

Ethics in our time

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This article should be read as a sequel to three articles published in the two previous issues of the IASA Journal¹ on the general topic of archival ethics.

We live in times where terms like trust, ethics and accountability are being given new meaning. Let me illustrate by recounting two local stories that, as I write, are receiving sustained media attention in Australia.

The first concerns a public enquiry being conducted into the activities of a lately privatized government authority. The Australian Wheat Board (now known as AWB) is the exclusive overseas marketer of this primary product, and it appears that over several years it has engaged in extensive bribery – equivalent to around a quarter of a *billion* US dollars - in order to sell its produce to the Iraqi government of Saddam Hussein. Simultaneously, Australian troops were being committed to the occupying force fighting the Hussein government. A parade of ministers, directors and executives quizzed before the enquiry seemed to be suffering collective amnesia – the answers “I don’t know” or “I don’t recall” appearing hundreds of times in the transcript as more and more documentary evidence was unearthed.

The second concerns a soldier, Jacob Kovco, who recently became the first Australian military casualty in Iraq. It was an apparently accidental death by gunshot, inside the barracks. The responsible Minister offered two conflicting explanations, and then went quiet. When the coffin arrived in Australia it turned out to contain the body of someone else, because (we are told) of a mistake made by a contractor in Baghdad. Although several official enquiries into the bungle are now underway, neither the distraught family nor the general public may ever learn the full story.

Opinion polls have indicated that, in both cases, an overwhelming majority of Australians believe that there is a deliberate government cover-up. But what is perhaps more disturbing is the contradictory finding, in the case of the AWB saga – the largest bribery scandal in Australian political history - that people generally *don’t care*. As media commentators have put it, the Jacob Kovko story has “traction” – it is a tragedy everyone can relate to – while the AWB story does not.

I could multiply examples from recent history which make the same points, as I’m sure others could too. But my purpose is to pose the question – *why?* Why are people so apparently accepting of incompetence and unethical behaviour by public authorities and corporations – many of whom advertise their own codes of ethics, accountability standards and trustworthiness on their websites? Is it because we have

¹ Harris, Verne: [Archival Ethics](#) and Edmondson, Ray: [You only live once: on being a troublemaking professional](#) - both in issue 25, and Koch, Grace: [Negotiating the maze: ethical issues for audiovisual archivists](#) in issue 26

reached a stage of terminal cynicism and we've given up? Is it because we feel utterly powerless to assert ethical standards? Is it because we feel we can't make a difference?

May I take that point of departure to update my article *You only live once*, which recounted three personal ethical dilemmas I had experienced at turning points in my career. The third of those dilemmas – my response to the unwise “rebranding” of the National Film and Sound Archive (NFSA) as ScreenSound Australia – began in mid-1999.² That was two years before I retired from the institution, when I gained, as I saw it, both the freedom and the obligation to comment publicly on the issue. The article, written in late 2001, was one outcome, and I noted two things I believed needed to happen: the recovery of the Archive's historic name, and the long overdue achievement of an Act of Parliament to give the Archive legal existence, and thereby protect its character, role and collections.

The first of these has been achieved. As a result of broad-based and persistent advocacy and complaint, the “ScreenSound” brand was finally dropped, and the title National Film and Sound Archive reinstated, in December 2004. The second, so far, has not: it remains a goal being assiduously pursued by several constituency groups. Meanwhile, though, the strategic weakness arising from the “ScreenSound” rebranding, combined with the continuing lack of a legislative base for the institution, led to a new and dangerous twist in the Archive's story.

In mid-May 2003 there was a surprise announcement that ScreenSound Australia (as it then was) would be moved from its attachment to the Department of Communications, Information Technology and the Arts, where it had long been a more-or-less autonomous “outrider”. For (still) unexplained reasons it was now to be “integrated” with the Australian Film Commission (AFC), a statutory authority with which it had little in common. Amendments to the AFC Act were rushed through Parliament in a matter of weeks to cement the decision. Ominously, while the AFC thereby gained some new powers, the revised Act contained no mention whatsoever of the Archive as an entity. The fears of supporters were calmed by explanations that to have done so would have required locking the “ScreenSound” name into legislation, precluding any possibility of reversion to the original title. Furthermore, the Government gave iron-clad assurances that the separate identity, budget, profile and character of the institution would be protected.

These assurances, however, seemed disingenuous as the AFC's intentions to subjugate and effectively dismantle the institution became painfully clear. A long, unpleasant and, at times, very public struggle between the AFC and the Archive's various support groups – with Archive staff caught in the middle – began to unfold. I won't recount it here, since the story can be read elsewhere.³ It is enough to say that at

² My longer evaluation of the rebranding, *A case of mistaken identity: governance, guardianship and the ScreenSound Saga* was published in *Archives and Manuscripts, journal of the Australian Society of Archivists*, Vo 30 No 1 May 2002, pp 30-46

³ A large variety of writings can be accessed through the websites of Friends of the NFSA at <http://www.archivefriends.org.au/>, **Archive Forum** at <http://www.afiresearch.rmit.edu.au/archiveforum/> and the **AFC** at www.afc.gov.au. An overview essay, *What's a nice archive like you doing in a place like this*, appeared in *Archives and Manuscripts, journal of the Australian Society of Archivists*, Vol 32 No 2, November 2004

the time of writing, the NFSA has so far survived relatively intact as an organisation, and recent leadership changes within the AFC have finally brought some rapprochement with the constituency. The contradiction of the Archive's attachment to the AFC, however, can only be resolved by achieving its own legislative independence – still an unrealized goal.

What the experience of the last three years has demonstrated, however, is that government promises are one thing, while the accountability of responsible agencies for fulfilling them is quite another. A perusal of the Parliamentary record over that period, in which Opposition politicians have regularly probed the AFC's stewardship of the Archive, reveals an unedifying progression of evasions, non-answers and stonewalling. Sad and disappointing, yes. But surprising? No. As a seasoned ex-bureaucrat, I have myself sat in the hot seat facing inquisitorial Senators and know the tactics one uses to avoid responding to questions you don't want to answer. There is a Code of Conduct which Australian public servants are required to observe. It makes interesting reading when placed alongside such committee transcripts.

This brings me, circuitously, to the main point of this article. When I review the ethical codes of the archives/ library/ museum field – which Grace Koch has so neatly done - I see that they cover many fundamental issues. For example:

- Maintaining the integrity of collection materials
- Observing confidentiality and privacy
- Fighting censorship
- Respecting intellectual property rights
- Avoiding personal conflict of interest
- Free sharing of knowledge and experience
- Fair and objective servicing of access requests
- Personal professional growth

Verne Harris has highlighted the conflict which can arise between “moral” and “official” ethical obligations. He has pointed out that the boundary between right and wrong is often blurred, and that the way we make a decision can be as important as the conclusion we arrive at.

It seems to me that there is another, underlying - but unspoken - dimension to our ethical codes and decisions, and indeed to much of the literature of our field. It is this: *we assume the stability and continuity of our organisations*. They are always going to be there, after we have gone. Is that a justifiable assumption? And if it is not, what obligations does that reality impose on us as professionals?

To coin a phrase, *archives are forever*. This is inherent in the very concept of archival preservation. It is the implicit promise we make, and the trust that is placed in us, when we negotiate acquisition of collection materials. It is a fundamental motivator of our profession. Yet while the most sophisticated technical equipment, the best storage facilities, the deepest array of skills and the most committed of staff may be *necessary* conditions for preservation and permanent access, they are not *sufficient* conditions.

All these elements reside within organisations. Without the assurance of organisational continuity there is no assurance of preservation or permanent access.

So what assurance do we really have of organisational continuity for our respective archives?

The history of the NFSA, insofar as this and my previous article give glimpses of it, can be taken as a case study. It began life within the National Library of Australia in 1935. As can sometimes happen, it outgrew that context and was reconstituted as a separate organisation in 1984. Its re-branding in 1999 was symptomatic of deeper identity and governance problems, and its takeover by the AFC in 2003 an indication of its extreme vulnerability to bureaucratic and political whim. Throughout much of its history, its identity and continuity have rested heavily on the lobbying and activism of a range of external support and advocacy groups who were, as often as not, opposing the *diktats* and agendas of its bureaucratic masters. When it does, finally, achieve its own legislative base and legal identity, its governance and continuity will rest on much surer ground. But even then, it will remain dependent on government funding and its legislative independence and mandate will have to be continually defended within the shifting winds of bureaucratic and political perceptions and fashions.

To put that into perspective, consider the experience of that most venerable of institutions, the 250-year-old British Museum, where one finds some disturbing parallels with the NFSA's story. At the end of his history of the Museum, its former Director, David Wilson, comments:

*Unfortunately the philistines are still at the gate and, as so often in the past, the Museum, still starved of public funds, has increasingly to kowtow to a government department which holds the purse strings, has apparently little real understanding of its function, and whose civil servants have recently been criticized officially for their lack of trust in their clients. Britain should be proud to hold such an institution in trust for all time in the spirit enunciated by its founding trustees and defended so vigorously through so many vicissitudes.*⁴

If we cannot *assume* the continuity of our institutions – and I believe we cannot – what is our professional obligation? Our ethical obligation? Should we and our ethical codes assert (for example):

- The essentiality of organisational continuity of archival bodies?
- The importance of enabling legislation or equivalent instruments for archives?
- The importance of encouraging the growth a healthy and supportive “community” around each archive?
- A thorough understanding of the principles of good governance?
- A duty to be advocates?

We are ethically opposed to censorship and politically motivated destruction of any part of the audiovisual heritage, and we thereby place ourselves in professional opposition to some governments and government practices. So should we be equally and explicitly opposed to government or corporate decisions which undermine the continuity of archival organisations?

⁴ Wilson, David M. [The British Museum: a history](#) London, British Museum Press, 2002 p.344

At its most fundamental and personal, what should we do individually if the survival of our own archival institution is threatened? Is there a tension between our “moral” and “official” obligations? Would we, for example – as Verne Harris did – become whistleblowers, leaking documents to journalists or other parties? Would we take a public stance in opposition to our employers?⁵

I don’t think the answer to that question is easier than any of the other ethical dilemmas which the earlier articles refer to. Equally, though, I don’t believe we can avoid facing it. The act of archiving is not benign. It is in itself an assertion of values, as well as a statement of optimism and faith in the future. It is the antithesis of cynicism and apathetic indifference. It is all about remembering, knowing, recalling. It is how events like the AWB enquiry become possible at all.

And it is about making a difference, no matter how unpromising the prospect. We may have to think strategically and choose our battles, our time and place. We may wish we had a “guerilla guide for archival activists” (now there’s a useful project for someone!) but instead we have to make it up as we go. But we are not powerless. As anthropologist Margaret Mead famously said:

Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it is the only thing that ever has.

In my experience, in the Australian vernacular, “she’s on the money”.⁶

⁵ Visit www.whistleblowers.org.au and http://www.uow.edu.au/arts/sts/bmartin/dissent/contacts/au_wba/ to delve into the whistleblower experience in Australia.

⁶ In other words, she is deadset right!