lead to confusion in interpretation and weaken the code.

Provision XII provides another semantic problem when it advises archivists to keep informed about the standards of good practice. Though an attempt is made to provide a reason for this obligation, the reason is so vague as to be

meaningless. It is simply attributed to "professional ethics" with no further elaboration.

Perhaps due to the intent by its authors to eliminate "preachy" statements, the SAA code seems to have resorted, in some instances at least, to vague language instead. However, while vague language lends a sense of completeness to a code, that completeness can be misleading to the public and of little help to those who turn to codes for firm guidance.

The test of semantic ambiguity may, at times, seem frivolous, but when provisions are intended to be applied by members to situations in their everyday work, the need for clarity becomes obvious. Utility is a direct function of clarity. Thus, an analysis of codes would arguably not be complete without an assessment of this aspect.

Logical Structure

It is not only by clarity of expression, but also by the order and context of provisions that ambiguity can be avoided. Among Kultgen's "semiotic virtues" is the notion of logical structure which involves either placing provisions in order of priority, or the use of "ordering principles" which provide a context that helps to reveal the intended meaning of a provision. In short, there needs to be a logical relationship between the general principles and specific guidance statements (found in the ACA code) and among provisions of the code as a whole. In order to illustrate how this might be accomplished, it will be helpful to first look at some examples from the two codes.

The SAA code is an arrangement of guidelines organized by theme and enlarged upon by commentaries. As such, there are no logical relations between provisions which would suggest either a prioritization or any other relationship between them. More particularly, there are frequently several rules under each theme, but none are separated into canons. Rather, they are strung together in one amalgamated provision. The only order appears to derive from the supposed temporal sequence of archival activities. Thus, collecting policies forms the subject of provision III and is followed by provision IV on Relations with Donors and Restrictions, which is in turn

followed by a provision for description and so forth. While these autonomous provisions may stand on their own, the opportunity to integrate the provisions and make the document more interconnected and meaningful has been missed. Part of the weakness of the SAA code results from the authors' avoidance of mentioning principles on which their rules or guidelines are based. Hence, if there are no general statements or principles, the need for connections is greatly reduced. Even if stating principles in advance was unnecessary, though, one might still ask why no attempt was made to prioritize statements so that when they come into conflict in the context of a real life dilemma, the member is not left guessing as to which statement takes precedence. The obvious implication is that each provision is as important as the next one.

For example, Provision VII states in part that archivists "neither reveal nor profit from information gained through work with restricted holdings." But in provision X it states that "As members of a community of scholars, archivists may engage in research, (and) publication . . . ." We will have more to say about the appropriateness of this second clause later, but assuming that it is legitimate, one is left wondering which clause to follow -- the clause which gives a member the right to conduct research, or the clause which forbids one from profiting from privileged access. In this case, an ordering principle or logical aside may be useful to acknowledge the potential conflict or to place in the rationale a statement which subordinates all permissive clauses to the other provisions.

An ordering principle to provision X might state that provision VII takes precedence where the records being used by the archivist are restricted to members of the general public. Leaving things as they are might leave outsiders with the impression that archivists are quite willing to take advantage of their position to research records not available to others. The ACA's code is also lacking with regard to this provision.

The ACA code, as noted earlier, is set up quite differently from its American counterpart, consisting of two parts: general principles and application rules. Each principle generates a set of guidance statements which derive from it. Here, then, we have a structure better adapted to some form of logical integration.

For example, guidance statement c1. says that "Archivists arrange and describe all records in their custody in order to facilitate the fullest possible access to and use of their records." We can see that doing this enables the archivist to fulfill part of principle 3. to "promote the greatest possible use of the records in their care . . ." and even principle 6. to "use their specialized knowledge and experience for the benefit of society as a whole." However, not all of the guidance statements match their corresponding principle. Statements B1 and B2 bear no relation to principle 2 which deals with discrimination. Moreover, these connections are only inferred through subsectioning and remain unstated except in a May 1991 article in the ACA Bulletin introducing the proposed draft code.[9]

It is not clear if any priority among principles is intended and there are no instructions as to the relations between the general principles. In fact the general principles seem to act more as a thematic introduction to each section of "application" provisions and even then, as noted, the application rules do not always speak to the principle.

Improvements to the current arrangement might be made by placing principle 6 first in the order as an overarching principle rather than leaving it as an afterthought at the end. With very little change in wording this would then serve to recognize the paramountcy of society's interests.[10] Moreover, it seems likely that the existing principles are too few and too general. Rather than having six principles with explanatory statements, the code might be more effective if there were more principles with greater (but varying) degrees of specificity and rules that refer to those principles. Reference could then be made to any of these in the text of an ethical rule to show the rationale behind it. The principles generated from the chapter three discussion are a good example of the kind of specificity that is needed, though others governing human relations would have to be included as well.

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[9]ACA Ethics Committee, "A Code of Ethics and Guidance for Practice for Archivists in Canada," ACA Bulletin V. 15 No. 5 (May 1991): 2.

[10]Unfortunately, no principle or statement directly addresses the issue of employer loyalty and its limitations.

Both codes are structured under themes such as archival procedures, availability and use, relations with donors, and so forth. This arrangement makes sense but as the codes grow and become more complex, the need for linkages between provisions will likely increase. Cross-referencing between principles and other statements might also make them more meaningful. Kultgen suggested that in a code consisting only of principles, the more general principles can serve as ends to which more specific principles are the means. Thus, in the ACA code, principle 5 is the end to which E1 and E2 are the means. However, it lacks some consistency in this regard and an expansion of the number of general principles would likely make some form of ordering among them desirable. The SAA code, by contrast, has no such relationships.

Where prioritization is needed, ordering principles (i.e. separate statements establishing order) may still be useful, but more likely a statement within the provision subordinating it to another would be sufficient. A general prioritization within each category would be more useful in some categories than others, depending on the number of provisions and their relationship to one another. At present, the ACA code's provision C4, referring to informing users of copyright restrictions, is placed ahead of protecting each user's right to privacy. This might inadvertently imply that the copyright issue is more important than the right to privacy.

Professionalism requires that archivists have their priorities in the right order and can demonstrate that through their codes and their actions. A random assemblage of principles or guidelines does not assist in reaching this goal. Moreover, carefully crafted and interrelated provisions would also likely assist in making the code a more useful tool for members.

Moral Norms

We have noted that ethical codes ought properly to consist only of moral norms or those with an ethical aspect and should be kept separate from other norms such as technical or economic ones. Frequently, bureaucratic, political or legal imperatives also intrude without any justification. Of course, all of these factors influence what professionals and others do in their daily work as well as the decisions they make. However, an economic decision is not

necessarily an ethical one and ethical codes are really meant only to assist in arriving at the ethically correct course of action. It may be that separate documents need to be drafted to address non-ethical issues.

The SAA code immediately gets off to a poor start when it is stated in the first section "The Purpose of a Code of Ethics" that "A code of ethics implies moral *and legal* responsibilities." (emphasis added). This only serves to promote the erroneous impression that what is legal is also moral, though it is true that archivists have a moral obligation to be aware of what the law expects of them.

This confusion is also evident in the main provisions of the code. Provision IV states that in negotiating the transfer or donation of materials, archivists ". . . seek fair decisions based on full consideration of authority to transfer, donate, or sell; financial arrangements and benefits; copyright; plans for processing; and conditions of access." Clearly, with the exception of "fairness," these are not moral considerations, but technical and legal ones. The following statements about the reasonableness of restrictions have more ethical relevance. It makes sense to say that because the community pays for storage of archival material in a public archives, it would be unethical to accept unreasonably long restrictions on use. It would not make sense, though, to say that it is unethical not to base acquisition decisions on full consideration of authority to transfer, donate, or sell. Failure to do so may result in a violation of the law and all citizens must obey the law.

Similarly, provision V regarding description contains only the observation that archivists establish intellectual control over their holdings for internal controls and the benefit of users. This has the potential to be an ethical statement but as it stands, is only a technical requirement. The provision needs a clause which makes it ethically relevant. Thus, it might read: archivists, by virtue of their duty to promote freedom of inquiry are obligated to provide an adequate level of description for all of their holdings. There could be further elaborations about the duty to describe without bias, but that is a separate issue.

The ACA code also exhibits some problems with non-moral norms. Provision C4. states: "Archivists should endeavour to inform users of copyright

restrictions on records, and inform users that it is their own responsibility to obtain copyright clearance from the copyright owners." This implies that archivists have a moral obligation to inform users of these matters. As such, it may be legitimate, although one might also argue that this is merely a courtesy because citizens are all presumed to know the law.

However, A4. clearly has no moral basis whatsoever. It states that:

> Archivists appraise the monetary values of records for purchase or tax benefit for donation based on fair market value of records at the time of purchase or deposit and in keeping with the principles, guidelines, and regulation established by relevant appraisal bodies and the government.

This is quite obviously a technical norm with deference made to the stipulations of bureaucratic regulations. There is nothing which would confirm this as an ethical principle or rule.

Both SAA and ACA codes suffer from the presence of non-moral norms. While these provisions may be necessary, they belong in policy or technical manuals rather than in a code of ethics. Thus, because it helps to sort out the relevant from the irrelevant statements in a code, the test of moral norms is indeed a useful exercise.

Permissive Clauses

Many codes contain provisions which permit an activity, though do not insist upon it. We observed earlier that permissive clauses may be legitimate but only if they have an adequate ethical justification and guidance. The permitted activity ought to be consistent, therefore, with both the ethical standards and with the purpose of the profession.

Looking at the SAA code, the most obvious permissive provision is provision X regarding research by archivists. It states that "archivists may engage in research, publication, and review of the writings of other scholars." It also implies that personally buying and selling manuscripts is an acceptable activity if certain conditions are met.

No guiding ideals are provided, though approval by the employing institution is said to be necessary, as is notification of the public, in both the body of the provision and in the commentary which follows. In the case of personal purchase of manuscripts, similar stipulations are made.

The ACA code also permits personal research and acquisition of records and further illustrates the way in which scholarly ethics have intruded into archival codes. Provisions D1 and D2 largely mimic the content of the SAA code provision X, though they lack the rationale for the permitted activity that was attempted in the SAA code's commentary. This is apparently a case in which the Canadian committee borrowed from its American counterpart.

In these cases, the lack of supporting ideals is perhaps the biggest problem. The contrariness of the permissions to the goal of providing disinterested or unbiased service to the public, which we discovered was an important element of professionalism, is quite apparent. In the case of personal research, it is difficult to be unbiased when the records in one's custody are also the subject of one's personal interest or research. Even if bias could be avoided, there still remains the problem of the appearance of conflict of interest. Public officers, such as archivists, cannot be viewed as disinterested professionals when they mix their professional activities with their own private interests.

Similarly, it is difficult to justify the permissiveness towards private trading in manuscripts if archivists are to consider themselves public officers in charge of a public good. It might be argued, moreover, that the nature of archives is not conducive to private "collecting" because of issues of reliable custody and interrelationships among records. Thus, permitting them to be treated in this manner contradicts the goal of the profession to protect the integrity of records for the good of society.

As the commentary notes in its opening sentence, personal research (and we might add the purchase of manuscripts) provide serious potential for conflict of interest. It is presumably for this reason that the authors of the code felt obliged to provide so many caveats to their approval of the practices. This is one of the more controversial activities that many archivists across North America undertake on a regular basis. Having, for the most part, been trained

either as historians or in some other discipline, the sense of a unique identity is far from complete. Many archivists still wish to be historians and identify themselves with "scholarly" colleagues.

However, because the need to establish ethical standards is due in part to a claim to professionalism, based on the need for public trust and an ability to perform essential, complex services exclusively, the problem with permitting these activities becomes apparent. As long as archivists are identified or confused with historians, their claim to essential service will be diluted, as will the claim to exclusivity. Without an unequivocal dedication to the interests of society rather than self-interest, archivists will likely find it very difficult to convince the public that they alone should be trusted with preserving their documentary heritage. Other professions will emerge instead to vie for that trust. Thus, when the rationale for permitting these activities cites the need to increase the familiarity of archivists with their own holdings and therefore better assist "other researchers," one must ask if this is adequate justification, in light of the risks. Moreover, having noted earlier, the need for unbiased and disinterested treatment of all records, we must also ask if this permitted activity does not compromise archivists' abilities to be unbiased towards their holdings in all areas of their work.

When enshrined in a code of ethics, permissive clauses, like other provisions, acquire a legitimacy which may or may not be warranted. Assessing the rationale and guiding ideals behind these permissions, is therefore a necessary task. It requires a great deal of thought about what the profession's role is in society and whether permitting certain activities is really consistent with the service that society expects of its members. In the examples discussed here, those ideals would be difficult to formulate because the activities run contrary to the notion of professionalism.

Compatibility of Principles With Societal Norms

Values like *honesty* or *privacy* and principles like *fair treatment* are all things that North American society holds in common. It is to these common values and principles that professionals need to turn in order to justify their own more particular standards and to acquire the approval and trust of the

public. According to writers like Michael Bayles and William J. Goode, a congruence needs to be demonstrated between society's norms and those of the profession where possible, and where the connection seems remote, at least no conflict should be apparent.

This is a very difficult criterion to apply because virtually no codes attempt to link provisions explicitly with societal norms and it is arguable as to whether this is really necessary. However, it may be instructive to see how archival code provisions reinforce (or not) the values and principles commonly recognized and expected of all of us in society. Moreover, if no recognizable value seems to underlie a provision, it may signal a problem with the specificity or clarity of the principle.

In principle 2 of the ACA code, the universal value is the right to equal treatment, although certain kinds of discrimination, such as that between regular users and officers of the sponsoring body are not prohibited specifically. We shall see later that this principle can be criticized on the basis of its lack of specificity to archivists. Nevertheless, there can be no mistake as to its relationship with society's expectations.

Principle 3 states that "archivists encourage the greatest possible use of the records in their care, giving due attention to personal privacy and confidentiality, and the preservation of records." Clearly, this is a reference to promoting freedom -- specifically freedom of inquiry -- and the need to balance this value with others like privacy. Physical integrity of the records is not really a value that society would recognize, until it is realized that without considering this principle, freedom of inquiry for future generations may be compromised.

To take but one last principle in the Canadian code, principle 5 speaks of the desirability of contributing to the advancement of archival studies. This is an example of principle whose benefits to society might well elude outsiders, until it is demonstrated that the "mutual professional development" referred to in principle E1 also benefits society through better care of its documentary heritage. This, in turn, promotes all the values and principles inherent in the

preservation of archives: freedom of inquiry, the right to know, the right to privacy.

In referring to the SAA code, one is drawn back once again to the concluding provision which speaks of archivists working "for the best interests of their institutions and their profession." Clearly, this general principle fails to take into account the interests of society at the most fundamental level.

One might attribute the message in provision XI discouraging "irresponsible criticism of other archivists or institutions" to the right to be treated with courtesy and respect. All communities, large or small, require mutual respect and consideration by their members. However, the statement that complaints can and should be directed to the individual or institution concerned, or to a professional archival organization is vital to assure outsiders that there are specific avenues for seeking resolution of problems. Here, the deference or connection to greater societal values is not made clear, though it is alluded to.

Neither the ACA nor the SAA codes appear to contradict societal values or principles. In particular, this may be due in part to the fact that both associations have created very few special privileges for their members which unreasonably restrict the professional-client relationship. It is likely that this test would identify provisions such as those which discourage economic competition (often found in the codes of consultant professionals like engineers and lawyers). Such provisions might well be contrary to societal notions of freedom and fairness. Nevertheless, the ultimate test would arguably be the justification for provisions of this sort. What is their rationale? Does it merely benefit the profession or are the interests of society at the forefront? If we take the position that professional principles ought to be compatible with, though more stringent than those of society and assist the profession in conducting its work within the context of that society, then checking the connection would add an understanding of the principle's legitimacy.

Bridging Principles

It has been suggested that disagreement over the rightness of particular actions may be due to the application of principles too far removed from the situation in question and that more specific "bridging principles" need to be arrived at as inferred from that situation. At least initially, though, ethical code principles are usually arrived at through analysis of abstract scenarios. Thus, the more complex factors which would make bridging principles helpful are not always apparent. Bridging principles induced from circumstances but traceable to larger common principles are designed to reduce the conflict between deontological and teleological points of view when deciding on the rightness of a course of action. As such, they may well have a role to play in deciding on the best course of action under the circumstances, but will not help us so much with assessing codes that have not evolved from experience so much as abstract discussions. Such is the case with the two North American archival codes.

Bridging principles may be useful at the time when a certain case comes before an ethics committee for review, but it would be difficult to determine the adequacy of principles at this stage, especially as in many cases those principles remain unstated or only obliquely mentioned. For example, the ACA code's fourth provision states in part that "archivists carry out their duties according to accepted archival principles . . ." There is no elaboration as to what those principles might be, though if enumerated they might well serve to illuminate the factors in a conflict and reduce misunderstanding and disagreement.[11]

The SAA code is inconsistent as to its use of principles. Provision V on description merely describes what description is and its importance without offering any principles. Provision VI on Appraisal, Protection and Arrangement does refer to "impartial judgement" which can be stated as the principle of impartiality and traceable to the larger principle of fairness. However, whether this is a bridging principle or whether it reduces differences between philosophies is difficult to say. At a more basic level, we

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[11]More will be said about this in the examination of comprehensiveness.

can say that having clear guiding principles in every provision will always assist in applying them to real situations because they offer more universal guidance.

In summation, then, the question at this stage should likely be: is there a principle or principles providing the thrust of the provisions?

Relative Weight of Principles in Rules

If we take rules to be a predetermined balancing of principles, it follows that rules articulated in codes need to be those relatively unaffected by circumstances which shift the weight from one principle to another. Alternatively, provisions need to have built into them some recognition that the weight of principles may shift. Thus, in deciding on the timeliness of access to records, an archivist may feel that freedom of information carries more weight than privacy in a given case, or vice versa.

Provision VIII in the SAA code attempts to balance access and restrictions to access, citing some principles and other considerations. Here, use is to be encouraged by archivists "to the greatest extent compatible with institutional policies, preservation of holdings, legal considerations, individual rights, donor agreements, and judicious use of archival resources." It also states that restrictions are to be applied equitably. We have already noted that the legal considerations and institutional policies do not inform us of our ethical responsibility, but rather of legal and bureaucratic expectations. However, taking the remaining points, we can see that by encouraging the use of holdings at the outset, the primary principle is that of openness, tempered by other principles such as individual rights (principle of personal privacy), and donor agreements (honouring promises or undertakings). Of course, most of the SAA provisions cannot be described as rules, they are guidelines and therefore have built-in flexibility in this regard. There is only the slightest suggestion of predetermined weight for these principles, as the relative weights are bound to shift. Some greater weight on the first principle is suggested by its placement at the beginning of the statement (an example of logical structure), though we cannot be sure that this was the intent because there is little consistency in the way each provision is constructed.

The ACA code has not adopted genuine rules either, as many of the provisions address only one principle. Principle 3 states that archivists encourage and promote the greatest possible use of the records in their care, giving due attention to personal privacy and confidentiality and the preservation of records. This principle is really three principles -- the principle of freedom of information or free access (for present patrons), the same principle for future generations (record preservation), and the right to privacy. These are all principles whose weights will fluctuate depending on the circumstances, and the need for balance is implied in the wording.

However, instead of addressing the way in which to balance the "fullest possible access" with the right to privacy in one rule, they are split into two statements (C1 and C2). Neither C3 nor C4 even relate to these principles and C5 only involves privacy. Thus, because each principle is addressed in a separate statement (if at all), there is no predetermined weight given to them.

We can conclude that either rules are not necessarily a predetermined balance of principles or that these application and guidance statements are not really ethical rules. If the latter is so, then they may just be thought of as subsidiary principles, which was most likely the intent. As so many principles applicable to archivists can have no predetermined weight, the avoidance of strict rules may be wise though a greater effort to articulate the relationships between relevant principles would seem appropriate.

Appropriate Ethical Language

If ethical codes are to carry full moral authority, the membership of professional associations like SAA and ACA need to use the appropriate language. When one speaks in ethical terms, words like "ought" or "should" are generally used as opposed to less certain words like "may." The implication is then that anyone in a similar position should do likewise. In a sense, these words indicate a sense of conviction to ethical statements that other words fail to convey.

In a continent which frequently caters to the desires and preferences of the individual, such words are frequently eschewed in favour of less forceful ones. However, when constructing codes by which each member of a group must abide for the benefit of society and the good of the group, unequivocal language becomes an essential part of the effectiveness of the document. Even though many statements may need qualifying, the universal applicability of words like "should" and "ought" makes them indispensable. Without this language, codes will likely be difficult to enforce, because there is no clear sense of obligation.

Neither code is entirely consistent in their use of ethical language. Much of the SAA code's provisions are positive statements about what archivists do. Thus, the ethical "should" is left unstated. In many instances, the implication is that archivists "ought" to do them, but others are just statements of fact about archival work. For example, in provision II, it states:

> Archivists select, preserve, and make available documentary materials of long-term value to the organization or public that the archivist serves. Archivists perform their responsibilities in accordance with statutory authorization or institutional policy. They subscribe to a code of ethics based on sound archival principles and promote institutional and professional observance of these ethical and archival standards.

The first statement is not an ethical injunction, but are the other two? One can't be sure, but the authors seem to be saying that archivists *ought* to be doing these things, though the statement does not carry much ethical weight. In revisiting provision III one can see that it is much more specific and is one of the few negative strictures. "(Archivists) do not compete for acquisitions when competition would endanger the integrity or safety of documentary materials of long-term value, or solicit the records of an institution that has an established archives."

Though there is no sign of ethical language, the negative statement carries more force than the positive one. Thus, some of the American provisions still carry some moral weight. Competing for acquisitions regardless of the welfare of the records is clearly deemed unethical. Unfortunately, too few of the statements in the SAA code provisions themselves are straightforward ethical statements or injunctions. However, frequently, the commentaries

which follow each provision do provide the ethical language lacking elsewhere.

In a sense, by making no distinction between statements of fact or information and statements with moral force, the latter may lose their impact and it harkens back to problems of clarity. While leaving the ethical imperative language out may make a code seem less obtrusive, its provisions may not be sufficiently unequivocal to support negative sanctions or even to properly guide practice.[12]

The ACA code's application rules also contain some ethical language in articulating moral standards expected of its members, but like the American code, relies too much on statements with no moral authority. Item A1 states, for example, that "(appraisal) . . . activities *should* be guided by consideration for the integrity of the fonds," while C3 asserts that "archivists *should* apply all restrictions equitably." (emphasis added). However, more than half of the provisions in this section of the code lack any moral language. While in some cases the ethical imperative is implied in a statement of what an archivist does, it always leaves room for doubt, especially when similar statements are clearly intended to be merely factual. Using this language removes a statement from the realm of etiquette and places it firmly in the realm of ethics.

In essence, ethical language, conveys the group's level of conviction about moral issues. Its presence or absence may indicate the seriousness with which a group takes certain rules or standards of behaviour and the extent to which it is willing and able to back its injunctions with sanctions. It may also help clarify the difference between ethical injunctions and statements of fact. The test for ethical language, then, is partly one of clarity, partly one of moral commitment and partly one of enforceability.

Professional Relevance

When constructing an ethical code for a profession, there is always a risk of inserting provisions which bear no special relation to the profession. There is

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[12]For examples of codes using ethical language, see Rena A. Gorlin, ed., Codes of Professional Responsibility (Washington: Bureau of National Affairs, 1987).

really no justification for including statements that could apply just as easily to laymen. Professional ethics relates to responsibilities which only a member of that profession will have to face. The problems faced by archivists are peculiar to that occupation and as such, the codes need to address those unique responsibilities. Injunctions that could apply to any citizen are inappropriate because they are often already part of one's personal moral code or written in law.

Both codes provide examples of professionally irrelevant statements or provisions. The SAA code's last statement in provision IV asserts that "archivists observe faithfully all agreements made at the time of transfer or acquisition." At first glance, the inclusion of this statement appears legitimate because it relates to a uniquely archival function -- acquisition. However, it is expected that all moral agents honour their commitments and promises. Those who would donate records to archives can expect promise-keeping from all fellow citizens and not just archivists.

Two more examples in the SAA code are provided in the last sentence of provision VI encouraging cooperation with law enforcement agencies and in provision IX. The former is something required of all law-abiding citizens, but the latter is more controversial. It states that "Archivists endeavor to inform users of parallel research by others using the same materials, and, if the individuals concerned agree, supply each name to the other party." Once again, we encounter the conflicting sense of identity and attendant duty between archivists and scholars. The archivist, by virtue of his or her position vis a vis records and researchers, may know of certain research activities. But should this knowledge form part of the archivist's duty? The Society of American Archivists obviously thinks that it does.

The ACA is more reticent in this last regard as provision C5 confirms the user's right to privacy regarding their research activities, but permits the archivist to inform users about parallel research if both consent. It does not explain how this is possible, though, and one is still left wondering if this is an activity that archivists ought to be undertaking. The Canadians seem to feel that they may but are not obliged to.

However, the most obviously irrelevant provision is in principle 2. This principle is devoted solely to the notion of avoiding discrimination against different kinds of minorities. As such, one has to ask if this is really an issue which concerns archivists solely as professionals or an issue which applies to all moral agents. In many places discrimination of this kind is prohibited by law wherever it may occur. It is certainly an issue which relates to the way we treat one another as human beings, but is there any higher expectation for archivists that would not apply to others? Probably not. Avoiding discrimination is part of ordinary morality.

Testing the appropriateness of provisions as to the level of morality they represent offers an opportunity to eliminate those rules or principles that all moral, law-abiding citizens must observe and leave only those which demand a higher standard because of unique responsibilities.

Comprehensiveness

After all the foregoing points of analysis, it still remains to determine whether the codes are comprehensive enough to adequately address all the major ethical issues. There are potentially any number of different ways to measure the comprehensiveness of ethical codes. In the case of archival codes, the categories might include all areas of professional responsibility, all major problem areas (conflicts of interest, for example), all areas of human interaction, and so forth. However, for the purposes of this discussion, a more uniquely archival measurement will be employed.

In chapter three, we noted a number of principles issuing from the nature of archives and the actions that archivists must perform in preserving and making them available to their public. As one measure of the comprehensiveness of both the SAA and ACA codes, these principles may prove revealing of strengths and weaknesses. However, it goes without saying that this is only one measure of comprehensiveness and other measurements would need to be applied to achieve a balanced assessment. In many instances, these principles will not be expressed directly, though one may still expect to find some reference to most of them. It should be remembered too, that just because a principle or issue is addressed, does not mean that it is adequately or

clearly addressed. This is, by necessity, an incomplete and subjective assessment, but it does provide an example of how criteria of comprehensiveness might be applied.

What follows is a table listing the principles derived in chapter three and references to those provisions in each code which directly or indirectly address the principles.

Table 1   Results of Applying Comprehensiveness Criteria

Principles	SAA Code	ACA Code
Principle of Probative Value	D (VI)	I (B1)
Principle of Reliable Custody	I (VI)	N
Principle of Respect des Fonds	I (III, VI)	I (1, A1, B1)
Principle of Original Order	D (VI)	I (1, A1, B1)
Principle of Territorial Affinity	I (III)	N
Principle of Professional Accountability	N	D (A1, B1)
Principle of Institutional Suitability	I (III)	D (A2)
Principle of Optional Retention	N	N
Principle of Continuous Retention	N	N
Principle of Professional Impartiality	D (VI) I (VIII)	I (C3)
Principle of Fair Access	D (IV, VIII)	I (C1), D (C3)

D = Direct Reference to Principle
I = Indirect Reference to Principle
N = No Reference to Principle
() = Provision Numbers

Tallying up the superficial results, one can see that the SAA code made direct reference to five of the eleven principles and indirect reference to four of them. It made no reference to three of the principles. The ACA code scored slightly lower with only three direct references and four indirect references. Five of the principles were not addressed at all.

Taking the direct references as equaling one point, and the indirect references as equaling half a point and counting every reference, we find that the SAA code scores a total of 8.5. The ACA code scores a total of 9.5.

However, by including double references, the total possible points is impossible to determine. We can merely determine that in relation to the American code, the ACA code appears to be marginally superior. This could be deceiving.

If we ignore the dual references and those with both a direct and indirect reference (counting only the direct one), the score becomes (SAA code) 6 versus (ACA code) 5 out of a total of 11. This suggests that the ACA code is less than half as comprehensive as it might be in terms of archival principles, while the SAA code is somewhat more than half as comprehensive. In short, the SAA code appears to cover more ground from the point of view of archival principles, although by looking at the table, the ACA code makes many more repeated references to the same principles in different provisions.

Taking a closer look at the comparison, we can see that neither code made reference to optional retention (sampling only those series which would otherwise be destroyed) or continuous retention (of previously appraised fonds). This is not surprising in as much as both principles are controversial due to the pragmatic concerns of limited space in many archival institutions. Nevertheless, violation of these principles is arguably still a breach of ethics and guidance in this regard needs to be provided by both associations to their members.

Reference to the principles of probative value, respect des fonds and original order, were predictably indirect due to their broad applicability, though the SAA code made direct reference to probative value and original order in provision VI. The SAA code does acknowledge probative value in its statement that archivists "protect the integrity of documentary materials . . . and ensure that their evidentiary value is not impaired." The first part of the statement also earns the code an indirect reference to respect des fonds and original order, as does the injunction to "maintain and protect the arrangement of documents . . . " However, it erroneously links this as a means to protecting authenticity rather than probative value or value as evidence. Authenticity should more correctly be associated with their diplomatic quality and reliable custody. Nevertheless, the mention of authenticity earned the code an indirect

reference to the principle of reliable custody, even though the link between the two concepts was not articulated.

The ACA code made no reference to reliable custody, nor to territorial affinity. The SAA code did address the latter principle indirectly in provision III with the statement that archivists "do not compete for acquisitions when competition would endanger the integrity or safety of documentary materials of long-term value, or solicit the records of an institution that has an established archives." Though no elaboration of the much-used term "integrity" is made, it seems likely that territorial affinity would be included in its definition in this context. The second part of the sentence bears this out, as soliciting records of agencies with established archives would indeed violate the principle of territorial affinity.

The American code, however, makes no mention of professional accountability, while the ACA code makes direct reference to the principle twice. In provisions A1, B1, and B2 mention is made of the need to document archival actions which might alter the record, with A1 being particularly related to appraisal and B2 related to deaccessioning. Documentation of actions is one of the best means of ensuring accountability and can prove useful from the archivist's point of view in demonstrating that his or her actions were well reasoned. Clearly, the ACA code is much superior in this regard.

The principle of institutional suitability is one which is directly referred to in both codes. In provision III, archivists ". . . cooperate to ensure the preservation of materials in repositories where they will be adequately processed and effectively utilized." The ACA code's provision A2 copies the latter statement almost verbatim.

The principle of professional impartiality could be applied in any number of situations, not only in the appraisal and description of records, but in relations with clients. In the SAA code, direct mention is made of "impartial judgment" with regard to appraisal in provision VI, while indirect reference is made in both codes (provisions VIII and C3 respectively) to impartial treatment of clients. However, these statements can be more directly associated with the

principle of fair access, which received comparable treatment from both codes.

This, then has been a brief examination of the two codes under the magnifying glass of archival principles. It is not the only way to examine the comprehensiveness of codes and other measurements would need to be applied in order to achieve a more complete assessment. Nevertheless, the above exercise, though subjective, gives one a better sense of the adequacy of the two codes and points to areas in which they are weak or strong. In many cases, close examination finds problems of clarity as to meaning or intent and this harkens back to Kultgen's semiotic virtues, particularly the elimination of vagueness.

Summary

All of the foregoing criteria are aimed at arriving at a critical assessment of the adequacy of ethical codes in assisting members with ethical dilemmas. Some are more applicable to the archival profession than others, but all tend to suggest the need for greater detail. If there is one conclusion to be reached above all others, it is that the two North American archival associations have made an error in trying to make their codes "short and sweet." While this may assist in terms of ease of publication and distribution, many of the mechanisms which can assist in making the document a useful ethical tool have not been employed. Moreover, we can see that at least by one measurement, their comprehensiveness leaves much to be desired. One can only conclude that there is still a lot that can and should be done to try and make these codes effective and enforceable, and by extension, earn greater respect for the profession among the public who rely on archivists to do the right thing.

Conclusion

Professional ethics becomes necessary as occupations achieve a certain level of trust by the public due to an exclusive body of knowledge which they apply with some measure of autonomy to complex and vital tasks. However, emerging professions, such as the one in question here, often find it useful to develop codes of ethics as if that trust was in place because a good code of ethics can be used to help demonstrate trustworthiness. Even so, the code must not be just a public relations exercise; it must be based on sound principles compatible with those of society's and aimed directly at protection of the public interest in conducting the special service.

Archival ethics, as a concept in North America, is still in its infancy. This is, in no small measure, due to the fact that the profession is only beginning to gain a sense of itself and the contribution it makes to society. To function as a profession with enough autonomy to justify and support a code of ethics archivists need to establish an essential, exclusive and complex role for themselves. They must agree on that role and slowly earn the public's trust and respect in fulfilling it.

At present, many of the weaknesses and inconsistencies found in the two North American archival codes can be traced to a lack of consensus as to the role that archivists must play in society. Ethics committees are having to accommodate different and conflicting conceptions of the profession, which does not assist in making a clear ethical stand on issues. However, as these conflicting identities for the profession coalesce into one, it can only make for a stronger sense of ethics.

Clearly, having examined the two North American codes, some important observations can be made. Firstly, it was suggested that for ethical codes to work effectively, they needed to be placed in an infrastructure which reinforced them. It stands to reason that a code without education in ethical reasoning and in interpreting or using ethical codes severely limits the utility of that document. Archivists, like so many other professionals, frequently lack the skills necessary to work through ethical dilemmas. They need to know how to identify the salient factors, principles, and consequences and

how to weigh these in light of the given circumstances. Skills like these will require attention both in professional archival programs and in comprehensive workshops sponsored by the SAA and ACA. With more members sharing the same skills and knowledge about ethics, it will be easier for them to explain their reasoning and defend their actions, but it will also provide a more consistent and fair means of reviewing or assessing the conduct of a member. With this basis of education and awareness, it then becomes more practical to formulate sanctions and other mechanisms for reinforcing ethical conduct.

Finally, as part of an ethics infrastructure, it is important to have the support and cooperation of employing institutions, if archival ethical codes are to be fully implemented. Policies and procedures need to be created with reference to archival codes of ethics. This will not necessarily prevent conflicts, but will provide some official recognition of the legitimacy of professional ethical principles. The SAA code acknowledges this in The Purpose of a Code of Ethics section. It states: "Institutional policies should assist archivists in their efforts to conduct themselves according to this code; indeed institutions, with the assistance of their archivists, should deliberately adopt policies that comply with the principles of the code."[1] It might also prove useful for archival associations to appoint local advisors for members to turn to for advice on resolving specific ethical problems and interpreting the applicability of the code.

Turning to the codes themselves, one of the features most in need of attention was the rationale for the codes. Though overlooked in many ethical codes, the rationale can at least provide a sense of the purpose of the code, the role of the profession, and the values which it aims to uphold. Kultgen spoke of the need to be frank about the vulnerabilities of the profession as well, though one might argue that the two North American codes do that through the specificity of their provisions. It might be that each of those provisions should have its own rationale to clarify its intended purpose. However, it is perhaps most important that there be a clear initial statement as to what the archivist does

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[1]See Appendix II.

for society and why. Every provision which follows would then have to be designed to further that mandate or professional objective.

Both codes lacked a strong sense of cohesion or relatedness among provisions. The ACA code needs to develop more focused principles which inform specific areas of archival practice. Many of the six general "principles" listed did little to enhance understanding of the application statements and some did not relate to any of the subsidiary statements. In fact, they appeared to be compilations of the application provisions. Integrating the different components of a code so that conflicts are avoided and priorities established (where necessary) would likely make codes more logical and contribute to a more consistent application of provisions.

A clear sense of useful underlying principles is also largely absent from the codes. Rather than attempting to encapsulate rules and other provisions in one concept, principles should be arrived at with reference to the nature of archives or to classes of ethical problems which have arisen or could arise in the course of archival work. One should ask: what is the general principle or principles which are relevant to this issue? It may also become necessary to further subdivide these principles in light of experience as Bayles suggests.

Archival ethics committees need to examine more closely the norms which underlie the provisions in codes and ensure that they are, in fact, ethical norms and not just technical or legal requirements that have no place in a code of ethics. Both codes contained examples of this erroneous content, which further serves to confuse members as to what is truly an ethical matter and what is not. Education in ethics will likely make these distinctions more obvious.

The purpose of ethical codes is to lay down the minimum expectations that the profession has for its members and perhaps even inspire exemplary conduct. These are principles and rules which all members of the profession must observe for the protection of the public interest. The universal applicability of provisions to members arguably demands the use of ethical language which is unequivocal. Similarly, the avoidance of negative sanctions, particularly by the SAA code, may well make enforcement difficult, for a statement about what

archivists do is arguably weaker than stating what they should not or ought not to do. While stating what ethical archivists do may carry the ethical message, it does not have the authority of an injunction. In light of its determination to apply sanctions, the SAA would be particularly well advised to rethink the language that it uses in constructing its provisions.

Perhaps the most striking aspect of both codes was their lack of comprehensiveness in terms of direct reference to archival principles. This may suggest several things. Firstly, it suggests that there is a lack of attention to principles and their connection with ethical statements. There needs to be a much more comprehensive list of principles and reference needs to be made to those principles where appropriate. For example, the application statements in the ACA code need to refer to the appropriate principles and use them as a rationale for the injunction. Secondly, the test of comprehensiveness applied in chapter four pointed to several gaps in coverage and numerous indirect links to archival principles. Both codes tried to address all archival principles by suggesting that archivists adhere to them but failed to list them in detail. This was a great ambiguity and an example of abbreviation and generality that did not adequately inform the application statements (ACA code) or subsequent provisions (SAA code).

Finally, the shortcomings found in this analysis suggest that other means of measuring comprehensiveness should be devised to ensure that coverage is adequate in other aspects of archival work, particularly that involving human relations. Ethical codes cannot possibly cover every potential problem but the main areas of conflict should be addressed and enough clearly stated principles included to guide conduct in less common or predictable scenarios.

Professional ethics involves committing to a higher standard of conduct than that expected of laymen in order to carry out an important task with which the professional is entrusted. Ethical codes for archivists serve to remind them of their responsibilities, but also to assist in reaching ethically sound decisions. As such, they form a key part of a system of ethical reasoning and review which, among other things, requires clarity, consistency, logic, and comprehensiveness in order to maintain the highest professional standards for the community being served.

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Appendix I

A CODE OF ETHICS FOR ARCHIVISTS IN CANADA

THIS CODE CONSISTS OF TWO PARTS: "PRINCIPLES," AND "APPLICATIONS OF PRINCIPLES."

Principles

1. Archivists appraise, select, acquire, preserve, and make available for use archival records, ensuring their intellectual integrity and promoting responsible physical custodianship of these records, for the benefit of present users and future generations.

2. Archivists perform these activities without discrimination on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age, mental or physical disability.

3 Archivists encourage and promote the greatest possible use of the records in their care, giving due attention to personal privacy and confidentiality, and the preservation of records.

4. Archivists carry our their duties according to accepted archival principles and practices, to the best of their abilities, making every effort to promote and maintain the highest possible standards of conduct.

5. Archivists contribute to the advancement of archival studies by developing personal knowledge and skills, and by sharing this information and experience with members of archival and related professions.

6. Archivists use their specialized knowledge and experience for the benefit of society as a whole.

Application of Principles

A. *Appraisal, Selection, and Acquisition*

A1. Archivists appraise, select, and acquire records in accordance with their institutions' mandates and resources. These activities should be guided by consideration for the integrity of the fonds. Archivists

document the criteria which governed the appraisal, selection, and acquisition of records.

A2. Archivists do not compete for acquisitions when competition would endanger the safety, of the records; they cooperate to ensure the preservation of records in repositories where they can be effectively managed and used.

A3. Archivists, in determining acquisition, take into full consideration such factors as authority to transfer, donate or sell; financial arrangements, implications, and benefits; plans for processing; copyright, and conditions of access. Archivists discourage unreasonable restrictions on access or use, but may accept as a condition of acquisition clearly stated restrictions of limited duration and should suggest such restrictions to protect personal privacy. Archivists observe all agreements made at the time of transfer or acquisition.

A4. Archivists appraise the monetary value of records for purchase or tax benefit for donation based on fair market value of the records at the time of purchase or deposit and in keeping with the principles, guidelines, and regulations established by relevant appraisal bodies and the government.

B. *Preservation*

B1. Archivists endeavour to protect the intellectual and physical integrity of the records in their care. Archivists document all actions which may alter the record.

B2. Archivists who find it necessary to deaccession archival records should make every effort to contract the donors or their representatives, and inform them of the decision. Archivists endeavour to offer to records to other repositories in preference to destruction. Archivists document all decisions and actions taken with regard to deaccessioning.

C. *Availability and Use*

C1. Archivists arrange and describe all records in their custody in order to facilitate the fullest possible access to and use of their records.

C2. Archivists make every attempt possible to respect the privacy of the individuals who created or are the subjects of records, especially those who had no voice in the disposition of the records. Archivists should not reveal or profit from information gained through work with restricted records.

C3. Archivists inform users of any restrictions on access and use placed on records. Archivists should apply all restrictions equitably.

C4. Archivists should endeavour to inform users of copyright restrictions on records, and inform users that it is their own responsibility to obtain copyright clearance from the copyright owners.

C5. Archivists protect each users' right to privacy with respect to information sought or received, and records consulted. Archivists may inform users of parallel research by others only with the prior agreement of the individuals concerned.

D. *Professional Conduct*

D1. Archivists who use their institutions' records for personal research and/or publication must make these activities known to both their employers and to others using the same records. Archivists, when undertaking personal research, must not use their knowledge of other researchers' findings without first notifying those researchers about the use intended by the Archivist.

D2. Archivists who acquire records personally, should inform their employers of their acquisitions with their own repositories, should not use privileged information obtained as a consequence of their employment to further these personal acquisition interests, and should maintain appropriate records of their acquisitions.

E. *Advancement of Knowledge*

E1. Archivists share their knowledge and experience with other archivists for their mutual professional development.

E2. Archivists share their specialized knowledge and experience with legislators and other policy-makers to assist them in formulating policies and making decisions in matters affecting the record-keeping environment.

Appendix II

Society of American Archivists

Code of Ethics for Archivists and Commentary

The code is a summary of guidelines in the principal areas of professional conduct. A longer Commentary explains the reasons for some of the statements and provides a basis for discussion of the points raised. The Code of Ethics is in italic bold face; the Commentary is in modern type.

I. The Purpose of a Code of Ethics

The Society of American Archivists recognizes that ethical decisions are made by individuals, professionals, institutions, and societies. Some of the greatest ethical problems in modern life arise from conflicts between personal codes base on moral teachings, professional practices, regulations based on employment status, institutional policies and state and federal laws. In adopting a formal code of professional ethics for the Society, we are dealing with only one aspect of the archivist's ethical involvement.

Codes of ethics in all professions have several purposes in common, including a statement of concern with the most serious problems of professional conduct, the resolution of problems arising from conflicts of interest, and the guarantee that the special expertise of the members of a profession will be used in the public interest.

The archival profession needs a code of ethics for several reasons: (1) to inform new members of the profession of the high standards of conduct in the most sensitive areas of archival work; (2) to remind experienced archivists of their responsibilities, challenging them to maintain high standards of conduct in their own work and to promulgate those standards to others; and (3) to educate people who have some contact with archives, such

as donors of material, dealers, researchers, and administrators, about the work of archivists and to encourage them to expect high standards.

A code of ethics implies moral and legal responsibilities. It presumes that archivists obey the laws and are especially familiar with the laws that affect their special areas of knowledge; it also presumes that they act in accord with sound moral principles. In addition to the moral and legal responsibilities of archivists, there are special professional concerns, and it is the purpose of a code of ethics to state those concerns and give some guidelines for archivists. The code identifies areas where there are or may be conflicts of interest, and indicates ways in which these conflicting interests may be balanced; the code urges the highest standards of professional conduct and excellence of work in every area of archives administration.

This code is compiled for archivists, individually and collectively. Institutional policies should assist archivists in their efforts to conduct themselves according to this code; indeed, institutions, with the assistance of their archivists, should deliberately adopt policies that comply with the principles of the code.

II. Introduction to the Code

Archivists select, preserve, and make available documentary material of long-term value to the organization or public that the archivist serves. Archivists perform their responsibilities in accordance with statutory authorization or institutional policy. They subscribe to a code of ethics based on sound archival principles and promote institutional and professional observance of these ethical and archival standards.

Commentary: The introduction states the principal functions of archivists; because the code speaks to people in a variety of fields - archivists, curators of manuscripts, records managers - the reader should be aware that not every statement in the code will be pertinent to every worker. Because the code intends to inform and protect non-archivists, an explanation of the basic role of archivists is necessary. The term 'documentary materials of long-term value' is intended to cover archival records and papers without regard to the physical format in which they are recorded.

III. Collecting Policies

Archivists arrange transfers of records and acquire documentary materials of long-term value in accordance with their institutions' purposes, stated policies, and resources. They do not compete for acquisitions when competition would endanger the integrity or safety of documentary materials of long-term value, or solicit the records of an institution that has an established archives. They cooperate to ensure the preservation of materials in repositories where they will be adequately processed and effectively utilized.

Commentary: Among archivists generally there seems to be agreement that one of the most difficult areas is that of policies of collection and the resultant practices. Transfers and acquisitions should be made in accordance with a written policy statement, supported by adequate resources and consistent with the mission of the archives. Because personal papers document the whole career of a person, archivists encourage donors to deposit the entire body of materials in a single archival institution. This section of the code calls for cooperation rather than wasteful competition, as an important element in the solution of this kind of problem.

Institutions are independent and there will always be room for legitimate competition. However, if a donor offers materials that are not within the scope of the collecting policies of an institution, the archivist should tell the donor of a more appropriate institution. When two or more institutions are competing for materials that are appropriate for any one of their collections, the archivists must not unjustly disparage the facilities or intentions of others. As stated later, legitimate complaints about an institution of an archivist may be made through proper channels, but giving false information to potential donors or in any way casting aspersions on other institutions or other archivists is unprofessional conduct.

It is sometimes hard to determine whether competition is wasteful. Because owners are free to offer collections to several institutions, there will always be duplication of effort. This kind of competition is unavoidable. Archivists cannot always avoid the increased labor and expense of such transactions.

IV. Relations with Donors, and Restrictions

Archivists negotiating with transferring officials or owners of documentary materials of long-term value seek fair decisions based on full consideration of authority to transfer, donate, or sell; financial arrangements and benefits; copyright; plans for processing; and conditions of access. Archivists discourage unreasonable restrictions on access or use, but may accept as a condition of acquisition clearly stated restrictions of limited duration and may occasionally suggest such restrictions to protect privacy. Archivists observe faithfully all agreements made at the time of transfer..

Commentary: Many potential donors are not familiar with archival practices and do not have even a general knowledge of copyright, provision of access, tax laws, and other factors that affect the donation and use of archival materials. Archivists have the responsibility for being informed on these matters and passing all pertinent and helpful information to potential donors. Archivists usually discourage donors from imposing conditions on gifts or restricting access to collections, but they are aware of sensitive material and do, when necessary, recommend that donors make provision for protecting the privacy and other rights of the donors themselves, their families, their correspondents, and associates.

In accordance with regulations of the Internal Revenue Service and the guidelines accepted by the Association of College and Research Libraries, archivists should not appraise, for tax purposes, donations to their own institutions. Some archivists are qualified appraisers and may appraise records given to other institutions.

It is especially important that archivists be aware of provisions of the copyright act and that they inform potential donors of any provision pertinent to the anticipated gift.

Archivists should be aware of problems of ownership and should not accept gifts without being certain that the donors have the right to make the transfer of ownership.

Archivists realize that there are many projects, especially for editing and publication, that seem to require reservation for exclusive use. Archivists should discourage this practice. When it is not possible to avoid it entirely, archivists should try to limit such restrictions; there should be a definite expiration date, and other users should be given access to the materials as they are prepared for publication. This can be done without encouraging other publication projects that might not conform to the standards for historical editing.

V. Description

Archivists establish intellectual control over their holdings by describing them in finding aids and guides to facilitate internal controls and access by users of the archives.

Commentary: Description is a primary responsibility and the appropriate level of intellectual control should be established over all archival holdings. A general descriptive inventory should be prepared when the records are accessioned. Detailed processing can be time-consuming and should be completed according to a priority based on the significance of the material, user demand and the availability of staff time. It is not sufficient for archivists to hold and preserve materials: they also facilitate the use of their collections and make them known. Finding aids, repository guides, and reports in the appropriate publications permit and encourage users in the institution and outside researchers.

VI. Appraisal, Protection and Arrangement

Archivists appraise documentary materials of long-term value with impartial judgment based on thorough knowledge of their institution's administrative requirements or acquisitions policies. They maintain and protect the arrangement of documents and information transferred to their custody to protect its authenticity. Archivists protect the integrity of documentary

materials of long-term value in their custody, guarding them against defacement, alteration, theft, and physical damage, and ensure that their evidentiary value is not impaired in the archival work of arrangement, description, preservation, and use. They cooperate with other archivists and law enforcement agencies in the apprehension and prosecution of thieves.

Commentary: Archivists obtain material for use and must insure that their collections are carefully preserved and therefore available. They are concerned not only with the physical preservation of materials but even more with the retention of the information in the collections. Excessive delay in processing materials and making them available for use would cast doubt on the wisdom of the decision of a certain institution to acquire materials, though it sometimes happens that materials are acquired with the expectation that there soon will be resources for processing them. Some archival institutions are required by law to accept materials even when they do not have the resources to process those materials or store them properly. In such cases archivists must exercise their judgment as to the best use of scarce resources, while seeking changes in acquisition policies or increases in support that will enable them to perform their professional duties according to accepted standards.

VII. Privacy and Restricted Information

Archivists respect the privacy of individuals who created, or are the subjects of, documentary materials of long-term value, especially those who had no voice in the disposition of the materials. They neither reveal nor profit from information gained through work with restricted holdings.

Commentary: In the ordinary course of work, archivists encounter sensitive materials and have access to restricted information. In accordance with their institutions' policies, they should not reveal this restricted information, they should not give any researchers special access to it, and they should use specifically restricted information in their own research. Subject to applicable laws and regulations, they weigh the need for openness and the

need to respect privacy rights to determine whether release of records or information from records would constitute an invasion of privacy.

VIII.   Use and Restrictions

Archivists courteously and with a spirit of helpfulness all reasonable inquiries about their holdings, and encourage use of them to the greatest extent compatible with institutional policies, preservation of holdings, legal considerations, individual rights, donor agreements, and judicious use of archival resources. They explain pertinent restrictions to potential users, and apply them equitably.

Commentary: Archival materials should be made available for use (whether administrative or research) as soon as possible. To facilitate such use, archivists should discourage the imposition of restrictions by donors.

Once conditions of use have been established, archivists should see that all researchers are informed of the materials that are available, and are treated fairly. If some materials are reserved temporarily for use in a special project, other researchers should be informed of these special conditions.

IX.   Information about Researchers

Archivists endeavor to inform users of parallel research by others using the same materials, and, if the individuals concerned agree, supply each name to the other party.

Commentary: Archivists make materials available for research because they want the information on their holdings to be known as much as possible. Information about parallel research interests may enable researchers to conduct their investigations more effectively. Such information should consists of the previous researcher's name and address and general research topic and be provided in accordance with institutional policy and applicable laws. Where there is any question, the consent of the previous researcher should be obtained. Archivists do not reveal the details of one researcher's work to others or prevent a researcher from using the same materials that others have used. Archivists are also sensitive to the needs of confidential research, such as research in support of litigation, and in such cases do not approach the user regarding parallel research.

X.   Research by Archivists

As members of a community of scholars, archivists may engage in research, publication, and review of the writings of other scholars.   If archivists use their institutions' holdings for personal research and publication, such practices should be approved by their employers and made known to others using the same holdings.   Archivists who buy and sell manuscripts personally should not compete for acquisitions with their own repositories, should inform their employers of their collecting activities, and should preserve complete records of personal acquisitions and sales.

Commentary: If archivists do research in their own institutions, there are possibilities of serious conflicts of interest -- an archivists might be reluctant to show to other researchers material from which he or she hopes to write something for publication. On the other hand, the archivist might be the person best qualified to research in area represented in institutional holdings. The best way to resolve these conflicts is to clarify and publicize the role of the archivist as researcher.

At the time of their employment, or before undertaking research, archivists should have a clear understanding with their supervisors about the right to research and to publish. The fact that archivists are doing research in their institutional archives should be made known to patrons, and archivists should not reserve the materials for their own use. because it increases their familiarity with their own collections, this kind of research should make it possible for archivists to be more helpful to other researchers. Archivists are not obliged, any more than other researchers are, to reveal the details of their work or the fruits of their research. The agreement reached with the employers should include in each instance a statement as to whether the archivists may or may not receive payment for research done as part of the duties of their positions.

XI.   Complaints About Other Institutions

Archivists avoid irresponsible criticism of other archivists or institutions and address complaints about professional or ethical

conduct to the individual or institution concerned, or to a professional archival organization.

Commentary: Disparagement of other institutions or of other archivists seems to be a problem particularly when two or more institutions are seeking the same materials, but it can also occur in other areas of archival work. Distinctions must be made between defects due to lack of funds, and improper handling of materials resulting from unprofessional conduct.

XII. Professional Activities

Archivists share knowledge and experience with other archivists through professional associations and cooperative activities and assist the professional growth of others with less training or experience. They are obligated by professional ethics to keep informed about standards of good practice and to follow the highest level possible in the administration of their institutions and collections. They have a professional responsibility to recognize the need for cooperative efforts and support the development and dissemination of professional standards and practices..

Commentary: Archivists may choose to join or not to join local, state, regional, and national professional organizations, but they must be well-informed about changes in archival functions and they must have some contact with their colleagues. They should share their expertise by participation in professional meetings and by publishing. By such activities, in the field of archives, in related fields, and in their own special interests, they continue to grow professionally.

XIII. Conclusion

Archivists work for the best interests of their institutions and their profession and endeavor to reconcile any conflicts by encouraging adherence to archival standards and ethics.

Commentary: The code has stated the "best interest" of the archival profession--such as proper use of archives, exchanges of information, and

careful use of scarce resources. The final statement urges archivists to pursue these goals. When there are apparent conflicts between such goals and either the policies of some institutions or the practices of some archivists, all interested parties should refer to this code of ethics and the judgment of experienced archivists.

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