THEODORE CALVIN PEASE AWARD

Trusting Archivists: The Role of Archival Ethics Codes in Establishing Public Faith

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Abstract

This paper examines the role codes of ethics play in the portrayal of archivists and their work to the public. Codes of ethics are placed within the context of concepts of professionalism and the relationships between and among archivists, records creators, records users, employers, and the public at large. Several codes issued by archival professional organizations are used to illustrate the ways in which the structure of codes influences their effectiveness in communicating the nature of the profession to the public. The paper concludes that ethics codes contribute to an enhanced sense of professionalism for archivists that can strengthen their ability to serve the public by creating more autonomy in decision making. Paying greater attention to the language used in constructing codes of ethics can help accomplish this task.

Terry Eastwood describes archives as "arsenals of democratic accountability and continuity."[1] We as archivists have an important role as the guardians of those arsenals. The records we care for have the potential

[1] Terrence Eastwood, "Reflections on the Development of Archives in Canada and Australia," in *Archival Documents: Providing Accountability Through Recordkeeping*, eds. Sue McKemmish and Frank Upward (Melbourne: Ancora Press, 1993), 36.

to do great good if put to proper use. They also have the potential to lead to tremendous harm if used improperly, or if left unused and neglected. As public servants, we try to draw a line between right and wrong acts, differentiating between those that contribute to the public good and those that detract from it. Then, putting on our white hats, we stand watch over that line. It is not always that simple though. Sometimes the line shifts, sometimes you lose sight of where the line is, and sometimes forces beyond our control push us across that line. We can use a code of ethics to help us to find our way to the right side of that boundary.

Our ability to make ethical decisions about archival practice is complicated by a multiplicity of relationships to creators, users, and employers. Ethical decisions surrounding the treatment of archives often require identifying and prioritizing our obligations within these relationships. Practical realities of our work often impose limits on our autonomy. The codes we look to for guidance are connected to issues of power and prestige that have little to do with making ethical decisions. It is a tangled situation at best. This paper is an effort to try to find some order in that mess. There are two fundamental impediments to the exercise of well-considered ethical action: a lack of sufficient guidance for practice, and a lack of autonomy in exercising ethical decisions. Archivists have overcome the first of these impediments through the construction of ethics codes. The autonomy issue is more complicated and is linked to public understanding of archives, trust in archivists, and the relationships archivists have with their users and their employers. It is also linked to the concept of professionalism. Ethics codes have a role to play in all of these linkages. By introducing ethical concepts, and linking the codification of those concepts to the concept of professionalism, it is possible to see how archivists can increase their ability to serve the public good in a responsible way that is consistent with the demands of archival theory.

Ethical Theories and Perspectives

Ethics is a branch of philosophy that attempts to evaluate the morality of behaviors and actions. Endeavors to educate people about moral behavior, to provide a reference point from which to base ethical decisions, often involve the codification of ethics. The field of ethics can be decomposed into three branches: metaethics, normative ethics, and applied ethics. Professional ethics is less concerned with the first of these than it is with the latter two. It seeks to establish what does and does not constitute ethical behavior, to determine tests by which the morality of acts may be assessed, and to exercise ethical reasoning about real issues and situations in an attempt to discover actions that will resolve problems in a morally acceptable way. The development and publication of a

code of ethics is an exercise in normative ethics wherein moral reasoning is used to arrive at a set of guidelines by which professional activities can be both guided and judged. The ultimate goal of such a code is to provide a framework that allows the individual practitioner to devise an ethical course of action in the face of what often prove to be novel situations.

Clearly, different individuals, groups, and cultures have differing conceptions about what constitutes moral action. Throughout history there have been many perspectives on the formulation of ethical principles. If we want to understand how professional codes are developed and, even more importantly, to be able to think critically about the individual components of an ethics code, it is necessary to know something of the predominant modes of thinking about normative ethics. It is impossible to think objectively about ethics; the issue of perspective is inescapable. "Even when one tries *a priori* to put the influence of traditions out of play, one belongs to a tradition, namely the tradition that uses this conception."[2] Codes of ethics for archivists often draw upon multiple traditions within the same code. Understanding the origins of these traditions can reveal biases inherent within certain perspectives, can aid in the identification of internal inconsistencies, and can provide illumination about the authors' intents. The fact that professional codes are issued from positions of authority within an organization does not imply that those to whom a code is directed should accept it unquestioningly. The issuance of a code from a position of authority is reason to be all the more critical of it. Most organizations seek input from their memberships when developing and revising codes. In these cases a basic understanding of the approaches to the development of normative ethics can only be beneficial to the overall cause. More importantly, if a professional is to be truly accountable for the morality of his or her actions, that professional must accept the responsibility of being able to account for the moral component of those acts. If a code is being used as a guideline for that activity, then an understanding of that code and the formulation of it is essential. One can only be said to be acting ethically if one knows the reasons why the act in question is considered ethical. If this is not the case, then professionals are not acting ethically, they are just following orders.[3]

Though the theories on normative ethics are numerous, they can be classified within a typology that has two primary members: deontological theories

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[2] Johan Verstraeten, "Foreword—Professional Ethics and Ethics Education: Vision of the Core Materials Project," in *Matter of Breath: Foundations for Professional Ethics,* eds. Guillaume De Stexhe and Johan Verstraeten (Leuven, Belgium: Peeters, 2000), xi.

[3] This is an argument made by some Kantian and virtue ethicists. I recognize the irony in using a particular normative perspective to argue that it is essential to appreciate the different normative perspectives. See Marcia Baron, Philip Pettit, and Michael Slote, *Three Methods of Ethics* (Malden, Mass.: Blackwell Publishers, 1997), 54–57. Nigel G. E. Harris, "Professional Codes and Kantian Duties," in *Ethics and the Professions,* ed. Ruth F. Chadwick (Aldershot, England: Avebury, 1994), 109.

and teleological theories. Deontological theories are those that seek to establish the morality of an act based solely on the act itself, without regard to the consequences of that act. It is said of deontological theories that they are concerned with means, not with ends. Moral agents are obligated to act or refrain from acting in certain ways because of the inherent rightness or wrongness of the act itself. The classic example of this is lying. In the most extreme view, it is not permissible to lie under any circumstance, even if the act of lying would lead to a morally acceptable consequence. Many people would argue that this prohibition is not an absolute one, but is circumstantial. Sophisticated deontological theories address the issue of circumstantial considerations, but in a manner that always makes reference to the relevant acts and the agent's obligation to act morally, not to the potential consequences of an act. The grounds for establishing one's moral duty vary from tradition to tradition. The oldest deontological traditions in western philosophy are theological, wherein the morality of an action is established by divine sanction. A similar tradition, natural law, was articulated in ancient Greece by Aristotle. Those acts that are contrary to nature are immoral (e.g., as humans, it is in our nature to want to sustain life, so, to deprive a person of life is contrary to this nature and consequently immoral). Other noteworthy contributions to deontological ethical thought have been made by Thomas Aquinas, often cited for his contributions to natural law, and by Thomas Hobbes, who introduced the concept of the social contract, in which members of a society collectively agree to abide by certain limitations on their actions in order to obtain personal security.[4]

The dominant deontological theory in the twentieth century was articulated by Immanuel Kant, who put forward the *categorical imperative.* It is an extension of the so-called Golden Rule: treat others in the same way that you would want them to treat you. Kant's categorical imperative, however, extends the Golden Rule beyond the personal level to a universal one. "Act as if the maxim of your action were to become by your will a universal law of nature."[5] According to Kant, an act is only moral if a person could *rationally* will that the principle that guides that act should apply universally in all similar situations. As part of their role in providing guidance, ethics codes use language consisting of imperative statements when referring to courses of action. This is clearly a deontological approach. Nigel Harris argues that the Kantian approach is particularly relevant to professional codes of ethics. As we shall later see, the formulation of

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[4] Thomas Hobbes, *Leviathan,* ed. C. B. Macpherson (1651; reprint, London: Penguin Books, 1985): chaps. 14–16.

[5] Immanuel Kant, "Fundamental Principles of the Metaphysic of Morals," in *Kant's Critique of Practical Reason and Other Works on the Theory of Ethics,* trans. Thomas Kingsmill Abbott, 2nd ed. (London: Longmans, Green, 1879), as cited by Robert N. Van Wyk in *Introduction to Ethics* (New York: St. Martin's Press, 1990), 96.

archival codes of ethics tends toward an approach that is primarily, though not exclusively, deontological and, more specifically, Kantian in nature. Harris contends that this is true of all professional codes of ethics, citing as evidence a study conducted of the linguistic structure of 150 professional codes in the United Kingdom.[6] Robert Van Wyk argues that a Kantian approach to ethics, though useful, is not sufficient, as there are some classes of acts generally agreed upon as being immoral that the categorical imperative fails to prohibit.[7] The archival codes of ethics examined later in this essay tend to incorporate multiple ethical traditions, though whether or not this is because of this weakness of the Kantian tradition is unclear.

Teleological theory is diametrically opposed to deontological theory. It does not address means, only ends. Teleological theories are more commonly referred to as consequentialism. As assessed from the consequentialist perspective, the moral act is that act out of all possible acts that produces the best possible consequences. Three basic variations exist within consequentialism. Hedonism, or egoism, evaluates right and wrong acts in terms of what produces the best possible consequences for the self, altruism seeks to yield the best possible consequences for everyone but the self, while utilitarianism seeks the best possible consequences for all parties.

One of the chief appeals of the consequentialist perspective is the non-atomistic claim its proponents are capable of making. Philip Pettit argues that the nonatomistic feature of consequentialism makes the process of moral reasoning more intimate and hence more personally relevant. "The considerations that give people intrinsic (though perhaps defeasible) reason to act—often involve other individuals essentially; they are considerations that obtain and motivate agents only in the presence of those other individuals."[8] Almost all moral decisions involve relationships with other people. It is therefore more appropriate to apply moral reasoning at this level, than at the generalized abstract levels utilized by deontological approaches. This appeal is relevant to professional codes of ethics because the guidance provided by such codes ultimately manifests itself in a particular application. The uniqueness of a situation and the degree of personal involvement often call for a level of intimacy that is not provided by universally stated maxims. There are, however, criticisms of teleological theories, one of the chief ones being the occurrence of situations wherein the act that would yield the best possible consequences is one that would, under all other circumstances, be considered immoral.

[6] Harris, "Professional Codes and Kantian Duties," 105–106.

[7] Van Wyk, *Introduction to Ethics*, 84.

[8] Baron, Pettit, and Slote, *Three Methods of Ethics*, 94.

Ethics and Professionalism

The discussion so far has addressed the types of philosophical perspectives that influence the formulation of a professional code of ethics. It will now raise the issue of why ethics are relevant to professions in general, making specific reference to archivists. To begin, we should first establish a definition of profession. Common usage of the term would lead us to believe that a profession is an activity bounded in extent by requirements of knowledge or skill, for which a person receives some sort of compensation or remuneration. Often the term is used to draw attention to the distinction created by the receipt of compensation, as in the difference between an amateur and a professional. Traditionally, the term has referred to categories of occupation that involve a substantial training and skill and that have a primary orientation toward a public service component. Law, medicine, and the clergy are the fields that are customarily referred to when one speaks of the professions.

In the eyes of most, a lawyer is a professional, but a store clerk is not. What defines the boundaries between these two occupations? The simplest way to define what a profession is, uses a taxonomic model. Using sociological sources, Trevor May has synthesized a list of five criteria that identify a profession:

1. An extensive education in a body of theory that has been developed both by practitioners and by research institutions
2. A service orientation that values meeting the needs of the community as a whole, over the advancement of personal interests
3. A professional organization, membership in which is either voluntary or mandatory, that acts in the collective interest of its members
4. Professional culture defined by a common set of values that embody the occupation's sense of purpose
5. The possession of a body of expertise that is recognized as being superior to knowledge held externally and a considerable degree of freedom in the exercise and application of that expertise[9]

Bernard Barber offers a similar list of characteristics that also includes the existence of a reward system that is an end in itself and not a means to other ends.[10] It is not necessary for an occupation to exhibit all of these characteristics to the same extent. Different professions will be stronger in some areas than in others. It follows from this, therefore, that occupations that are said to be professions can be more or less professional than other occupations, depending on

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[9] Trevor May, *Archival Professionalism and Ethics: An Assessment of Archival Codes in North America* (MAS thesis, University of British Columbia, 1995), 10–11.

[10] Bernard Barber, "Professions and Emerging Professions," in *Ethical Issues in Professional Life*, ed. Joan Callahan (New York: Oxford University Press, 1988), 36.

the degree to which they demonstrate these characteristics. Professionalism is a question of degrees, not a matter of absolutes.

Daryl Koehn offers an alternative model of evaluating professionalism that is rooted in concepts of power, trust, and morality. Koehn states that professions are inherently ethical practices. Their specialized knowledge justifies the application of ethics that are different from, yet consistent with, ethical norms. The authority of a profession is grounded in public recognition of its inherent trustworthiness. Because of their service orientation, professionals are necessarily bound in a trust relationship with the clients they purport to serve. The professional's authority to act on the client's behalf, and indeed the legitimacy of the profession as a whole, are based upon a public pledge of service. The public's acceptance of this pledge is contingent on the knowledge that the professional can be trusted to perform his or her duties in a manner that furthers the client's best interests, and this trust is created by the inherently ethical nature of the profession.[11] Koehn's model incorporates the characteristics described in the taxonomic model, but places particular emphasis on the professional's access to an exclusive body of knowledge, the autonomy to apply that knowledge, and the obligation to do so in the best interest of the community at large. There is within it a greater sense that these characteristics cannot exist independently of one another.

Different occupations can reside anywhere along the professionalism axis, being highly professional, not professional, or somewhere in between. Additionally, an occupation's position on this axis is not necessarily fixed. Though long-established occupations exhibit little mobility, many nascent occupations strive to increase their degree of professionalism. Journalism, accounting, and business management are all examples of occupations that have consciously sought to become regarded as more professional. Professionalism is not regarded by all as an inherently good thing. The concentration of expertise and exclusive access to knowledge can be regarded as monopolistic. Professional claims that such control over knowledge is necessary for the maintenance of certain standards of practices can equally be met with assertions that it is merely a means of establishing and maintaining power. As access to a body of expertise becomes increasingly exclusive, the professional obligation of using that expertise to provide service becomes stronger. Professional organizations established to strengthen the professional community and facilitate communication and dissemination of knowledge among members may be regarded as gatekeepers instead of outreach agencies. The professionalization of an occupation can become an end in itself, rather than a means by which the occupation can better serve the community. It is important that the clients a profession

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[11] Daryl Koehn, *The Ground of Professional Ethics* (London: Routledge, 1994), 11–13.

professes to serve have confidence in the profession's expressed altruism. Public trust that a profession is acting in an ethical manner can be buttressed by the codification of those ethics.

Before discussion of the need for, and content of, a professional code of ethics for archivists, we should first take time to consider whether or not archivists can be considered professionals. As noted above, it is not a yes-or-no question, but one of degrees. Rather than asking "*are* archivists professionals?" it is perhaps more appropriate to ask "*how professional* are archivists?" If we look to the taxonomic criteria given for the evaluation of degrees of professionalism, we see that archivists fall somewhere in the middle of the spectrum. They share similar characteristics with occupations such as nursing and teaching, often referred to as the semiprofessions. These characteristics include a shorter period of training (relative to "full" professions), less legitimate status, a less established right to privileged communications, and less autonomy from supervision.[12] Richard Cox points out that there are at least three areas in which the professionalism of the archival community may be considered weak. These areas are the level of development of archival theory, the degree of public sanction given to archivists, and the commitment of the archival community to institutionalized altruism.[13]

Considered in relation to the established learned professions, archival theory is young and still in its initial stages of development. Though archives have existed in a recognizable form for hundreds of years, only in the nineteenth and twentieth centuries have there been substantial attempts to provide a theoretical background for archival methodologies and practices. Archival research and education within an academic context is an even more recent arrival on the scene. In contrast, the origins of theories that law, medicine, and theology draw upon can be traced back to antiquity; while the relevance, and even existence, of archival theory has at times been called into question.[14] While not as fully developed as the theoretical bases of other fields, archival theory has established a solid beachhead from which further forays may be launched. If the state of archival theory is somewhat wanting, at least in terms of the realization of aspirations to a more concretely defined professional status for archivists, it is at least clear that it is a body of knowledge that is continuously being expanded upon. Within North America, this is primarily due to the increased activity of archival associations and to the expansion of archival education programs.

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[12] Amitai Etzioni, *The Semi-Professions and their Organization: Teachers, Nurses, Social Workers* (New York: Free Press, 1969), v.

[13] Richard Cox, "Professionalism and Archivists in the United States," *American Archivist* 49 (Summer 1986): 238.

[14] John Roberts authored two articles arguing that though archival theory exists, it is simplistic and largely irrelevant to working archivists: "Archival Theory: Much Ado About Shelving" *American Archivist* 50 (Winter 1987): 66–74 and "Archival Theory: Myth or Banality?" *American Archivist* 53 (Winter 1990: 110–20).

The areas of community sanction and institutionalized altruism are somewhat more problematic. These two characteristics are interrelated, and they are interrelated in a way that involves professional ethics. As Cox points out, the public perception of what archives are, and what archivists do, is cloudy at best.[15] Unlike doctors or lawyers, archivists seldom touch people's lives in a direct and meaningful way.[16] The public has an understanding of the commitment to public service made by these professions because of the types of personal interactions they have with them and because of the way they are portrayed in print, film, and television. Society recognizes that these occupations draw on a deep body of knowledge and experience and that they perform an important public function. It also sees that each profession has internal mechanisms in place to control entry into its ranks, both to protect the public from malpractice and to sustain public trust in the integrity of the profession as a whole. This is not the case with archives. There are no mandated requirements for becoming an archivist. Although there are credentials that increase one's employability as an archivist, such as a graduate degree or certification, the absence of such credentials does not prohibit a person from working as an archivist. There is no professional college or association that governs who may or may not call themselves an archivist. Membership in archival professional associations is voluntary. These associations do not restrict membership in any material way, and there are few disciplinary procedures in place for sanctioning their members. More importantly, the public sees no need for any of these things. In both law and medicine there is an immediately apparent potential for harm to the body and to the rights of the individual. Although the same potential for harm exists within the work performed by archivists, it is a potential that goes largely unrecognized by the public.

The interrelated nature of these characteristics become even more apparent when viewed through the perspective of trust and power advanced by Koehn. Recognition of an occupation's professional status comes from confidence that the occupation is committed to serving the public good, that it has a commitment to using what amounts to a monopoly on certain types of knowledge, not for the furtherance of its own ends, but for the furtherance of the public good, even at the cost of harming itself. Furthermore, there is public confidence that the occupation can police itself in a responsible manner that serves the public good because of the occupation's commitment to a set of altruistic consequentialist ethics. "Grounding of professional authority entails specifying the source of the standards governing professional actions undertaken or

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[15] Cox, "Professionalism and Archivists in the United States," 236.

[16] Timothy L. Ericson, " 'Preoccupied with Our Own Garden:' Outreach and Archivists," *Archivaria* 31 (Winter 1990–91): 120.

authorized on behalf of the client."[17] Koehn states explicitly what the taxonomic model provides implicitly: that an ethical standard is a fundamental component of any profession.

If the occupation of archivist falls somewhere along the middle of the professionalism axis, how strong is the need for a code of ethics for archivists? It can be argued that the need is very strong, particularly because of the semi-professional status of the occupation. As discussed above, one of the funda-mental reasons for the semiprofessional status of archivists is the absence of a clearly defined trust relationship between archivists and the public. While archivists may believe that the tasks we perform are motivated out of concern for a greater public good, the public may or may not share that belief. This is not because of a public distrust of archivists' motives. Rather, it is because of an absence of knowledge about these motives, a general unawareness about the purpose of archives and their role in the defense of democratic rights. Education and outreach are activities that archivists must perform to increase public awareness about archives. If the goal of such activities is to buoy public faith in the trustworthiness of archival institutions and the people who work there, they must be able to make reference to codified ethics in order to proffer a justification for that faith.

Justifying the Need for an Ethics Code

Why do professions need ethical codes? Though it is true that situations can arise that are unique to a specific occupation and require special ethical guidance, the moral reasoning that applies in a particular situation should be derivative of a generally applicable set of ethics. If we hold that practitioners are rational agents who are inclined to act ethically, should they not be able to deduce for themselves what is and is not a right act in any given situation, with-out reference to a specialized set of ethical guidelines? The codification of pro-fessional ethics serves multiple purposes: enhancement of professional status; strengthening the argument in favor of internal, rather than statutory regula-tion of practices; and defining and delimiting responsibilities. These purposes are in addition to the stated purpose of providing a set of principles with which to guide actions.[18] The codification of these principles assures consistency in practice by drawing attention to their source.

A fundamental aspect of professional work is that it necessarily involves a professional-client relationship. Professional codes of ethics serve to strengthen

[17] Koehn, *The Ground of Professional Ethics*, 8.

[18] Harris, "Professional Codes and Kantian Duties," 104; Eric Mount, Jr., *Professional Ethics in Context: Institutions, Images and Empathy* (Louisville, Ky.: Westminster/John Knox Press, 1990), 49.

the trust that exists between the client and professional. Clients seek out professionals because they have access to a body of knowledge that the client does not. This differential possession of knowledge creates an asymmetrical power relationship between the professional and client. For the professional to do his or her job, the client must first grant the professional the authority to exercise this power as he or she sees fit, trusting that it will be in the client's best interest. The client must also be willing to accept that the client's needs and wants may not be congruent, and must be willing to endow the professional with sufficient autonomy so that the professional can serve the client's needs, even if this leads to a course of action different from what was initially desired by the client. A solid ethical foundation for practice, articulated by its codification, can contribute to the creation and sustenance of this trust.

The issue of professional-client relationships is complicated within archival practice. This is because the archivist is not involved in a bilateral relationship, but a multilateral one. Archivists exist within a triangular relationship. On one side, they have a relationship with the creator of the records, and within that relationship there are responsibilities to preserve the essential qualities of the records and to protect the confidentiality and privacy of the creator and of other persons who might be mentioned within the records. On the other side of the triangle, the archivist has a relationship with users of the records. Like creators, users hold archivists responsible for preserving the records and protecting their authenticity. They also require archivists to allow access to the records so that they may be used to preserve rights and uphold accountability. At the base of the triangle, the archivist acts to mediate relationships between creators and users that occur indirectly through the records themselves. Additionally, the archivist has responsibilities to his or her employer, who may have created some, or all, of the records in the archivist's care. This has the potential to create a situation in which the records' creator exercises a disproportionate influence over all three relationships within the triangle. Even in cases where the employer is not a creator of records under the archivist's care, constraints that limit the archivist's capacity to act may be imposed by the employer for reasons unrelated to archival principles. The authority of a doctor or lawyer is grounded in public confidence in their respective professions. The archivist's authority is usually derived from his or her job competencies as defined by his or her employer, limiting the archivist's professional autonomy.

Theodore Schellenberg noted that the conceptions government officials have about record ownership and use can impede the archivist is job performance.[19] The archivist-employer relationship must be viewed within the context of the employer's overall institutional objectives, which may or may not be

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[19] T. R. Schellenberg, *Modern Archives: Principles and Techniques* (Chicago: University of Chicago Press, 1956), 119.

compatible with archival principles. Archival codes of ethics must take into account the need to find balance in the relationships archivists have with these two client groups. One approach to this situation is to assert that the archivist's primary responsibility is to the records. This position has been argued by Luciana Duranti and Barbara Craig, among others.[20] It is difficult to take this assertion at face value. Records are inanimate objects. Responsibility implies accountability. It is possible to be responsible *for* records, but it is not possible to be responsible *to* records. That being said, it is clear that records are the essential component that creates the triad of relationships among archivist, creator, and user. An appropriate interpretation of Craig and Duranti within the context of this discussion would be that focusing on the central role of the record within this triangle of relationships offers the best opportunity for serving the needs of all parties involved in an equitable and productive manner. Hilary Jenkinson defines the primary and secondary duties of the archivist as the duties to preserve the essential characteristics of the record and to serve the needs of the user community, respectively.[21] This is not a claim that one duty is more important than the other, but recognition of the ordinality of these duties. The concerns of the record must be addressed in order to provide for the needs of the user. We can take our cue from Jenkinson. The principles and practices required to care for the records can provide a consistency of focus in determining the ethical constraints on the relationships participated in, and mediated by, archivists.

Ethical codes for archivists also need to address the relationship that exits between archivists and their employers. As mentioned above, the terms of this relationship are defined by institutional objectives, which may not necessarily have direct archival relevance. This relationship is one of a power imbalance, with the institution holding most of the power. It cannot be addressed within a code itself, but the existence of a code can help to modify this power relationship. It has already been shown that there are motives, other that the primary one of provision of guidelines, for practice involved in the creation of a professional code. Is the creation of a code of ethics for the fulfillment of these secondary purposes justifiable? Specifically, is it justifiable for an archival association to publish a code of ethics when one of the acknowledged motives for

[20] Susan McClure quotes Duranti, "[archivists] serve the people by serving the *polis*. We serve the *polis* by serving the record." Luciana Duranti, "ACA 1991 Conference Overview," *ACA Bulletin* 15, no. 6 (July 1991): 25. Cited in *Government Archivists' Perceptions about Their Responsibilities to Citizens and to Government: "Simply a Matter of Serving Those around Us,"* MAS Thesis (University of British Columbia, 1991), 19. In response to the question, "Who are the clients?," Barbara Craig says, "I suggest that in the 'trendy' imagery of modern business our real clients are the records." Barbara Craig, "What Are the Clients? Who Are the Products? The Future of Archival Public Services in Perspective," *Archivaria* 31 (Winter 1990–91): 141.

[21] Hilary Jenkinson, *A Manual of Archive Administration.* rev. ed. (London: Percy Lund, Humphries & Co., 1937), 15.

doing so is the enhancement of the professional status of archivists? Anne Cook cautions against such an approach, maintaining that we should not lose sight of the fundamental purpose of professional codes of ethics, namely the illumination of the special norms and principles that guide the professional's practice. It is very important that these norms be peculiar to the activities of the profession. If generally applicable norms are couched in language designed to elevate their importance and relevance, the authors of the code and the profession in general make themselves vulnerable to legitimate charges of elitism.[22] In discussing the drafting of an ethics code for the Society of American Archivists, David Horn concludes,

> We know that the composition and promulgation of a Code of Ethics will not automatically increase the professional status of archivists, but 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.[23]

Horn's conclusion is sound. The elevation of the profession's status may be an acceptable goal of an ethics code, but it is important to recognize that it must be a secondary goal. Furthermore, there must be a justification for the need to increase a profession's status, and this justification must exist within the context of better providing for the good of the community. For example, consider medical advice issued by the American Medical Association (AMA). The advice of the AMA receives much attention; it is widely disseminated, and there is a high level of confidence among medical practitioners and society in general that its advice is reliable. This is in part due to the AMA's status as a professional organization. A decrease in the perceived professionalism of the AMA could have a negative impact on the receipt of its advice, to the overall detriment of society. It is in society's best interest then, that the organization retains a high level of professionalism, not because society values the prestige accorded to the organization, but because it values the increased ability to serve the public good. Can the same argument be made of archivists and archival associations? If the following two conditions hold true, then the answer is yes. Do archivists perform work in which there is a material potential for harm if that work is performed incorrectly? Are archivists the only people privileged to the knowledge and skills required to perform that work? Speaking as an archivist, I would say that the answer to these two questions is "Yes." Archivists do important work that no one else does, or is capable of doing, without access to our theoretical base; and, this

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[22] Anne Cook, "A Code of Ethics for Archivists: Some Points for Discussion," *Archives and Manuscripts* 15 (November 1987): 95–96.

[23] David E. Horn, "The Development of Ethics in Archival Practice," *American Archivist* 52 (Winter 1989): 71.

work contributes to the defense of the democratic rights of individuals and of society as a whole. It is society, though, that must give a positive answer to these questions in order to validate the profession's aspirations toward increased status. Therein lies a problem, as, for the most part, archivists do not receive much public attention.

Examples of Archival Codes of Ethics

Examining some of the existing codes of ethics established by archival associations can be a worthwhile way of gaining some insight into professional associations' perceptions of the role of ethics. How do existing codes of ethics fulfill the purposes of reinforcing trust, advancing professionalism, and providing guidance? To this end, a brief study was conducted analyzing and comparing several codes of ethics in terms of their stated purpose, structure, content, and effectiveness. Five codes of ethics were selected for analysis and comparison from these associations:

- Association of Canadian Archivists (ACA)
- Society of American Archivists (SAA)
- Society of Archivists [United Kingdom] (SA)
- Australian Society of Archivists (ASA)
- International Council on Archives (ICA)[24]

The ACA was selected because of the direct relevance of the code, and the association, to archival practice in Canada. The SAA, SA, and ASA were selected as representatives of English-language associations, existing in countries with differing archival practices, yet bound together by the common Anglo-Saxon ancestry of their juridical systems. The ICA was selected because of its international origins and because its code, not tailored to any one specific juridical system, is intended to be applicable within a variety of juridical systems.

Each of these codes is prefaced by a statement describing its intended purpose. Not surprisingly, there is much commonality among the codes; all of them are intended to introduce standards of practice and to provide guidance. There are differences among the codes regarding to whom they are addressed and intended to apply. The SA code is very explicit that the code of conduct is intended to apply only to members of the society. All of the other codes are addressed to all archivists, whether or not they are members of the issuing society or association. Archivists that are members of a professional association are

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[24] Association of Canadian Archivists, *A Code of Ethics for Archivists in Canada* (Ottawa: Association of Canadian Archivists, 1999); Society of American Archivists, *A Code of Ethics for Archivists with Commentary* (Chicago: Society of American Archivists, 1992); Society of Archivists, *Code of Conduct* (Taunton, U.K.: Society of Archivists, 1994); Australian Society of Archivists, *Code of Ethics* (Australia: Australian Society of Archivists, 1993); International Council on Archives, *Code of Ethics* (Paris: International Council on Archives, 1996).

expected to adhere to the association's code of ethics, while archivists who are not members are encouraged to look to the codes to guide their behavior.[25] An important audience ignored by the majority of the codes is the public. Only the ICA and SAA codes suggest that their codes are intended to provide the public with an explanation of the activities performed by archivists and of the standard of conduct that the public has a right to expect from archivists.

There are some differences in the way the codes are structured. Most of the codes contain both a statement of ethical principles and an interpretation of how the principles should be used to guide archivists' professional behavior. This is the case with the codes issued by the ICA, SAA, and ACA. The formats of the ICA and SAA codes are very similar. Each uses an integrated approach that combines general statements of principles with commentaries immediately following that explain how the particular principle should be interpreted and the types of situations to which it may be relevant. The ACA code differs slightly from this structure, being divided into two parts: the first part containing a statement of principles and the second part explaining how the principles should be applied. The ASA code deviates from this pattern of combining general principles with appropriate interpretations. It consists of a greater number of clauses, each more specific in nature than the general principles articulated in the codes of the ICA, SAA, and ACA. The greater specificity of each statement reduces both the opportunity, and need for, interpretive statements. The SA code is substantially different from the other four. It is much briefer than the other codes, consisting of ten statements, all in the form of imperatives and unaccompanied by interpretive passages.

All of the codes use a primarily deontological approach to codifying ethics, relying on statements such as "archivists shall . . ." or "archivists must not . . ." The statements direct how archivists should behave, or, in some cases, they make a value statement about archives or archivists. The codes also tend to incorporate teleological statements, usually as a way of explaining the reasons for a certain archival practice, or in anticipation of a specific consequence arising from a mandated action. The following examples from the ICA and ACA codes show the teleological components of the statements in italics:

> Archivists should select documents to be kept or to be destroyed *primarily to save essential testimony of the activity. . . .*[26]

> Archivists arrange and describe all records in their custody *in order to facilitate the fullest possible access and use of records.*[27]

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[25] The lone exception to this among the national professional associations was the ACA. While it encourages all archivists to conform to the code, the ACA does not require members to adhere to the code as a condition of membership. The SA, SAA, and ASA have statements either within their code of ethics, or their society's rules and by-laws, that state members are obligated to adhere to the code.

[26] International Council on Archives, *Code of Ethics*, Code 4.

[27] Association of Canadian Archivists, *A Code of Ethics for Archivists in Canada*, C1.

Similarly, the SAA code uses teleological language within the commentary that follows each principle. As an example, the section "Research by Archivists" contains the statement, "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." This is a deontological statement directing archivists to make known their own use of their institutions' holdings. The commentary that follows uses teleological language to explain the desired end: "If archivists do research in their own institutions, there are possibilities of serious conflicts of interest. . . . The best way to resolve these conflicts is to clarify and publicize the role of the archivist as researcher."[28] This use of teleological language to comment on and clarify a previous deontological statement is particularly evident within the codes of the ICA, SAA, and ACA. The only code that does not use any teleological language is the SA code, which uses deontological imperatives exclusively.

The content of most of the codes is very similar, addressing archival concerns such as the protection of the integrity of records, records appraisal, acquisitions, and so on. Each has unique issues that earn extra attention within the codes, reflecting concerns that may have received greater consideration within particular jurisdictions. The American code draws a great deal of attention to the potential for conflict created by the personal research and collecting activities of archivists. The Australian code pays significant attention to issues involving receipt of benefits and potential conflicts of business interests, while at the same time giving inadequate space to description and discussion of the activities of archivists. There are both gaps and extraneous material in all of the codes. Only the ACA and ASA codes make any mention of deaccessioning records, and the only mention of providing a balanced range of services occurs in the SA code. There are statements in all of the codes that do not belong there, because they do not directly relate to a problem unique to the profession. All of the codes have a statement about archivists' professional responsibility to share knowledge among their colleagues. While this is a laudable aim, it is not one that is peculiar to archives, or even to professions in general. Similarly, three of the codes contain declarations that archivists do not discriminate based on race, religion, sex, etc., and that they seek to create a work environment free from these prejudices. Again, this is a laudable aim, but it is a very general ethical issue, not one peculiar to archivists. Despite their tangential nature, these clauses do not create major problems in any of the codes. Where such nonrelevant statements do appear, it is clear that they are well intentioned. They do not exist in sufficient numbers to support claims of self-promotion through the use of codes of ethics on the part of the professional associations.

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[28] Society of American Archivists, *A Code of Ethics for Archivists with Commentary*, Article X.

How successful are the codes in achieving their stated purposes? In terms of providing guidance for archivists, the codes do well. They touch upon all of the main ethical issues that face archivists. Although the focus of some of the codes is at times lopsided, this is not detrimental to the stated purpose of providing guidance. Most of the codes fall short when it comes to strengthening public confidence in the profession. This is a problem rooted in linguistics and ethical theory. The imperative deontological statements that predominate within the codes are well suited to providing professional guidance. They are not well suited for making the codes more accessible to users of archives and the general public. If one of the primary purposes of a professional code of ethics is to instill public trust and confidence in the profession, one of the ways this can best be done is by using the codes to explain the principles that govern professional behavior and practice. This must begin with an acknowledgment by professional archival associations that the public is one of the primary audiences for their codes of ethics. Furthermore, there is a need to place greater emphasis on the consequences of particular categories of actions and their desired ends. Public unfamiliarity with the nature of archival practice can make purely deontological statements confusing and essentially meaningless because they reference only the activity, not the intent behind it or the end it seeks. Compare the following two statements:

> Archivists endeavour to protect the intellectual and physical integrity of the records in their care.[29]

> Archivists should protect the integrity of archival material and thus guarantee that it continues to be reliable evidence of the past.[30]

Although the two statements are similar in intent, they are different in structure. The first statement taken from the ACA code is a purely deontological statement, while the second statement taken from the ICA code is a hybrid statement. The first clause is deontological, and the second clause is teleological. The ICA wording does a much better job of communicating the nature of the profession to the public at large, by clearly elucidating the motive behind the principle of protecting the integrity of records. Given the established unfamiliarity of the public with many archival practices, it would seem beneficial to explain the rationales that guide them. This is consistent with the earlier reference to Pettit's claim that teleological statements are more accessible because of the link they establish through the use of personal involvement.

The enhancement of trust is also hampered by the lack of any enforcement mechanisms within the archival profession. Even within those professional asso-

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[29] Association of Canadian Archivists, *A Code of Ethics for Archivists with Commentary*, B1.

[30] International Council on Archives, *Code of Ethics*, Code 1.

ciations that have procedures in place to discipline members who behave uneth-ically, little can be done. Unlike law or medicine, membership in archival asso-ciations is voluntary. There is no professional accreditation required to work as an archivist. In the absence of a college, or professional accreditation body, dis-ciplining of archivists for ethical transgressions becomes problematic. The only options available are expulsion from a society in which membership is not mandatory, public censure, or civil litigation. The first two options tend not to be effective measures, and the final option has other problems. Though it can be an effective measure, particularly if the ethical failure resulted in identifiable harm, civil litigation is both costly and time consuming. Additionally, it is resort-ing to statutory regulation of professional activity, instead of internal policing. This tends to delegitimize the profession as a whole, and it threatens the autonomy archivists need to make responsible ethical decisions.

If the societal benefits accrued from increased public awareness of archives and archival ethics and the corresponding faith in the trustworthiness of the profession are to be realized, archivists must also do their part. The principles and guidelines published in the codes are only meaningful if they are actually put into practice by archives. Archivists must strive to uphold ethical principles and demonstrate to the public that its trust is not misplaced. This requires an increased level of familiarity with ethics codes among archivists. This has not gone unrecognized by archival associations. At the same time as the ACA code of ethics was being drafted, the ACA Select Committee on Ethics recommended, in a report to the board of directors, that there be extensive efforts to promote education about ethics.[31] This is particularly important for new archivists who lack the wisdom of experience and must, therefore, turn to the code for guid-ance. The ethical landscape can be quite confusing. One's first venture into it should not be made without a roadmap.[32]

Conclusions

Ethics have an important role within the archival profession. The often-sensitive nature of the material we deal with on a daily basis creates a substantial potential for harm. Archivists must work within a well-defined ethical structure founded on archival and ethical principles if they are to minimize this potential for harm. The construction of such an ethical structure is complicated by the multitude of relationships in which archivists participate. The archivist must

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[31] ACA Select Committee on Ethics, *Recommendations of the ACA Select Committee on Ethics to the ACA Board of Directors* (Ottawa: Association of Canadian Archivists, 1993).

[32] The Society of American Archivists has just published a book that can help serve as such a roadmap. Karen Benedict, *Ethics and the Archival Profession: Introduction and Case Studies* (Chicago: Society of American Archivists, 2003).

consider how to best serve the needs of records creators, user groups, and the archival institution for which the archivist works. Often, these relationships have a temporal discontinuity. Records may have been created hundreds of years ago, but their creator still has needs that must be met. Similarly, potential users of the records may not even yet have been born; but their needs must still be taken into account when considering potential courses of action. These relationships are further complicated by the fact that it is possible for one body to exist as any combination of creator, user, and supervisor. It is of crucial importance for archivists to be able to disentangle these relationships, and deal with them in the best possible way, in accord with archival principles and ethics. To do this, archivists require considerably more autonomy than they now possess. With this in mind, we can justify seeking an increased degree of professionalism because of the increased opportunity it would provide to make independent decisions about the preservation, processing, handling, and use of records. It is important, however, that an increased capacity for public service remain at the center of this effort. Even the appearance of insincerity can damage public opinions about archives and archivists, and this can subsequently lead to a reduced capacity to serve society's needs.

Archivists need to give more attention to the composition and revision of codes of ethics. Codes of ethics serve many purposes and they should be constructed with those purposes in mind. Currently, archival codes of ethics include in their statements of purpose the goal of increasing public trust in the profession. Merely assuring the public that a code of ethics exists is not sufficient to warrant that trust. It must be demonstrated that archivists are adhering to the standards embodied within the code. The code must also be accessible to the public so that the public can verify for itself that the standards and practices enshrined within truly do serve its best interests. In support of this end, archival codes of ethics should make increasing use of teleological language that draws attention to the consequences archivists are trying to achieve on the public's behalf. Archival principles must be articulated within ethics codes in a way that promotes public understanding and trust of archives and archivists. Codes must be consistent and contemporary, devoid of self-serving or irrelevant content that might call into question the underlying motives for the promotion of the code. This necessitates greater participation within the archival community in the construction, revision, and dissemination of ethical codes and ethical thinking. Furthermore, the fostering of public trust cannot occur in a vacuum. Ethics codes must be a component of a larger outreach and education effort.

Finally, archivists must take responsibility for being aware of ethics codes that apply to them. Archival codes of ethics do not purport to contain solutions to specific moral dilemmas, nor should they. We cannot view ethics codes as being morality cookbooks. ("Mix two parts confidentiality, with one part intellectual integrity, bake until accessible, and garnish with a side of copyright

restrictions.") There is no recipe that we can follow. Ethics codes provide useful starting points on which to base moral reasoning that relates to specific dilemmas that occur on the job. This is as it should be. Ethical decisions should be considered thoughtfully, particularly if the archivist is going to be held accountable for that decision. Though ethics codes are normative exercises, they are ultimately addressed at assisting with problems in applied ethics. "Principles point the way—only people can travel the road."[33] Archivists must make an increased effort to educate themselves, and their colleagues, about their ethical responsibilities. Ultimately, it is the individual who must decide on a course of action, and it is the individual who will be held to account for that action. Neither ignorance nor incompetence is a valid defense of one's actions, or lack thereof. If we are going to stand guard before the arsenals of democracy, we should ensure that we know how to handle our weapons, so that we don't shoot ourselves in the foot.

[33] Barbara L. Craig, e-mail message to author, 22 April 2003.