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Ethical Issues Faced by The Archivist While Working On Personal Archives

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Ethic is one of the main concerns of our profession. Dealing with a lot of private, personal and secret documentation causes us to act with a great deal of responsibility.

Because of this, many codes of ethics have been written throughout the years by bodies like archival organisations and also by colleagues.

The main focus of these works is the exposure and accessibility: what to give away, how much and to whom. Many of the problems in this field are caused by the institutional producer; mainly governments, ministries of defence, etc.

But there are problems which arise also at the creation of the material and in the evaluating process. These problems arise mainly in personal private archives, because when arranging such archives we also create documentation and not only arrange old documents.

One of the basic issues dealt with in the archival scene is Ethics. Archivists have to act according to rules of ethics at nearly every aspect of the profession. The Code of Ethics enables the archivist to make independent decisions and enable him/her to behave accordingly.

Professional decisions based on the ethical rules benefit the profession and the historical research.

But after all this, it is the personal and ethical confrontation of the archivist versus the documentation.

Most of the papers dealing with ethics put an emphasis on the users and their access to the material. Elena Danielson, on her paper on ethics¹ speaks about problems generated by privacy and the changes of the codes of ethics which have occurred during the recent years in the subjects of exposure and access. She also deals with the problem of giving advantage to some researches because of their political views, their closeness to the establishment etc.

In addition, Karen Benedict in her paper “Archival Ethics”² emphasizes the access and exposure. This issue is also referred to in the book of Heather Macneil “Without Consent”³.

The codes of ethics are also dealing mainly with privacy and access.

In their paper “Implementing the ICA Codes of Ethics: Experiences and Challenges”, presented in the International Congress on Archives, Vienna 2004⁴, the authors give us the main cases and milestones which had led to the ICA Code of Ethics and most of them deal with the rights of access and privacy.

Our main contribution to society is establishing an archive or an archival division, by means of acquiring, registering, evaluating, cataloguing and giving the public access to archival material.

Acquiring, evaluating and disposal of archival material have to

1. Elena S Danielson, The ethics of access, American Archivist, Vol. 52, No. 1 Winter 1989, pp. 52-62.

2. Karen Benedict, Archival Ethics, Published in Managing Archives and Archival Institutions (Ed. James Bradsher), The University of Chicago Press, 1989, pp. 174-184.

3. Heather Macneil, Without Consent, The Ethics of Disclosing Personal Information in Public Archives, The Society of American Archivists and the Scarecrow Press Inc. Lanham Maryland, and London 1992.

4. Margaret Turner, Karen Benedict, Yvone Bos-Ropes, Diane Carlisle, Implementing the Ica Codes of Ethics: Experiences and Challenges, Paper given to the International Congress on Archives, Vienna 2004.

be taken place objectively and professionally.

In this paper I shall try to focus on ethical issues in a certain type of archives, the personal archives. This issue concerns me because many of these archives are collected and created by or with the finance of a sympathetic body. It may be a presidential library, a family of the figure, which donates the papers with a good sum of money, or in more extreme cases, the family hires an archivist to create the archive at the personal mansion of the figure.

Here are some case studies:

Case N. 1

A very important political figure in Israel passed away shortly after he retired from the political life. According to the law, the government sponsored office services to his widow and allocated money for his commemoration.

The widow hired a professional archivist to create an archive which would be dedicated to the memorial of her husband.

The archivist wanted to make some oral history and prepared a list of persons to interview, amongst them political opponents and enemies, in order to get a full picture and whole documentation for the future researchers.

Since each of the interviews is cost effective and the money is given to the archivist by the family, regardless of the governmental funding, the archivist had to get the widow's approval.

She, keen to preserve a positive image of her late husband, rejected the "enemy" interviews. Therefore it turned out that public money was used selectively and against the principles of professional ethics. The result is that the future researchers will get incomplete information.

The archivist is facing a major ethical problem: will he stand against the widow and her family? Will he inform the state, the state archivist about it? Will he scarify his income?

Case N. 2

This example deals with a love letter:

A very important political figure had an extra marital love affair. It was in the beginning of the 20th century when people wrote love letters and the "Delete" button did not exist. In the love letters he expressed his opinions of other important persons and he gave, from the bottom of his heart and in very intimate way that we can't read in other letters, some ideas about them.

The archivist who is in charge of building such an archive faces different ethical problems, because after all we are concerned with the image of the person with whom the archive has to deal. It could be a president of the USA or a writer or a poet.

The archivist is keeping some secrets which may break myths. There are political and financial pressures by bodies and families which are keen to preserve a certain image which had been cultivated by the person him or her self through a positive media. When the archivist begins to arrange such an archive, to create some oral documentation and to destroy "surplus" documents, what are the limits and where is the professional "red line" that he or she must not cross, even at the price of the position?

HASPEL, Benjamin, Questioni etiche che si pongono all'archivista che lavora su archivi privati, Atlanti, Vol. 16, N. 1-2, Trieste 2006, pp. 85-93.

L'etica è uno delle principali preoccupazioni della nostra professione. Dovendo aver a che fare con materie di carattere privato, i documenti di natura personale e segreta ci pongono a dover agire con molto senso di responsabilità.

A causa di ciò, negli anni sono stati redatti molti codici etici, sia da enti quali le organizzazioni archivistiche che da colleghi.

Il tema principale di questi lavori è l'accessibilità: cosa dare, quanto dare ed a chi. Molti dei problemi in questo campo sono causati dal produttore istituzionale, soprattutto i governi, i ministeri della difesa, ecc.

Ma ci sono pure problemi che insorgono al momento della creazione del materiale e nel processo valutativo. Questi problemi sorgono in particolar modo negli archivi privati, dato che al momento di organizzare tali archivi noi creiamo anche documenti nuovi, e non mettiamo semplicemente a posto quelli vecchi. L'archivista che abbia l'incarico di costruire un archivio del genere si trova a dover far fronte a diversi problemi etici, dato che dopo tutto noi abbiamo a che fare con l'immagine della persona cui l'archivio si riferisce. Potrebbe essere il presidente degli Stati Uniti, così come uno scrittore, od un poeta.

L'archivista custodisce segreti che potrebbero far crollare un mito. Vi sono pressioni di natura politica o economica da parte di enti o famiglie che conservano accanitamente una certa immagine così come è stata coltivata dalla persona stessa per mezzo di un favorevole trattamento da parte dei mass media.

Quando l'archivista inizia a mettere a posto un archivio del genere, a creare alcuna documentazione orale e ad eliminare documenti "in surplus", quali sono i limiti e dove la "linea rossa" professionale da non superare, anche a costo della propria posizione?

HASPEL, Benjamin, Etična vprašanja pri delu z osebnim arhivom, Atlanti, Zv.

Arhivisti se pri delu v arhivu srečujejo tudi z etičnimi vprašanji. Pri urejevanju dokumentov, se srečujemo z zasebnimi, osebnimi in tajnimi podatki, ki zahtevajo od nas posebno odgovornost. Zato vsebuje zakonodaja tudi etične navedbe, ki so jih pripravljala različna telesa in arhivski tovariši. Glavni problem je v nevarnostih, ki jih arhivist srečuje in v dostopnosti do arhivskega gradiva. Mnoga etična vprašanja izvirajo iz institucij, nastajajo pa tudi pri nastanku arhivske dokumentacije in pri vrednotenju dokumentov. Avtor naštevava nekatere vidike, kdaj nastajajo etična vprašanja in kdaj pri delu pridemo do »rdeče črte«, ki je ne smemo prestopiti.

The archivist who finds those letters, usually hidden at the figure's office and unknown to the family, faces an uneasy dilemma: On the one hand there is a valuable source of information and political views that the figure shared with his most intimate companion and on the other hand, bringing this information to the family would create a severe personal crisis to the widow and children of the figure.

The problem is not only that of the archivist but also of the state which provided the money.

Case N. 3

The figure wrote a personal diary. His son found the diary. He published it after editing. The archival ethics were none of the son's concern. His main goal and interest is to maintain a good impression of his father and the family.

The ethical problem had to be solved by the state archivist since all the documents created by the father during his regime belong to the state, but the actual fact is that the diary is kept by the family which could destroy it.

Should the diary be kept by the family? Can the state force the family to surrender the diary to the State Archive?

Case N. 4

The archive is created by an institution and contains material which is donated by the family. The family wants to get involved in the evaluation of the archive. For them it is conditional.

The problem increases when money is involved. Should the archive accept the documents which are very important?

This four cases show us only some aspects and ethical issues that we, as archivists and archival institutions, have to cope with when receiving a personal archive.

A public figure belongs to him/herself but also to the nation. Usually there are rigid rules concerning the fate of the documents created by the figure during his/her public life. This regards the documents created at the office but also at home after the ending of the public career (and we know that old politician never die...).

What possibilities do we have, as archivists, to cope with those problems and how much can we be flexible in order not to harm our working position?

Summarizing the problems, we may group them into three

main issues:

1. Policy of acquisition. It means the whole process of deciding which figure will be archived.
2. The personality and moral values of the archivist.
3. The strength and authority of the state and the state archivist in implementing ethical rules and archival laws upon private institutions, families and archives.

Policy of acquisition:

The main criteria are the importance of the figure to the society, the place and the environment in which he or she acted. But as we are going further into this issue we see how flexible it could be.

Prof. Paul Alsberg, The state archivist of Israel on the 1960's and 1970's, gives six criteria that we use when deciding to archive a distinguished figure⁵:

1. When the archival material replaces the official documentation.
2. When the archival material is supplementary to the official or institutional material.
3. When a whole institutional archive is in private hands.
4. When the personal papers reflect or are a part of an ideological debate.
5. The person is a cultural figure such a poet and he or she is not a part of the political or institutional establishment.
6. It is a family biographical archive and the documents reflect the way of life of the person whom we want to archive.

Uri Algom, the former head of the IDF Archive, thinks that we have to add the following criteria⁶:

1. The relevance of the archival material to the context of the receiving archive.
2. The potential danger to the physical condition of the documents.
3. Providing easier access to researchers.

In 1955 Israel accepted the Archival law. Prior of the resolution there had been a debate in the Knesset (Israeli Parliament) about the definition. Members of the Knesset like Izhar Smilansky asked themselves who is a "distinguished person", such that the state archive would take care of their documents and what is the authority of the state archivist in creating the "list"⁷. It seems that this question remained unsolved. In the course of time another law, the law of commemoration of presidents and prime ministers (1980), put into frame the preservation of the documents of these figures.

But when we go out of the theoretical way of thinking into the field, we come upon the words of Zohar Alufi, the former city archivist of Haifa, Israel⁸.

5. Paul Alsberg, The acquisition policy of Archival Material (In Hebrew), Yad Lakore, August 1993, pp. 44-47. Yad Lakore is the Journal of the Israeli Librarians Association.

6. Interviewed by the author, 22 August 2006.

7. Minutes of the Knesset Committee on Education and Culture, 04/02/1954. This committee had made the hearings relating to the Archival Law.

8. Zohar Alufi, Private Archives in Archives of Israeli Local Authorities (In Hebrew), Arkhiyyon No. 8, Reader in Archives Studies and Documentation, Israel Archives Association, Jerusalem 1995, p. 98.

When asked whether her archive maintained a policy of choosing which figure to archive or was it arbitrary, she answers simply “so and so”. It depended on the willingness of the family to donate the documents.

Experienced archivists can add also the availability of spare shelving space and of course, money and resources.

We all know that archiving personal documents consumes many financial resources. Therefore the main criteria applied to decide which figure will be archived are not mentioned in the papers cited above. And money, as we know from our experience in other parts of our professional and non professional aspects of life, faces us with many ethical problems.

It seems that these problems increased in recent years when we faced fewer resources and much more documentation to deal with. Thus we need to rely more and more on donations from the private sector, which also includes the families which donate the documents.

In a paper presented by Herb Hartsook at the ICA section on Universities and Research Institutions Archives, In the University of Michigan⁹, he presented the methods of fund raising from non-institutional bodies and persons, and this by creating friends societies (mainly of rich peoples). I am afraid that these societies, when gaining force upon the archive, will interfere with the professional policy including the decision of what will be archived.

Hartsook also shows the link between donors of money and personal documents:

“Donors of collections are likely prospects for monetary contributions. Collecting the papers of contemporary legislative leaders creates remarkable opportunities for fund raising. Our typical donor is living, well to do or wealthy, usually skilled themselves at fund raising and possesses remarkable contacts with people of wealth. Your donors are invested in your program through the gift of their papers and their contacts with the repository staff...your donors may also be happy to help raise money to support repository program. “

When reading this paragraph we shall easily come to the conclusion that rich families get priority in archiving personal papers. More than that, even when the figure does not comply with the objective criteria (as those mentioned at Alsberg’s paper) we shall get the papers together with the money and these papers will consume space and resources at the expense of documentation created by a poor but very important poet who died long ago and his/her family also faded away. So the famous Jewish proverb “money decides” is catching also here.

Another factor which influences the policy of the archive

9. Herb Hartsook, Fund raising for Archival Programs, In ICA Section on University and Research Institution Archives, 2005 Seminar Proceedings, Michigan State University, September 2005, pp. 87-90.

when deciding which personal archive would be acquired is the political and social environment that surrounds the archive. Is it a democracy that enables freedom of speech and expression of opinion? Or is it a non democratic society where we, archivists, have to act according to the will of the ruler? Can we, in a non democratic state, invest resources in searching, collecting, freely evaluating and giving access to documents of an oppositional person?

Can we do it without risking our job? Without being ourselves “marked”? And on the contrary, how will science relate to an archivist who is a “yes-man”, who evaluates and creates a selection policy according to the ruler’s will? Shall we relate to him/her as we nowadays relate to the artists of the communist regime or more extreme, to the artists of the Nazi regime who were drafted to the benefit of the dictator? Will such archivist preserve also the non doctrinal information for the posterity? Something of the mood towards archives of the Stalin time in the USSR can be seen in the paper of Serhy Yekelchuk. He gives an example of the interference of Nikita Khrushchev who removed documents from the archives in the Ukraine before leaving to Moscow as the General Secretary of the whole Soviet Communist Party¹⁰. What can the archivist in charge do?

A third factor which influences the policy of selecting a figure to archive is our emotional feelings as individuals and society to the figure. In Israel there were a number of Presidents and Prime ministers, some of them distinguished persons and most of them mere politicians. It seems that the way we relate to their commemoration is influenced, among other things, by subjective feelings as individuals and society.

A prominent example in Israel is the late prime minister, Yitzhak Rabin, who was assassinated in Israel in 1995. Did feelings of guilt, sorrow and regret cause the nation and the society to give many more resources (and even a special law) for his memorial and archive than those invested in the commemoration of the 2nd prime minister, Moshe Sharett, who died peacefully long after his resignation from office? Is this the reason why the archive of Rabin resides in a huge building and the archive of Sharett is in a small apartment? Do we have feelings of unrest when thinking about ethics with relation to these archives?

The second area where there are ethical problems related to archives is the archivist.

We, archivists, are the same as all individuals. We have our feelings, emotions, political views, personal views on the society etc.

We are honest. Some of us are racist, some of us are chauvinists, some are progressive, some are conservative, some are religious, and some are secular. It is obvious that a member of the Ku Klux Klan will not work on the archive of the rev. Martin Luther King. But even without going to extreme we can see a whole spectrum of

10. Serhy Yekelchuk, *The Archives of Stalin's Time: Political Use, Symbolic Value and the Missing Resolutions*. *Comma, International Journal on Archives*, 2002, No. 3-4, ICA, pp. 83-91.

unsolved ethical questions. Who will work on an archive of a Native American leader? Will it be a Native American archivist? Will it be a white archivist? Will some feelings of guilt or some sympathetic (or unsympathetic) feelings be involved in the professional work? How much objective can we be as persons? Must we be objective?

In his book, *Selecting and Appraising Archives and Manuscripts*, F. Gerald Hamm describes the different approaches concerning objectivity¹¹ on one hand he gives us the approach of sir Hilary Jenkinson, that archivists must be objective and “Their value is the impartiality inherent in their administrative character”¹². Hamm gives us also the opposite idea and emphasizes that “Most archivists today reject the Jenkinson doctrine of non intrusion”¹³. It is interesting to compare Hamm and Jenkinson to the paragraph of Hartsook given above.

The third area which influences our ethical behavior is the authority of the state archivist. As a whole, the leadership of the state archivist will influence our ability to maneuver ourselves amongst the archival laws and the unwritten law, the ethical code.

A strong-willed state archivist will enable us to face the interests of the donors or even our bosses when we decide to archive a figure.

When we seek for solutions and answers, the natural place to look for answers are the Ethical Codes which have been written mainly during the 1990’s – 2000’s.

But when I read the codes I barely found an answer to the question I had raised in this paper. In 1990 Marco Caracci, from the State Archives of Turin, Italy, created a “working paper for an international archivists’ code of ethics”¹⁴.

After reviewing dozens of codes, not only from the archival world, he suggested a code which eventually led into the ICA code of ethics.

Reading Caracci’s paper we see one paragraph which deals directly with the link between money and professional work:
“3.6 Archivist accepts sponsor’s support to their activities without failing to keep their professional engagements”.

The Society of American Archivist Code of Ethics which is published at their Internet site (http://www.archivists.org/governance/handbook/app_ethics.asp) gives a partial answer to the problem:

On Paragraph 3 titled “Judgment” is written:
“Archivists should exercise professional judgment in acquiring, appraising, and processing historical materials. They should not allow personal beliefs or perspectives to affect their decisions”.

11. F. Gerald Hamm, *Selecting and Appraising Archives and Manuscripts*, The Society of American Archivists, Chicago 1993, pp. 1-23. In the first two chapters he deals a lot with the problems of acquisition and selection, mainly in institutional documents.

12. *Ibid* p. 9.

13. *Ibid*.

14. Marco Caracci A working paper for an international archivists’ code of ethics, Turin, September 1990.

Relations between donors/creators and archivists are mentioned only at the extent of privacy and confidentiality. I encountered nothing concerning the relations during the creation of the archive and its policy.

At the Archivist's Code of Ethics, which was published in 1955 (and appears at the NARA site at: <http://www.archives.gov/preservation/professionals/archivist-code.html>) we also hardly find a guideline that copes with the problem raised in this paper. On the second paragraph we find something very general:

“The Archivist in appraising records for retention or disposal acts as the agent of future generations. The wisdom and impartiality he applies to this task measure his professionalism, for he must be as diligent in disposing of records that have no significant or lasting value as in retaining those that do.”

An interesting paragraph I saw at the Australian Society of Archivists Code of Ethics (amongst other codes from various countries), shown at their Internet site <http://www.archivists.org.au/about/ethics.html>

In paragraph 2.1.3 we read:

2.1.3 Archivists shall not accept substantial favors from persons or organizations who deal with their employers or clients.

Interestingly, they speak about archivist receiving personal favors from individuals or institutions but not about institutions receiving a favor as we saw at Hartsook paper.

When trying to think of answers, I think that the first and foremost places for revision are the codes of ethics. We find some answers to the second subject (the personality and views of the archivists). But the acquisition policy and especially the financial issues are not handled enough.

Speaking about institutional policy and the three issues (money, political environment and emotional atmosphere), I think that the answer to the financial problem lies in separation. We have to separate the source of money from the receiving archive. When a donor of papers seeks to donate money, it would not give him or her a benefit versus a donation of papers without money involved. This would take place by donating the money to the mother body to which the archive is affiliated. Hamm writes clearly that “Those institutions that require, as a condition of acceptance, major individual or corporate donors to defray the cost of processing, servicing and preserving their collections, need to spell out this conditions”¹⁵.

Money given by the state to the family in order to assemble the archive would be given directly to the archivist and he or she will be the referent of the state and the state employee.

A transparent and accurate agreement will be signed by the

15. Hamm, *Ibid*, p. 19.

state as the source of the money, the archivist and the family, in which clear borders will be outlined in a way that the independence of the archivist will be guaranteed.

Moreover, there must be a gap of time between the passing away of the figure and the beginning of the work on the archive. Although there are some disadvantages like fading away of oral history sources, a time gap of a generation will give us a more objective perspective. The archivist will not be obliged or tied by personal emotions. In addition, the institute or the state will be free of sorrow, guilt or even political views. Much can happen in 50 years: regimes are changing, society has different characteristics, values are changing and family and close relatives are gone.

To conclude my suggestions, I may say that financial disengagement and time line are the key solution to ethical problems which we could face in our work on private collections and documents.