

ARCHIVAL ETHICS*

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In this talk, I hope to demonstrate why the newly-organized archival profession in Australia ought to place the question of machinery for dealing with problems of archival ethics high on its corporate agenda.

Three considerations motivate me in making this claim. First, I believe that interpersonal and interinstitutional conflict is inherent in the role of the archivist as we understand it and, that being the case, we need to take measures to contain and defuse conflicts which must arise. Second, the still fairly recent case of the Franklin D. Roosevelt Library in America, which brought the archival and historical professions into damaging conflict with one another, underlines the need to have protective machinery in ethical areas. And third, the formation of the Australian Society of Archivists gives scope to thoughts of a strategic occupation of certain misty ethical areas by the profession as a whole, both to defend its members and, on the positive side, to contribute to areas of public policy debate which impinge on archival ethics.

I would like to enlarge on each of these three points.

The Role of the Archivist

The popular characterization of the archivist as a dusty beetle lurking in dark basements is not in my opinion universally realized in reality. In fact, rather the opposite is true. The archivist, far from being someone who can avoid human contact, is by his or her role a negotiant and mediator. The archivist is often a broker who forms the compromise between government, wishing to say nothing, and science, wishing to know all. The archivist must divide the resources of the repository between the demands of the antiquarian, demanding ever more comprehensive indexes; the government departments, demanding ever more space for computer printouts and cheque butts; and the scholars, with their predilections for subcontracting their literature searches to unsuspecting archivists. The archivist in all these cases is the meat in the sandwich: habitually being squeezed, and living in anticipation of being bitten.

Mohammed's daughter was called Fatima; his followers were the Sunnites and those who came to venerate and deify her, the Shi'ites. Among the more successful of the Shi'ites was the Tenth and Eleventh-Century Tunisian dynasty of the Fatimids, whose control spread across the north of Africa and through Mediterranean regions including Sicily. In 972 the Fatimids founded Cairo, and in the records of the highly-cultured bureaucratic elite which flourished there, Dr Posner has found the first detailed job descriptions of registrar and archivist, complete with procedural instructions, requiring three-yearly transfers of records to archives; monthly bundling of files; registers including dates and abstracts of incoming letters; and many other familiar features. Adjunct archivist Ibrahim of the Fatimids has the distinction of being perhaps the first records archivist to get into strife and to have

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need of ethical guidance; unfortunately there does not seem to have been a Fatimid or Shi'ite Society of Archivists to assist him. What had happened was that a wealthy merchant had endeavoured to bribe him to alter the place of his tax file in the stacks. Torn between his obligation of service to the user and his compulsion towards *respect pour les fonds*. Ibrahim decided to do in the merchant, and was duly rewarded for his probity. It seems to me that this story does illustrate just how inseparable the archival role is from conflict—in this instance between the pressures emanating from government and those from a member of the public.¹

I will go on later to show that many of the problems which I see as inseparable from the role of the archivist quite properly belong to the area of professional ethics, being of the kind which are too particular to be controlled by law, by-law or regulation, but too general to be regarded solely as a matter for the individual judgement of the archivist concerned.

The F.D.R. Library case

The F.D.R. Library case is sufficient reason in itself for archivists as a group to become sensitive about ethics. To refresh your memories, this is what happened. In 1968, Professor F. L. Loewenheim of Rice University charged that he had been improperly denied access to a file containing letters from W. E. Dodd, American Ambassador to Germany, to F. D. Roosevelt in 1933-34. From this charge, the case accelerated into disaster:

Before he was done Loewenheim had not only questioned the integrity of employees at the Roosevelt Library, but of officials at the National Archives, directors of Harvard University Press, and officers of the American Historical Association as well. When several other historians allied themselves with Loewenheim, the *New York Times* and other newspapers publicized the controversy and a congressional investigation into archival procedures became a real possibility. The dispute . . . has severely jolted the historical and archival professions . . .²

Among the charges which Loewenheim made were that

- The archivists involved were 'devious', 'dishonest', and had 'acted with no straightforward integrity' in failing to show him the file containing the Dodd letters. (There is some doubt as to whether he actually requested the file, but he argued that it should have been produced for him in any case.)
- The motivation of the archivists in withholding this material was that the Library itself was editing a three-volume work, *Franklin D. Roosevelt and Foreign Affairs*, and wished to monopolize the publication of the Dodd letters.
- The Library had deliberately failed to notify scholars of its publication project.
- The archivist in charge of the Library's publication project was 'not a competent or formally trained scholar or editor.'
- The Library and Harvard University Press were conspiring to achieve 'a giveaway of public property' by contracting to publish and copyright material in the public domain.
- He had incurred losses of several thousand dollars by the time

wasted on research at the F.D.R. Library, for which he should be compensated.

I don't wish to canvass any further this involved and fascinating business, but only desire to draw two points from it. First, as Herman Kahn has pointed out,³ it was enormously destructive to relationships between scholars and archivists. And second, it underlined the way a conflagration could arise and spread in the absence of appropriate machinery for dealing with it. As one commentator asked,

What responsibility do professional associations have in cases of this sort? The Leopold Committee accepts the view that their proper function is one of mediation . . . to try to discover whether there may be a basis for agreement between the parties, and failing that to investigate the validity of the accusations with concern for justice to the accused as well as to the accuser. The other side of the coin . . . is that professional groups must create the machinery to deal with such complaints. In 1969, however, no such machinery existed . . .⁴

Formation of the A.S.A.

It seems to me that the formation of the Australian Society of Archivists gives an opportunity and a framework for looking at ethical problems confronting archivists. I think that this aspect of professional organization is one of the fundamental *raison d'être* of the exercise. This is recognized by Rule 3 (3) of the Society, adopted in Canberra on 5 April last, stating that one of the basic objects of the Society shall be 'to establish and maintain standards of archival practice and administration and of professional conduct amongst archivists'.⁵ A gloss to this rule is provided in Newsletter No. 3 of the steering committee which preceded the formation of the Society, as follows:

The addition of 'and professional conduct amongst archivists' is suggested to cover an area raised at a very early meeting (in Canberra in 1973) and never followed up in debate, but which the SC feels is a legitimate area of concern for a society of archivists.⁶

The adoption of the rule at the inaugural meeting, incidentally, appears to have been one of the more divisive of the issues at the meeting, since the votes of those present fell 34 for to 21 against; the total vote, including absentees, being 47 to 24. This degree of division was unusual at the meeting and followed an exchange between Douglas Bishop and Michael Saclier in these terms:

Mr Bishop asked how it was proposed to maintain standards of professional conduct. The Chairman replied that like other matters it would be a matter of moral suasion. The intention had been such and he envisaged that the Society would develop and define such standards . . .⁷

Thus, to draw this third point together, it seems to be the case that an ethical role for the A.S.A. has been forseen by its founders from the outset, but that a substantial minority of them are in doubt about the propriety of that role. Perhaps the spectre of a moral oversight of the destructive kind depicted by Arthur Miller in *The Crucible* is what haunts this minority.

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Having, as I hope, established in a general way why archival ethics need looking into, I would like now to take a different tack and specify at a more detailed level some of the typical ethical dilemmas which

confront archivists in the course of conducting their professional activities. Under this general heading, I should like to look at archival ethical problems arising in accessioning, records management, processing, reference services and publications, and purchasing; and also at public policy areas of a more general type in which considerations of archival ethics are involved.

Accessioning

Hypothetical problem No. 1: The archives of the University of Gulargumbone is the recognized centre for the collection of the diaries and belles-lettres of bullock-drivers. Should the archivist at the University of Woop Woop (a) accept or (b) solicit this class of material?

Hypothetical problem No. 2: The Black Stump Historical Society employs a fully-qualified archivist in an adequate building. For many years the records of the Black Stump gold wardens, petty sessions courts and hotel licensing courts have been housed there and are in daily use by members of the Society. Black Stump is 350 miles from the State Capital. The public records act sanctions the transfer of the records to the new office at the capital. Should the central archivist pursue the Black Stump records? Should the Black Stump archivist resist?

Hypothetical problem No. 3: Professor Whiskey, of the History Department, University of Gulargumbone, has acquired the papers of ex-Premier Witless. He agrees to deposit them at the archives on condition that he has exclusive use of them for his lifetime. Should the archivist accept?

Records Management

Hypothetical problem No. 4: The Ministry of Truth proposes destruction of all files dealing with the liquidation of dissidents. The Ministry is influential and its co-operation is vital to the success of the programme of records management. Should the archivist comply?

Hypothetical problem No. 5: Evaluation of the sectional correspondence files of the Department of Circumlocution would take seven man years. The probability is that less than one per cent should be kept, but that one per cent is vital. The Department proposes destruction. Should the archivist comply?

Hypothetical problem No. 6: The Cheque-Butts Division of the Department of Bureaucracy is understaffed. It hasn't time to check that all butts have been properly countersigned. It wishes to deposit 8,000 running feet of them for seven years owing to the statute of limitations. Ought the archivist agree?

Processing

Hypothetical problem No. 7: Professor Brandy, a member of the archives advisory council of Gulargumbone, is researching the nesting habits of budgerigars on a ten-year Commonwealth-funded project. Processing of quarterly budgerigar returns has a low priority. Should the archivist change it?

Reference Services

Hypothetical problem No. 8: The Chief Archivist of the Gulargumbone Archives hates Dr Blotto of the University. He accuses him of

damaging records, and delays his photocopying orders. Reflections on the integrity of the staff appear in the press. Have the staff any redress?

Publications

Hypothetical problem No. 9: A member of the staff proposes to publish a work on bush lawyers. He takes documents home in the meantime, and returns them in disarray. There is no proof of this. Researchers complain. What can the staff do?

Hypothetical problem No. 10: Louis Lukewarm, an archivist, prepares an article on the administrative history of the Ministry of Truth. It is published under the name of the Senior Archivist. The Senior Archivist maintains that it is Lukewarm's job to 'assist' him. Lukewarm considers he has been plagiarized. Has he any redress?

Purchasing

Hypothetical problem No. 11: The Purchasing Officer of Woop Woop Archives becomes indebted to Chump and Co. He orders five of their laminating machines. A shrewd archivist places a document in the machine and when he removes it, it is a two-inch cube covered with chocolate and coconut. The archivist submits a memorandum arguing that the machines are unsuitable and are really lamington machines. Despite this, the Purchasing Officer orders more at the end of every financial year. Should the staff dissent?

General Public Policy Areas Impinging on Archival Ethics

Here I wish merely to argue that there are frequently areas of general public policy in which the archivist has special qualifications to contribute to public debate. You will recall that Jenkinson made much of the defensive roles of archivists—moral defence of archives, as he put it, and physical defence of archives. The contribution archivists can make to policy formation is the reverse of this: the aggressive side of professional activity, as opposed to the defensive side. Some such contributions are not especially ethical in content. For instance, archivists will wish to contribute to debate surrounding archival legislation, or regarding organizational forms, buildings and overall operational policies concerning archives, to the extent that the conventions as to public comment of his sector of employment will permit them. But there are some areas of public policy debate to which archivists have a special ethical contribution to make. These are exemplified by the two particular *causes célèbres* which have been to the fore in our own most cognate political systems in recent years. They are first the debate on privacy, and second, which is possibly a logical opposite of it, the debate on open government. Archivists know more about the realities of these issues than most people do; they should contribute on this basis.

On the first issue, I would like to quote a writer in the *American Archivist* who wrote that

The archival profession, through the Society, should make a collective contribution toward a humane standard for data collection and dissemination. The experience of archivists and records managers should be communicated to the Congress through the Society of American Archivists . . . Will archivists expand their concern for ethics beyond searchroom integrity to this profound public issue?²⁸

As another writer in the same journal has recently pointed out, this privacy problem has reached a particularly serious stage for archivists with the growth of interest by researchers in sampling case files. This writer considers that

Policy formulation is the most difficult and most important task for the archivist who controls records with vast potential impact on individual lives. The archivist has the immediate responsibility for maintaining rigorous standards in the protection of personal privacy on behalf of persons who may be unable to assert their rights—because they are legally incompetent to do so (children; institutionalized persons) or because they are unaware that records involving them have been transferred to an archives. Professional ethics far beyond the vaguely formulated archivists' code are demanded to meet this responsibility.⁹

I might add in this connection that in my own experience with case files I know of material, in some cases on open access, which reflected on the practices of a leading businessman; reflected on the morals of a prominent clergyman; could damage the reputation of a famous sportsman; concerned the private activities of a fellow archivist. The danger to privacy concerns not only the helpless and inarticulate but also the influential person and the average man. I might add that in my view it would be unethical to prepare an index of cases like those just mentioned, or to unnecessarily advert to them.

The second issue is that of open government. As with the issue of privacy, archivists should contribute to this debate because they know more about what is involved than most others do. They certainly know more about it than academics do, for example, though academics have been quite appropriately setting the pace, along with journalists and one or two politicians. By way of illustration of this point, I would like to mention an exchange which took place in the *Canadian Journal of Economics and Political Science* in 1965-66. Professor D. C. Rowat, in one of several articles he wrote at that time,¹⁰ strongly advocated a reduction of administrative secrecy. Professor K. W. Knight, of the University of Queensland, replied in an article called 'Administrative Secrecy and Ministerial Responsibility'.¹¹ Although the major thrust of Knight's argument was the difficulty of reconciling open government with the principle of ministerial responsibility characteristic of the Westminster system, an important subsidiary argument related to the practical problems of writing 'for the record', of not committing details to paper, and of file arrangements which this policy would mean. In building up this part of the argument, Knight drew on Schellenberg's *Modern Archives* as one of his sources. This illustrates the contribution of archivists to policy debate about open government. To complete the symmetry, I should add that when in Victoria the Public Records Advisory Committee was set up to advise the State Librarian on possible public records legislation several years ago, we were able to feed one of Rowat's articles on open government into the pipeline, and its mark can be seen on the Act. A reference to the article will be found in the bibliography of the Report of the Public Records Advisory Committee. This is the sort of interplay which gives the study of public policy formation its interest. From the point of view of the archival profession, however, there is an important contribution to be made by the profession to discussions about open

government, and that contribution, I submit, is not only a technical one but also an ethical one.

By way of analysis, one may draw from the above examples the conclusion that the following areas of archival ethical conflict are worthy of attention:

- resolution of demarcation disputes
- equality of archival provision¹²
- prevention of conflict of interest
- prevention of undue influence
- prevention of plagiarism
- prevention of monopolization
- prevention of discrimination towards staff
- protection of privacy
- loyalty.

There are no doubt other principles as well, but this list might suggest the sort of general categories which can be constructed from the cases with which we are all familiar at the specific level.

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Machinery for Dealing with Ethical Questions

How can archivists provide suitable machinery to contain ethical problems in such a way as to avoid the destructive conflicts which can arise if they are neglected? Three broad lines of approach (not necessarily mutually exclusive) suggest themselves to me. They are (1) an ongoing process of review and tightening of laws, by-laws and regulations in such a way as to minimise these conflicts which arise from lack of clarity as to roles, rights and responsibilities; (2) the development of a formal code of ethics; and (3) the use of Society policy statements in areas which from time to time become sensitive. I would like to spell out these three approaches in a little more detail.

The F.D.R. Library case might have been substantially lessened in its damage had the researcher been required by by-law to sign a statement acknowledging that the library was not responsible for any act or omission by its employees or for any financial loss claimed by the researcher in consequence thereof. This by-law, had it existed, would have removed the scope for some parts of the conflict. Similarly, we do not have to refer to bribery in discussing ethics, since bribery is illegal. The position is clear cut. Demarcation disputes between rival collecting bodies do not arise if there are formal agreements as to spheres of influence among the bodies.

Thus the first place to look in trying to anticipate and avoid ethical conflict in the archival field is to ensure the consistency and comprehensiveness of the formal rules in the area. (I am not pretending that such a process does not itself pose serious problems: What is a fair regulation? Who should be represented in framing regulations? Should there be appeal provisions? etc.)

Professions frequently employ explicit codes of ethics which seek to define as far as possible the ethical dilemmas typical of the profession, and suggest lines of action for the member to take. Many of these codes of ethics are for professions characterized by self-employment rather than bureaucratic or academic employment. One code which is of relevance to archivists in government employment

is the 'Draft Code of Ethics for Public Servants' prepared by the A.C.T. Regional Group of the Royal Institute of Public Administration in 1965.¹³ Although never formally adopted, it is often referred to, as in the recent case involving Sir Frederick Wheeler. A number of its suggestions are equally applicable to archivists.

A code of ethics specifically for the archival profession was developed by the U.S. National Archives and Records Service in the 1950s,¹⁴ when knowledge of it was one of the criteria tested in the Service's recruitment examinations. This code, known as 'The Archivist's Code' is much briefer than the R.I.P.A. Draft Code of Ethics, and has in recent years drawn criticism from American archivists for its inadequacy. The basic problem with ethical codes of a formal nature is that if they are sufficiently brief as not to be unwieldy, they are likely to be trite; and common sense suggests moreover that the persons most in need of ethical guidance are those least likely to pay any attention to something such as a code of ethics. Further, a formal code is rigid whereas attitudes change with time. Unless there is scope for adaption and modification, such codes can become stale, unpalatable, and even inedible, like lost lamingtons forlorn.

Despite my reservations about them, I do think that such codes can serve two useful purposes. In the first place, they are useful as a training device, for promoting discussion among professional trainees as to some of the more difficult problems they are likely to face in their future careers. And second, they can, after the feathers hit the fan, provide benchmarks or points of reference by which to assess behaviour which has been questioned. The Wheeler case, already mentioned, comes into this category.

The use of sporadic policy statements on matters of concern will no doubt appeal to those who prefer the tradition of adhocery to that of universal codification. The beauty of them is this, that whereas a code of ethics in seeking to be exhaustive covers each aspect rather briefly, a policy statement can be focused on the crux of a question and deal with it much more adequately. Such statements are employed by archival professional organizations in both England and the U.S.A. An example of the former was 'Local Authority Archive and Records Management Service in the Metropolitan Areas—A Policy Statement circulated to Members of the Society of Archivists' (November 1972),¹⁵ while an example of the latter was the resolution adopted by the Society of American Archivists in late 1973 opposing discrimination against 'minority group members and women'.¹⁶

Areas in the recent past in Australia where such policy statements from archivists might have been appropriate would have been the public debate over the question of whether census returns ought to be destroyed; the debate as to the conditions under which cabinet papers ought to be opened; the debate as to the terms in which the Victorian Public Records Act ought to be framed. These are all 'ought' questions; all have ethical as well as technical and political dimensions.

Whichever style of activity may be preferred, it does seem to me that archivists do have collective ethical concerns, which it is a proper function of their professional organization to deal with. I do not wish to canvass the question of precisely how, but committees,

resolutions, draft documents and similar paraphernalia are no doubt, regrettably, involved in it. Despite these unpleasantly bureaucratic implications, the task of collective attention to the ethical dimensions of archival work appears to me to be one which should not be unduly delayed lest we find ourselves in this as in other ways following a lamentable U.S. example, in this case that of the F.D.R. Library.

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