

# Digesting the Raisins of Wrath: Business, Ethics, and the Archival Profession

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## Abstract

Can one be an ethical archivist and work for a corporation? Richard Cox, in his letter to the editor about the contested *Sun Maid* poster published on the cover of the Fall/Winter 2003 *American Archivist*, contended that this is not possible because of the tension between maintaining the integrity of the archives and the pressure to bury any information that casts an unfavorable light upon the corporation.<sup>1</sup> The purpose of this paper is, first, to argue that if it is challenging to be an ethical archivist working for a corporation, the challenge is not due to something inherently unethical about corporations, but to difficulties with the field of ethics itself. The secondary purpose is to suggest what can be done to foster continued improvements in the ethical climate of the archival profession in the face of these difficulties in the field of ethics.

## The Challenge of Business Ethics

Behaving ethically in business does indeed appear to be increasingly difficult—but this is *not*, as Cox suggests, primarily because the practice of corporate capitalism is controversial. Corporate capitalism is certainly controversial; there are many, like Cox, who attempt to controvert it—to criticize it. Corporate capitalism has given its critics plenty of fodder, with its

This paper is based on the author's presentation at the Society of American Archivists Annual Meeting on 4 August 2006 at the session "The Raisins of Wrath: Ethics and the Business Archivist." Editor's note: The session was a response to the debate about publication of the poster *Sun Maid* on the cover of the *American Archivist*. Artist Ester Hernandez manipulated the familiar corporate image on the Sun Maid raisins box in 1982 to protest dangers faced by farm workers in the grape fields of central California. Several corporate archivists questioned the use of a negative depiction of a corporation on the cover of our professional journal in a letter in the Fall/Winter 2004 issue. Richard Cox defended the cover in a letter in the Spring/Summer 2005 issue and questioned whether archivists in a corporate environment could adhere to professional ethics.

<sup>1</sup> Richard J Cox, "Letter to the Editor," *American Archivist* 68 (Spring/Summer 2005): 8–11.

many scandals. Yet scandal is not unique to corporations: every type of large institution in our society has had its share. At the time of the “Raisins of Wrath” debate, scandals were unfolding in the U.S. government, in academia, in religious organizations, and in other nonprofit organizations.

Violations of archival ethics both inside and outside of the corporate world also occur. Karen Benedict lists forty case studies of ethical issues in her book on ethics and the archival profession.<sup>2</sup> Among these, she draws eighteen from academia, eleven from nonprofits (mostly historical societies), six from state and municipal governments, and only one from the corporate world. The book does not argue that the proportion of the different case sources represents the actual incidence of ethical issues, but it would be fair to expect that if ethical issues were particularly prevalent among corporate archivists, then Benedict would have included more than one corporate case study.

Business ethics is challenging not because business is controversial; it is challenging because the field of ethics *itself* is challenging. In other words, the challenge has less to do with debate about whether corporate capitalism is good or bad, and much more to do with our understanding of *what it means to be good or bad*. Because of the lack of consensus within Western society, at least since Nietzsche, on fundamental issues about the meaning of life and definitions of good and evil, it should not be surprising that so many ethical problems appear to arise, and that any large institution that involves and affects many people would be controversial and sometimes mired in scandal.<sup>3</sup>

Without a consensus on such fundamental issues, contemporary ethics has difficulty providing generally acceptable answers to two basic, and related, questions: What is the right thing to do? and Why should we do it? To understand the challenges facing archivists who strive to be ethical, we first must understand why answering these two basic questions is so difficult.

### What Is the Right Thing to Do?

In a situation with any kind of moral complexity, it is difficult to determine today—to the satisfaction of a large group of people—what the right thing to do is. This is because a broad range of ethical theories exists, many of which have large groups of adherents, and most of which provide conflicting recommendations under certain conditions. These theories include ethical egoism,<sup>4</sup>

<sup>2</sup> Karen M. Benedict, *Ethics and the Archival Profession: Introduction and Case Studies* (Chicago: Society of American Archivists, 2003).

<sup>3</sup> Friedrich Nietzsche, *Twilight of the Idols*, trans. R. J. Hollingdale (London: Penguin, 1968).

<sup>4</sup> Thomas Hobbes, *Leviathan* (London: Thoemmes Continuum, 2003).

deontology,<sup>5</sup> utilitarianism,<sup>6</sup> justice,<sup>7</sup> virtue,<sup>8</sup> feminist ethics,<sup>9</sup> and ethical relativism.<sup>10</sup>

Each of these theories, while they do overlap, differs significantly in their implications. For example, the question of whether publishing the *Sun Mad* poster on the cover of the *American Archivist* was ethically the correct thing to do will depend on

- whether its consequences are likely to promote the greatest good for the greatest number or not (utilitarianism);
- whether doing so fulfills or violates a duty that the editors have to the membership (deontology);
- whether the action promotes or devalues the uniquely feminine aspects of the situation (feminist ethics);
- whether doing so promotes the strengthening of the archival community of practice (virtue theory); and so on.

But differing implications are only part of the problem. The other part is that the absence, as Richard Rorty has argued, of a foolproof, noncircular theory to prove that any wickedness, no matter how horrendous, is unethical.<sup>11</sup> He uses the example of Nazism. Why is Nazism unethical? Because it attempts to exterminate entire groups of people. Why is exterminating groups of people wrong? Because it takes the life of innocent people. Why is taking the life of innocent people wrong? Because it deprives them of their freedom to pursue their own lives. Why is depriving people of their freedom wrong? Well. . .because it's wrong. At a certain point, ethics needs some kind of foundational principles, and foundational principles (by definition) cannot be proven.

Certain foundational principles, or norms, do indeed appear to be self-evident, as MacIntyre has argued:

We cannot. . .conceive of a group of beings who would satisfy the minimal conceptual conditions necessary for us to characterize them correctly as a

<sup>5</sup> Immanuel Kant (1785), *Foundations of the Metaphysics of Morals*, trans. Lewis White Beck (Upper Saddle River, N.J.: Prentice Hall, 1995).

<sup>6</sup> John Stuart Mill (1861), *Utilitarianism* (Indianapolis: Hackett, 1979).

<sup>7</sup> John Rawls, *A Theory of Justice* (Cambridge, Mass.: Belknap Press, 1999).

<sup>8</sup> Aristotle, *The Nicomachean Ethics*, trans. David Ross, rev. by J. L. Ackrill and J. O. Urmson (Oxford: Oxford University Press, 1925, 1980); Alasdair MacIntyre, *After Virtue* (South Bend, Ind.: University of Notre Dame Press, 1984).

<sup>9</sup> Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, Mass.: Harvard University Press, 1982).

<sup>10</sup> Richard Rorty, *Contingency, Irony and Solidarity* (Cambridge: Cambridge University Press, 1989), and "Putnam and the Relativist Menace," *Journal of Philosophy* 90, no. 9 (1993): 443–61.

<sup>11</sup> Richard Rorty, *Consequences of Pragmatism* (Minneapolis: University of Minnesota Press, 1982).

human group where there was not rule-governed behavior, and where the norms which governed that behavior did not entail a norm of truth telling. . .<sup>12</sup>

People may lie a lot, but the lies themselves would have no hope of succeeding *but for* the fact that society holds truth telling as a norm. Such self-evident principles are few in number. MacIntyre lists norms of ownership and justice. Other possible principles, such as a prohibition on killing innocent people, are not self-evident. We *could* imagine a society where people do not hold that taking the life of innocent people is wrong. Such societies have existed in different times and places in the history of the world.

### Why Should I Do It?

Even if we could determine, reliably, the right thing to do, we then face the question of *why* we should care—why should we do the ethical thing? Each of the various theories of ethics listed above attempts an answer to this question. For example, deontology would say “because it’s the rational thing to do”; utilitarianism would say “because it will bring the greatest happiness to the greatest number.” But how convincing are these arguments? Why should we be rational? Why should we do the thing that leads to the greatest happiness for the greatest number? MacIntyre, immediately after making the argument quoted above, goes on to say that, while there may exist a norm about truth telling, the possibility of lying remains: “. . .the existence of the norm entails nothing in the way of guidance on any particular occasion of perplexity as to whether we should lie or whether we should tell the truth.”<sup>13</sup>

Three possible motivations for being ethical are

1. Because we fear the consequences of getting caught doing wrong;
2. Because we think that being unethical would make us feel bad;
3. Because we believe, very strongly, that by acting ethically we will live a happier and more fulfilled life.

How convincing is each of these motivations? For the first response, some people seem to be willing to trade off a potentially large reward against the risks of getting caught. For the second response, most people appear able to get used to almost anything—we may feel bad initially, but after a while the feeling goes away. The third response, however, is powerful—if we believe it. If we do, why would we jeopardize our happiness by acting unethically? But we do need to believe it to be true, and strongly enough so that when temptation arises, we do not succumb to it. And to believe it strongly, we have to believe that

<sup>12</sup> Alasdair MacIntyre, *A Short History of Ethics*, 2nd. ed. (South Bend, Ind.: University of Notre Dame Press, 1998), 95.

<sup>13</sup> MacIntyre, *A Short History of Ethics*, 96.

something inherent in the human condition makes things *work* for us and leads us to happiness when we are ethical, and doesn't when we're not.

Such a belief could arise from a religious or philosophical system, or it could arise existentially, from life experience. But absent such a belief, strongly held, it is hard to make a persuasive case in favor of being ethical in the face of any serious pressure in the opposite direction.

Does this mean that moral relativism is the only sustainable ethical approach? No, and there are two reasons why. First, moral relativism turns out to be useless in resolving any kind of conflict, because it is unable to determine whose norms should guide in a given situation—since it considers all to be equally legitimate.<sup>14</sup> Second, while it may be hard to prove that there *is* something inherent in the human condition, such that we live happier, more fulfilled lives when we do so according to certain ethical guidelines, it is equally hard to prove that there is *not*. Relativism assumes, without definitive proof, that such universal guidelines do not exist.

### **What Should We Do about This?**

At a personal level, we can benefit from examining our own most deeply held beliefs: Where do these beliefs come from? What do they mean to me? Is there something common to all human beings that leads us to be more fulfilled if we follow certain ethical guidelines? Do we indeed always live by our beliefs, or is there some other code that we live by under pressure?

At a group level—at the level of the community of archivists—we can take advantage of a few promising developments in the field of ethics. These developments are a retrieval of the ancient Greek idea of the good, and the related idea of virtue, or integrity; a stakeholder approach to ethics; and more effective systems for supporting ethical behavior.

#### *Retrieving the Full Meaning of “Good”*

The word *good*, when applied to people, has two basic meanings today, referring both to effectiveness and to ethics. A good (effective) doctor is effective at healing people, and a good (effective) bricklayer builds walls that do not fall down. A good (ethical) person does not lie, cheat, or steal. But the two definitions do not necessarily always go together: we can imagine a good surgeon who is “good” in terms of being proficient in surgery, but not “good” because he cheats on his taxes or abuses the nursing staff.

<sup>14</sup> For a comprehensive critique of moral relativism, see Andrew Wicks, R. Edward Freeman, Daniel Gilbert, and Patricia Werhane, “A Note on Relativism” (Charlottesville, Va: Darden Business Publishing, 2000).

For the ancient Greeks, the word *good* included both of these definitions simultaneously.<sup>15</sup> For them, the word good meant “suitable to one’s role in society,” and being suitable meant being both effective at something, so as to be useful, and ethical, so as to fit into society. By this definition, a “good” doctor would have to be technically skilled and also caring, supportive of the hospital staff, and honest. From this perspective, it makes no sense for someone to be effective but unethical.

More to the point, for our purposes, is that this notion of “good” as suitability to our role in society is helpful to us for defining what good is, at least as far as the archival profession is concerned. If we understand the role of the archivist in society, then the “good” archivist conforms to this role. From here we can work through ethical issues that arise.

The current *Code of Ethics* of the Society of American Archivists contains a list of nine principles.<sup>16</sup> One difficulty with this approach is that when tensions arise between different principles, it is hard to determine which one should take priority. If, instead, we begin with a shared understanding of the role and contribution of the archivist in society, the notion of the good that it implies will allow us to resolve any conflicts among the principles. Questions such as “Can one be an ethical archivist and work for a for-profit corporation?” can then be resolved by appealing to this notion of “good.”

### *Taking a Stakeholder Perspective*

Stakeholder theory is another development in the field of ethics that can be useful to the community of archivists.<sup>17</sup> Stakeholder theory advocates considering the perspective of every stakeholder in the community. In the case of the archival community, this could include donors, archives owners, subjects of archives, and the public. It should also include archivists themselves.

From this perspective, we might question Article IV of the code: “Archivists should not profit or otherwise benefit from their privileged access to and control of historical records and documentary materials.” Does this mean that members of the archival profession should work for free? We could understand that archivists should be prohibited from *abusing* their access to their archives, but is it really wrong to *benefit* from it, so long as such benefit doesn’t come at the expense of any other stakeholder or the reputation of the profession?

<sup>15</sup> MacIntyre, *A Short History of Ethics*, chapter 2.

<sup>16</sup> [http://www.archivists.org/governance/handbook/app\\_ethics.asp](http://www.archivists.org/governance/handbook/app_ethics.asp), accessed 30 November 2007.

<sup>17</sup> R. Edward Freeman, *Strategic Management: A Stakeholder Approach* (Boston: Pitman, 1984), and “The Politics of Stakeholder Theory: Some Future Directions,” *Business Ethics Quarterly* 4, no. 4 (1994).

The owner of the archives is another stakeholder. Especially in the case where the source of the materials being archived is also the source of the funding for the archives, such as a government or corporate archives, we need to consider what is *owed* to that stakeholder, not just what compromises it may provoke. A corporation, by creating and maintaining a corporate archives, arguably provides some benefit to society, not just to itself. What expectations can a corporation hold, as a stakeholder in a corporate archive? Can it expect that the investment it makes in creating and maintaining an archives will not, in the ordinary course of business, be used to harm the corporation? For example, the current code of ethics respects the right of the institution to set its own access policies and to protect its privacy.

#### *Support for Ethical Decision Making*

Finally, good progress has been made in designing support systems for ethical decision making, despite the theoretical failings in ethics. Or perhaps because of them: if we can't agree exactly on *what* is ethical, then let's at least try to provide good support in those areas where we *do* agree. The kinds of systems that appear to be useful include systems for community support, such as online discussion groups and hotlines; systems for disseminating ethics case studies and how they were resolved, because often the complexity is in the specific details of the situation; and mentoring programs. Some specific suggestions for the archival profession include

- Start an Ethics Roundtable as part of SAA—a listserv or website, where people can discuss ethical issues;
- Create an ethics case database. Benedict's book is a very good start. If her cases could be posted online and made searchable, and if members of the profession could be allowed to add to them, then members facing an ethical dilemma could look at what others have done in similar situations;
- Organize a mentoring program, where junior archivists could connect, even remotely, with a mentor who could advise them, particularly on ethical issues.

If being a corporate archivist poses any kind of ethical problem, this is not due to corporate ownership, but to problems with the field of ethics itself. This paper has proposed a number of concrete steps and raised several questions for further consideration to help continue to strengthen the ethics of the archival profession.