

Perspectives

SCOTT CLINE, *Editor*

Editor's note: What was previously the Commentaries and Case Studies department has been divided into two separate departments in order to clarify and emphasize the unique value of each. The Perspectives Department provides a forum for sharply focused archival topics that may not require full-length articles. Perspectives essays are commentaries, opinions, and advocacy pieces addressing common theoretical, methodological, or professional issues that concern archivists and their constituents. Submissions and inquiries should be sent to Scott Cline, Seattle Municipal Archives, Office of the Comptroller, 101 Municipal Building, Seattle, Washington 98104.

The Development of Ethics in Archival Practice

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Abstract: A code of ethics is a statement of generally accepted standards for judgment and conduct that addresses responsibilities unique to a profession. In the 1970s, changing responsibilities and increased complexities for archivists created a need for a comprehensive code of ethics. A Society of American Archivists committee wrote a code, which was adopted by the Society. The author, who chaired that committee, compares the code with the statement written in 1955 for the National Archives and with the codes of similar professions. General adherence to the principles in day-to-day practice and continuing discussion of ethics will lead to reevaluation and revision of the code of ethics.

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THE NEED FOR A CODE of ethics for archivists is indisputable. In theory, every profession has, as one of the hallmarks of a profession, standards of conduct in relationships or transactions that are peculiar to that profession. In practice, archivists encounter conflicting interests, opposing demands, and difficult situations that demand guidelines for judgment. 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. Even if archivists did not have a specific code of ethics, even if the guidelines had not been officially codified and adopted, there would still be generally accepted standards of behavior. To know the practices that are praised or condemned by archivists, one need only listen to their conversations at professional meetings. Expressions of shock or outrage would be heard over such practices as selling manuscripts from a repository, collecting historical documents in competition with one's institution, neglecting the care and preservation of materials, aggressively acquiring important collections only to let them sit for years with no processing, playing favorites with regard to the kinds of users who are admitted, maintaining ignorance of standard archival practices, and failing to be current in archival literature.

Writing a New Code

The archival profession in the United States is older than the Society of American Archivists (SAA), and pre-SAA archivists—whether or not they called themselves by that term—made professional judgments about the acquisition, retention, processing, and use of noncurrent records. The SAA was formed in the 1930s with the

leadership of many people in the then recently established National Archives. The National Archives, not surprisingly, set many standards for archival work and produced the first formal code of ethics for the profession. “The Archivist’s Code,” printed in the *American Archivist* in 1955, was “prepared for use in the National Archives Inservice Training Program.” This code’s introductory statement begins thus: “The archivist has a moral obligation to society. . . .”¹

As stated above, a professional code of ethics is not a collection of moral or legal 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. Nevertheless, the National Archives code does guide the professional judgments of archivists in a variety of important areas, and though uneven in its coverage, it touches on all principal areas of archival work.

In the 1970s, several developments led to consideration of the need for a new code, either an update of the earlier one or a drastic revision. The activities of the SAA expanded with the appointment of a full-time executive director, an ambitious educational program, and a series of basic archival manuals. Many people realized that a growing number of questions concerning ethics for archivists should be addressed. They viewed a written code as a necessary component of the professionalization of the archival field. In December 1976, the SAA Council approved the appointment of a committee to write a code of ethics. The committee was formed in the Spring of 1977 and was given a two-fold task: 1) to prepare a draft code of ethics for the profession, and 2) to make recommendations to the Council on the appropriateness and feasibility of the Society adopting sanctions

¹*American Archivist* 18 (Fall 1955): 307–308.

against unethical actions. At first, it was thought that the committee could complete its work in one year, but it took three. The final version of the code was approved by the Council in January 1980.

Committee members consulted many sources in writing the new code. The committee took the earlier code very seriously, but realized that in some areas more than a slight revision of that text was needed. The committee read some information about codes of ethics in general and then consulted the literature of archives and of related fields for specific articles on ethics.

Codes of ethics set guidelines for resolving problems that arise from legitimate but conflicting interests. In archives work, these conflicts arise from relationships with various kinds of people: donors, researchers, staff members, administrators, resource allocators, and the general public. The committee assigned each of these areas to two or three committee members, at first spreading its net very wide to catch all possibilities, then gradually concentrating on what seemed to be the crucial areas for professional judgment.

The changes in the last version of the code resulted from the same process the committee had followed from the beginning. In addition to consulting authorities and interested parties in person or in the literature, and in addition to weighing the clearly expressed views of all committee members on all topics, the committee repeatedly presented its ideas to the SAA membership. It held forums at three SAA meetings—in Salt Lake City in 1977, in Nashville in 1978, and in Chicago in 1979. From the comments at these meetings, from letters and other contacts made afterwards, and from responses to the draft printed in the *SAA Newsletter* in July 1979, the committee forged the final code of ethics.

The committee's goal was not to declare final judgments, but to set forth clear guidelines that archivists could use to make informed decisions. Giving serious consid-

eration to the advice received from archivists and others, the committee wrote the code as a series of statements on the major decisions faced by practicing archivists. As a result of the dialogue in public forums and the many wide-ranging discussions in the committee, it was realized that something needed to be done to ensure that the finished code would not be seen as the end of a process, but as the beginning of a continuing dialogue. The committee realized that its members held views on important topics that could not be adequately reflected in the code. Therefore, a "Commentary" was compiled consisting of signed opinions by committee members. The commentary was printed with the code in the *American Archivist*,² but was not included when a version of the code "suitable for framing" was printed.

What Does the Code Say?

Review of the provisions of the current SAA code, with some reference to the National Archives document (1955), illustrates the principal similarities and differences between the two:

- The current code notes the basic functions of archivists; it is these functions that can lead to or be affected by problems of professional responsibility. The current code emphasizes this professional responsibility, rather than the "moral obligation" of the older code.
- The current code, written not only for the archivists of institutional records, but also for the curators of manuscripts and personal papers, provides for various kinds of acquisitions. The code does not restrict the collecting policies of institutions, but requires that institutions have a definite policy and adhere to it.
- The many problems of ownership, possession, and copyright demand full and fair consideration, that is, the exercise of

²*American Archivist* 43 (Summer 1980): 414–418.

professional judgment. In any field, the professional must share with the nonprofessional information and judgments that affect the rights and even the financial well-being of the nonprofessional; only the archivists can anticipate uses, difficulties, and problems of both access and privacy.

- In agreement with the earlier code, the new text makes explicit the requirement to exercise careful judgment about what should be preserved and then to see that resources are used to provide both the proper conservation and arrangement necessary to preserve the information and convey it to the users.

- As is evident in many statements of the current code, archivists should see their role as more than the protection of their own interests or those of their institutions. The privacy of individuals is often affected by the revelation of the contents of records. Since those people are not able to speak for themselves, archivists should take their rights into consideration.

- Reflecting the current attitude toward the use of archival materials, the current code encourages use “to the greatest extent” possible but, as always, tempers its recommendations with the reminder of other obligations—institutional policies, preservation, legal considerations, etc.

- The current code states that the archivist must obtain permission from a researcher before telling another researcher about that person’s work. There is still the professional responsibility, the obligation, as the only person with knowledge of both lines of research, to take action that might assist the users. The use of professional expertise is encouraged in the norms for reviewing publications and for correcting errors when necessary.

- The National Archives code reflected a balance between the obligation of the archivists to make materials available for users and the opportunity presented to archivists to use those materials for their own research. Though some experts adamantly

oppose any research by archivists in their own holdings, the consensus reflected in the current code is that such research is permissible and should even be encouraged when done in a professionally responsible manner. This means doing the research with the full knowledge of the administrators in the institution and of other researchers (the earlier code said such research gave the archivists knowledge about holdings that could be shared with other researchers). The same policies must be applied when archivists personally collect materials in the same field as their institutions.

- How should archivists handle complaints about other institutions? In the current code, the message is that archivists should say nothing or should make formal complaints in the proper manner.

- Both codes encourage the development of professional knowledge—whether in a subject field or in the expertise needed in archives administration—and the sharing of that knowledge with colleagues.

- The current code states—not surprisingly—that problems resulting from conflicts of interest should be settled by referring to the code of ethics for archivists.

From this summary, it is evident that the new code does not reject the old, but expands and extends it into new areas, such as collecting policies. Several principles guided the work of the code of ethics committee (though it might not have made them explicit), which are reflected in the code:

1. Archives are for use.
2. Archivists save the time of researchers.
3. Archivists support the widest possible dissemination of information.
4. Archivists make the best use of all resources.
5. Archivists have professional obligations to society.
6. Archivists make known to donors and to researchers any information about their work that is helpful.

To compare the archivist’s code of ethics

with other codes, similar professional organizations, especially those also concerned with information, are discussed below.

The **American Library Association** (ALA) is particularly concerned about the "freedom to read" and "the free flow of information and ideas," for which professionals in librarianship have special responsibility. The Library Bill of Rights is a statement of the rights of the *users* of libraries and thus reveals the ALA's basic orientation. The ALA approved a "Statement on Professional Ethics" in 1975 and a "Librarians' Code of Ethics" in 1981.³ Both the usual concerns of librarians and some pressing issues of the times in which they were written are reflected by statements such as the following:

- Librarians must resist all efforts by groups or individuals to censor library materials.
- Librarians must protect the essential confidential relationship that exists between a library user and the library.
- Librarians must adhere to the principles of due process and equality of opportunity in peer relationships and personnel actions.

The **American Society for Information Science** has drawn up a code of ethics for its members, addressing issues such as privacy (deliberate or inadvertent disclosure of files/data), copyright and intellectual property, and client relationships. Part of its motivation in adopting a code was to establish the fully professional nature of its work.⁴

The Association for Systems Manage-

ment begins its code with the statement, "As a member of the Association, it is my responsibility," and then gives nine phrases, including "to promote the advancement of systems throughout management," "to hold in professional confidence any information gained of the business of a fellow member's company, and to refrain from using such information in an unethical manner," and "to develop my abilities and improve my knowledge through constant study."⁵

The **American Association of Museums** has published its code in a pamphlet that initiates the process of informing people about the code and thinking about implementation.⁶

Compared to the archivist's code, the others are generally shorter, they address fewer areas of concern with less specificity, and they do not include multifaceted commentary to initiate further discussion.

The Code in Practice

For some archivists, the National Archives code, printed in a manner suitable for framing, was a gentle (and seldom used?) reminder of the principles of archival judgment. Many others, however, were not even aware of the existence of such a code. Thus, the SAA Council realized that archivists needed more than another framed parchment; they needed a revised and timely statement of principles and needed to provide for follow-up, that is, for some manner of implementation with the expectation that flagrant violations of the code would result in sanctions.

Following completion of the draft of the code, the committee made recommendations to the Council regarding implementation, but none of these were adopted.

³*American Libraries* 13 (October 1982): 595; Shirley Fitzgibbons, "Ethics," *ALA Yearbook* (1977): 116-117. The "Library Bill of Rights" is published as a single sheet by the American Library Association.

⁴Julia C. Blixrud and Edmond J. Sawyer, "A Code of Ethics for ASIS: the Challenge Before Us," *ASIS (Bulletin of the American Society for Information Science)* 11 (October 1984): 8-10.

⁵*ASM Bay State*, April 1986: 5. Also available from Association for Systems Management, 24587 Bagley Road, Cleveland, OH 44138.

⁶*Museum Ethics* (Washington, DC: American Association of Museums, 1978), 31p.

Several recommendations concerned publication of the code and commentary in suitable places and suggested that serious consideration be given to a manual on ethics or a series of articles on ethical questions.

The committee also suggested that a Committee on Professional Standards and Ethics replace the Committee on Professional Standards, which is made up of the five most recent past presidents of the SAA and two fellows appointed by the Council. The committee's report suggested some functions for the committee it planned: implementing the code, hearing complaints, making recommendations in cases where complaints had been brought, and using some kind of censure, including expulsion from the SAA, if deemed suitable for flagrant acts. The committee's suggestion that an expanded committee be formed, consisting of people particularly knowledgeable about and interested in ethical issues, was not followed.

The report also urged regional archival organizations to set up committees on professional standards and ethics and recommended that complaints be handled locally whenever possible. One or two regional archival organizations have taken steps to provide for the proper review of complaints regarding unethical conduct, but no general profession-wide hearing or review mechanism exists.

The record has not been entirely negative. There have been articles and sessions at meetings on particular questions of archival practice. Ethics is addressed in training programs, though not with the formality and consistency it deserves. The excellent manual, *Archives & Manuscripts: Law*, encourages proper regard for ethical principles, while clearly delineating between ethical and legal responsibilities.⁷

Complementing the indisputable need for a code of ethics is the need for reviewing and updating the guidelines. There is no one statement, in archives or in any other field, that covers all possibilities and remains current forever. The statements in the code, designed to help archivists make the right professional judgments, are in themselves judgments. They are the accumulated insights of generations of practitioners, and they are made by people who should realize that later generations will have equally valid insights and will need continuing guidance as they encounter new situations, such as new media, new technologies, and new kinds of materials.

Like legal judgments, ethical judgments can eventually be reversed. They are constantly under review as they are applied to particular cases, and they should occasionally be "recodified"—revised in the light of new questions and cases. The revisions will also reflect the changing environment in which professional judgments are made. Thus it is appropriate that the SAA Council has authorized the appointment of a new committee to consider possible revisions in the code of ethics, which, it is hoped, will include recommendations for implementation.

Implementation should include education. The committee to write the code of ethics was appointed in the year in which the SAA held the first of its basic archival workshops, which present many opportunities for describing the situations in which the ethical guidelines should be followed and thus inculcating a spirit of professionalism in people who are new in the field.

The code of ethics committee recommended in 1979 that "talks, panels, seminars, workshops and other programs on ethics should be a regular part of programs

⁷Gary M. Peterson and Trudy Huskamp Peterson,

Archives and Manuscripts: Law (Chicago: Society of American Archivists, 1985).

at archival conventions, both national and regional.” Compare this with the statement in the program describing a 1986 session on ethics: “It has been several years. . . since the question of ethics in archival settings has been addressed at an annual meeting of SAA.”⁸

Ethics in Practice

What can be done while waiting for the SAA and the archival profession as a whole to give high visibility to the code of ethics and to set up meaningful procedures for monitoring adherence to its principles? While it is hoped that the profession’s leaders will pull from the top, there is much that can be done to push from the bottom.

Many activities are appropriate for small groups of archivists—for the staffs of large archives, for committees of the national or regional organizations, or for other people with common interests. They can encourage the kinds of activities that have been recommended for education about archival ethics, such as requesting or planning sessions at meetings, inviting speakers, and writing articles. One of the workshops being developed in the SAA’s new education plan is on ethics and law. Local groups of archivists can arrange for this workshop to be given in their areas and can encourage the training of their people to lead study groups or otherwise provide follow-up. They can also help to form professional standards committees in their local organizations, which will encourage adherence to ethical principles and review of instances of possible misconduct. In addition to the “change the world” approach outlined

above, it is possible and highly advisable for individual archival institutions—even those that are one-person shops—to take steps to guarantee their adherence to the present code of ethics.

The most helpful approach is for archivists to read the code and ask whether their institution is now operating in a way that conforms to ethical principles. For example, the code states that “archivists. . . acquire papers in accordance with their institutions’ purposes and resources.” To operate in this way, archivists must know the purposes of their institutions and should possess a written policy drawn up by the archives staff in cooperation with the administrative unit to which the archives belongs and then ratified by the proper higher authorities. Archives that do not yet have a written statement of purpose, including a clear policy for transfers or acquisitions, should start to write one immediately.

A written general policy is not enough to ensure conduct that conforms to proper professional standards. More detailed procedures are needed so that day-to-day activities will reflect the basic principles. As an example, practices involving the acquisitions of manuscripts provide ample opportunity for this approach. A statement of collections policy assists the archivist in making decisions about whether or not to solicit a particular collection. In addition, written procedures for the archives staff help in such functions as the solicitation, acquisition, and processing of manuscripts. From the first contact, the archivist informs the potential donor of the purpose of the contact and explains, in as much detail as necessary, the following points: donation, that is, transfer of ownership; copyright and the consequences of a transfer of copyright for the institution, for researchers, and for possible uses in publications; probable research use of the materials; an approximate time frame for processing the collection to make it available for use; and the amount and kind of publicity that will be given to

⁸SAA Committee to Write a Code of Ethics, Final Report, Section 4, “Implementation of the Code,” (Unpublished, 1979): 3; Society of American Archivists, *50th Annual Meeting Program* (Chicago: 1986), 45; The 1988 SAA meeting in Atlanta included one session titled “Professional Ethics: A Comparative Approach,” and a few other sessions that touched on specific ethical concerns.

this donation. At the earliest opportunity, the archivist will convey the code's discouragement of restrictions on use and access, but if the archival institution reserves the right to impose some restrictions to protect the rights of individuals, that should be made clear. The policy of equal access to qualified researchers should be stated clearly from the beginning. Acting in this way—using their own professional judgment, their expertise, and their knowledge of their institutions and resources—archivists will demonstrate the best possible conduct in providing information to non-archivists (in this example, donors) and thus allow those individuals and institutions to make decisions based on the most complete information and the most reliable advice. A well-run archives will have policies and proce-

dures, as needed, for all the basic archival functions covered by the code of ethics.

I conclude with the final sentence of the report of the committee to write a code of ethics for archivists:

We know that the composition and promulgation of a Code of Ethics will not automatically increase the professional status of archivists, but without such a code, without commitment to it, and without adequate provision for continuing attention to its demands, neither the Society of American Archivists nor the archival profession can render full service to archivists or to the public.⁹

⁹SAA Committee to Write a Code of Ethics, Final Report, Section 4, "Implementation of the Code," (Unpublished, 1979): 4.

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