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ARCHIVISTS BETWEEN KNOWLEDGE AND POWER
On the independence and autonomy of archival science
and the archival profession

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Izlaganje sa znanstvenog skupa

Rasprava o neovisnosti arhivske struke i arhivistike kao discipline može biti plodna tek ako se složimo oko značenja struke kao sociološkog koncepta i o naravi odnosa između struke i znanstvene discipline koja joj stoji u osnovi. Da bi se neka skupina ljudi mogla smatrati strukom, potrebno je da udovolji trima kriterijima: 1. da nadzire neko specifično područje rada i osigurava za sebe neku vrstu monopola ili dominacije na tom području, 2. da to čini na temelju specifičnog područja znanja koji je usvojila te tako ima moć da određuje što je kompetencija na tome području, i 3. da je usluga koju pruža društvu javno priznata i pridonosi općoj dobrobiti. Ovako shvaćena profesija razlikuje se od zanimanja upravo po tome, što je utemeljena na vlastitome području znanja kao akademskoj disciplini. Vlastito znanstveno područje nije tek jedan od tri faktora, nego upravo onaj presudni.

Autonomija arhivske struke i arhivistike kao discipline pretpostavljaju jedna drugu. Iz poznavanja arhivske znanosti proizlazi stručnost i kompetencija arhivista, što je osnova njihova kvalitetnog stručnog rada. Istraživanje na području arhivistike je uvjet za poboljšanje kvalitete usluga arhiva i nužan preduvjet za razvoj same struke. Arhivistika kao znanost mora se razvijati u akademskoj slobodi i ne smije imati status pomoćne discipline ili metodološkog dodatka nekoj drugoj disciplini. Ako bi arhivistika kao znanost bila pomoćna znanost, njezin bi sadržaj i ciljevi bili određeni iz perspektive discipline kojoj bi pripadala te bi se u krajnjoj liniji područje djelova-

nja, kao jedno od bitnih obilježja struke, razilazilo s područjem znanja na kojemu se zasniva.

Isto tako, važno je da arhivistika ne bude podložna samoj struci u praktičnom smislu. Ako bi istraživanje i razvoj arhivistike bili vođeni prvenstveno trenutnim praktičnim potrebama struke, arhivistika kao znanost bi izgubila svoj inovativni i razvojni potencijal, a sama bi struka ostala zatvorena u okviru svojih tradicionalnih konceptata i načina rada i dugoročno osuđena na stagniranje i zaostajanje. Arhivistika nije podložna drugim disciplinama niti samoj arhivskoj praksi, ali to ne znači da ne treba biti u tijesnoj vezi s tim disciplinama i s arhivskom službom. Ta veza će svakako obogatiti njezine koncepte i istraživanja i omogućiti njihovu provjeru i vrednovanje. Izraženija prisutnost struke u praktičnom smislu u programu obrazovanja i istraživanja potrebna je i zbog toga što je arhivistika kao samostalna disciplina mlada i razmjerno slabo razvijena.

Neovisnu struku karakteriziraju dva elementa: profesionalna autonomija i profesionalna samoregulacija. Neovisna profesija sama upravlja procesima koji se unutar nje odvijaju. Ona odlučuje o tome tko se može smatrati članom, a tko ne, koji su uvjeti kojima pojedinac mora udovoljiti i što je sadržaj profesionalnog djelovanja. Ta odluka nikad nije arbitrarna, ona se uvijek zasniva na znanstvenoj disciplini i kompetencijama na kojima se struka temelji. Struka je onoliko neovisna, koliko je u stanju nametati svoje vlastite standarde i vrijednosti, kako svojim članovima, tako i društvu u cjelini. Ako to nije u stanju, ako se rukovodi vrijednostima i standardima koje nadzire netko drugi, ne može se smatrati autonomnom strukom. Profesionalna autonomija je u osnovi pravo pojedinog pripadnika stručne zajednice da u svome stručnom radu donosi vlastite odluke i prosudbe, bez miješanja sa strane. Jedino što određuje njegov stručni rad jesu vrijednosti i standardi same struke i mehanizmi samoregulacije unutar stručne zajednice.

Za neovisnost struke vrlo je važno da su njezine vrijednosti i standardi propisani od same struke, a ne od nekog autoriteta izvan struke. Za arhivsku zajednicu veliki korak na putu k stvarnoj neovisnosti predstavlja etički kodeks Međunarodnog arhivskog vijeća koji sadrži pravila ponašanja i vrijednosti koje prihvaća većina arhivista. Osnovni je cilj tih pravila osiguranje kvalitetnih usluga korisnicima i društvu općenito. Prema uvodu kodeksa "svrha arhivističkog etičkog kodeksa jest da arhivskoj struci pruži pravila ponašanja visoke razine. On bi trebao upoznati nove članove struke s ovim pravilima, podsjetiti iskusne arhiviste na njihove profesionalne odgovornosti i pobuditi kod javnosti povjerenje u struku." Autonomija struke zahtijeva etički kodeks te stoga ne iznenađuje da sam etički kodeks podrazumijeva autonomiju arhivske struke i profesionalnu autonomiju samih arhivista kao pojedinaca. Važno je istaknuti da etički kodeks, pored pravila koja se odnose na kvalitetu usluga korisnicima i općih načela kao što su nepristranost, poštenje i povjerljivost, određuje i

pravila koja se odnose na stručnu kompetenciju. Treba ukloniti svaku sumnju u to da li su arhivisti stručno kompetentni da obave posao koji im je povjeren. U njihovu svakodnevnom radu treba biti razvidno i jasno da se pridržavaju metodologije stručnoga rada, koja je preduvjet kako za postizanje zadovoljavajuće razine usluga, tako i za poštivanje nepristranosti i drugih općih načela o kojima kodeks govori.

Odnos između etičkog kodeksa i zakonskih propisa, u kojemu se ocrtava i odnos između struke i države, arhivista kao stručnjaka i kao državnih službenika, jedno je od najosjetljivijih pitanja stručne autonomije. Zakon i etika su različite kategorije i ne postoji neposredna hijerarhijska veza koja bi određivala odnos između zakonskih propisa i etičkih načela. Arhivisti su kao građani i, najčešće, državni službenici dužni provoditi zakon, kao arhivisti pridržavati se etičkog kodeksa. Arhivistički etički kodeks je jedan od onih koji poštivanje zakonskih propisa izričito navodi kao jedno od etičkih načela struke. U demokratskim sustavima će prostor koji je arhivistima ostavljen za autonomno djelovanje sukladno načelima i vrijednostima struke u pravilu biti dovoljan te se može očekivati da neće dolaziti do kolizije dvaju sustava vrijednosti, pri čemu oba imaju za cilj javno dobro i opću dobrobit građana. No to ne znači da se neće pojavljivati slučajevi u kojima će neovisnost struke, bilo da se radi o pojedincu ili službi u cjelini, biti stavljena na kušnju. Kolizija između zakonskih propisa i etičkih načela ima potencijal da proizvodi takve slučajeve, a nejasnoće u njihovom tumačenju mogu pojedinca ili arhivsku službu staviti pred vrlo neugodne odluke, kao što pokazuje slučaj Einaudi. Arhivska zajednica mora naći načina da zaštiti arhivista, u javnim ili privatnim arhivima, od poslodavaca koji često imaju moć da nadjačaju stručne i etičke arhivističke standarde. U usporedbi sa strukama koje imaju slične probleme, na primjer s medicinskom strukom, u postizanju zadovoljavajuće razine stručne autonomije arhivska zajednica ima još dug put pred sobom. Političke promjene u južnoj i istočnoj Europi, a naročito ratna zbivanja u Bosni i Hercegovini i potom na Kosovu, pokazali su koliko je važna autonomija arhivske struke u odnosu na politiku i ideologiju. Arhivisti moraju biti u stanju svoje odluke donositi na temelju svoje profesionalne savjesti i kompetencija, naročito onda kada su od strane vlasti ili ideologije dovedeni u kušnju da djeluju kao produžena ruka državne politike ili ideologije.

Prvi je arhivistički etički kodeks izdan u SAD-u 1955. godine, no na međunarodnoj razini etička pitanja nisu ozbiljnije razmatrana prije Kongresa u Montrealu 1992. godine. Ako je to jedno od obilježja autonomije, ne možemo izbjeći zaključku da, ako je arhivska struka ikada stekla status neovisne struke, to nije bilo prije Kongresa u Montrealu. Međutim, još uvijek postoje dobri razlozi za sumnju da je arhivska struka izborila status neovisne struke. Razgraničenje prema povijesnim znanostima i bibliotekarstvu općenito se smatra dovršenim, ali u većini zemalja još uvijek se arhiviste kao profesionalce teško razlikuje od arhivista kao državnih službenika,

koji obavljaju poslove koje im poslodavac dodijeli. U mnogim zemljama arhivistika nema status samostalne akademske discipline. Može se reći da su naša disciplina i naša struka autonomne samo do određenog stupnja i da se taj stupanj razlikuje u pojedinim regijama i državama.

Čini se da je mnogo prikladnije neovisnost arhivistike i arhivske službe promatrati kao proces koji se odvija, a ne kao dostignuto stanje. Arhivistika se razvija i od discipline koja se bavi sređivanjem i opisom arhivskog gradiva kao povijesnog izvora, postaje disciplina koja određuje i održava kvalitetu informacija vezanih uz procese. Arhivistika prelazi granice arhiva kao ustanova i usredotočuje se na informacije određene strukture, bez obzira gdje se i u kojoj fazi životnog ciklusa nalazile. Informatička i komunikacijska tehnologija šire fizičke granice domene i povezuju tradicionalnu arhivsku djelatnost i uredsko poslovanje. U elektroničkom dobu neovisna arhivska struka je integrirana struka spremna da preuzme odgovornost za upravljanje informacijama vezanima uz procese, neovisno gdje se nalaze, kako se obrađuju i koriste. Autonomija arhivske znanosti i struke imaju veliko značenje za transparentnost i odgovornost institucija demokratskog društva i za zaštitu arhivskog gradiva kao dijela pisane baštine naroda.

Sažetak izradio Jozo Ivanović

The Hippocratic oath

The story goes, that some 2400 years ago the ancient Greek physician Hippocrates provided his graduate students in Kos with a guideline for professional conduct. Before they entered the medical profession, he made them swear what we are used to call now the Hippocratic oath: "I will follow that system of regimen which, according to my ability and judgement, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous. (...) Into whatever houses I enter, I will go into them for the benefit of the sick, and will abstain from every voluntary act of mischief and corruption. (...) Whatever, in connection with my professional practice or not, I see or hear, in the life of men, which ought not to be spoken of abroad, I will not divulge, as reckoning that all such should be kept secret."

The Hippocratic oath can be considered the first code of conduct a profession ever agreed upon. It was drafted in a time when medical science established itself as an autonomous scientific discipline, independent from natural philosophy. Therefore, it can also be seen as a declaration of independence of the physicians, their establishment as an independent profession, on the moment when they underlayed their operations with medical science, a new autonomous academic discipline of their own.

Autonomy and professionalism

Physicians and archivists have in common that they are considered to be professionals. In sociological terms this means that they belong to a group of people with the same occupation, who dominate a specific *intervention field*, who do this on the basis of the exclusive mastery of *scientific discipline* underlying this discipline and who deliver specific services to society that are recognised as positively affecting *public welfare*.

The specific archival intervention field is the control, care, custody, preservation and administration of records and archives. Archivists can dominate this field because their work is based on the theory and methodology of archival science, a discipline of their own. Society highly values their services, considering them conditional for ensuring corporate and social accountability and preserving the documentary heritage as part of national memory.

A profession monopolizes a specific intervention field: only when society recognises and respects this monopoly, the members of the profession can deliver the high quality services society expects them to deliver.

A profession distinguishes itself from an occupation primarily by the underlying academic discipline; it is the specific body of knowledge that uniquely identifies the profession. The scientific domain is not only one of the three constituting elements of a profession, it is the decisive one. Mastery of archival science is the core competency of archivists, the basis of their professional work and decisive for its quality.¹ A profession is not aiming at solving its own problems, but problems society requests them to solve. And except from getting paid on a regular basis, professionals ask just one thing in return for their services they render to society: the right to solve the problems in question according to their professional standards and on the basis of their professional knowledge and methodology.

Professionals can only contribute effectively to public welfare, if their profession and their discipline are recognised as independent and autonomous. There are no circumstances in which professional and scientific independence and autonomy are so badly needed and so much challenged as in periods of political reconstruction. But they are also general conditions for professional archival activities a such.

The autonomy of the archival profession and archival science

The independence and autonomy of the archival profession and the archival discipline presuppose one another. The autonomy of the archival profession

¹ Liv Mykland, "Protection and integrity. The archivist's identity and professionalism", in: *ARCHIVUM* XXXIX (München etc., 1994), p. 107.

presupposes the autonomy of archival science as an academic discipline and vice versa.

Let us first take the autonomy of archival science into consideration. Archival science constitutes the basis of professional action and archival research is conditional to both optimising the quality of the services the profession renders to society and an unrestrained development of the profession itself. That is the reason why archival science should develop autonomously. Archival science must be developed in academic freedom, it must not have the mere status of an auxiliary science and it must not be fully subservient to the archival institutions.

Academic freedom requires the independence of academic teaching and research from outside interference. Factors determining the orientation and contents of archival teaching and research should be primarily archival and scientific by character. Academic freedom is as crucial for the development of archival science as it is for any other scientific discipline. But opposed to politicisation as it is it is also a condition for the independence of the archival profession. The profession and its members can only prevent themselves from being politicised if their academic education is based on an ideal of impartiality.

An autonomous archival science is not an auxiliary science. Archival science should not be identified merely as an auxiliary science of history or an auxiliary science of one of the information and communication sciences. If archival science is defined as an auxiliary science, its boundaries are likely to be determined from the point of view of the dominating disciplines, that is to say: from the position of the users of archives only. This would give these dominating disciplines the opportunity to determine the orientation of archival education and research and the professional habit of the archivists educated in university programs for archival education. Particularly in our times, when the scope of the archival profession is widening, the borders of our scientific domain must be determined from an exclusively archival point of view, research in archival science must be more than the scientific analysis of written historical sources or the information needs of organisations, and the professional habit of the archivist must not be the habit of the historian or the information scientist specialised in archives.²

Archival science must also be autonomous in relation to the archival institutions. If the direction of education and research in archival science would only be determined by the daily needs of public archives, archival science would lose its in-

² Luciana Duranti, "Archival Science", in: Allen Kent (ed.), *Encyclopedia of library and information science*, vol. 59 suppl. 22 (1997), pp. 7–8.

novative potential and the archival profession would be confined within the boundaries of its traditional intervention field.³

An autonomous archival science is not subordinated to other disciplines or to the archival profession, but that does not mean that it should not foster close relations with other disciplines and with the archival services. On the contrary. Archival science can and should be exercised as a multidisciplinary science and archival practice can and should be its first stimulus and its touchstone. Moreover, the careful involvement of the profession in establishing programs of archival education and research is badly needed, considering the fact that archival science as an autonomous discipline is young, small and feeble, particularly in this period of transition.

A profession and its autonomy

Archival science must be independent and autonomous and so must be the archival profession.

In fulfilling its mission, a profession's objective is to acquire and defend a position of power in order to control the exchange value of the services it renders to society. A profession can only attain this objective when it is independent from other professions and when it has gained autonomy.

An independent profession runs its own business. It gathers individual professionals together in an independent association of some kind. It controls the entrance to the profession, by enforcing entrance requirements, formulated mainly in terms of competencies in the scientific discipline involved.

An independent profession has the competence to decide who is allowed to call himself a member of the profession and who is not. Its freedom of choice is not unlimited, of course. Basically, the boundaries of a profession are the boundaries of the scientific discipline it monopolises. A real independent archival profession identifies its members not primarily by the archival service employing them and the governmental body this archival service depends from, but by the discipline they master. In their passports, archivists tend to identify themselves as archivists, not as government officials.

The real measure for the independence of a profession, however, is the degree in which it is capable of imposing its own definitions of professional reality and its own standards and values both to its own members and to society as a whole. A profession that has the authority and the public competence to do so is called an autonomous profession.

³ Angelika Menne-Haritz, "Archivfachliche Ausbildung: den Anforderungen der Gesellschaft des 21. Jahrhunderts gerecht werden", in: *ARCHIVUM XXXIX*, (München, 1994), pp. 264–266.

The autonomy of the profession consists of two elements: professional autonomy and professional self-regulation. Professional autonomy is the right of the individual professionals to render their services to the public without interference with their professional judgement and discretion. Professional self-regulation is a system designed to control the conduct of the individual professionals towards the public and to make an honest and objective evaluation of other issues relating to archival practice. A profession is autonomous when the professional activities of its members are measured with the standards and values coined by the profession. The main function of the autonomy of the profession is to assure the public that their archival problems will be handled on a high quality level and by competent archivists.⁴

The autonomous profession sets its standards: the responsibility of the archivist as a professional

The main professional standard archivists should adhere to is the standard referring to their general responsibility. "The primary duty of archivists is to maintain the integrity of the records in their care and custody and thus guarantee that it continues to be reliable evidence of the past."

As we all know – because the text is written to our walls⁵ – this is from the first paragraph of the Code of Ethics, adopted by ICA's General Assembly in Beijing, China, on September 6, 1996. The ICA Code of Ethics represents a major step for the profession on its way to real independence. A skill or craft can only acquire the status of an autonomous profession if it adopts a system of self-regulation based on a written code of professional ethics. Such a written code provides general guidelines for the individual professional who must choose between right and wrong, good and bad, just and unjust actions within the business environment. When engaging in the profession, members of a profession bind themselves to abide by those guidelines.

A professional code of ethics is a statement of standards for judgement and conduct generally accepted by the members of the profession. Most codes focus their concern and attention in providing quality services to the general public and society at large. They all include purely moral rules, referring to fairness, integrity and honesty, respect and confidentiality, and professional etiquette, referring to objectivity, neutrality, disclosure of all material facts, professional due care, adherence to law and professional competence in the field.⁶

⁴ A good example is the medical profession: see <http://www.wma.net/c/policy.html>.

⁵ If not, see: http://data1.archives.ca/ica/cgi-bin/ica?04_e.

⁶ Inge Nickerson and Michael Broihahn, *Beyond the categorical imperative: a philosophical examination of codes of ethics in the financial professions*, <http://www.sbaer.uca.edu/docs/proceedings11/96sbi127.txt>

Professional autonomy asks for a code of ethics. Not surprisingly the ICA code of ethics for archivists takes both the autonomy of the archival profession and the professional autonomy of the individual archivists as its starting points. According to the preamble of the code its reason of existence is imposing the own standards and values both to its own members and to society as a whole. "A code of ethics for archivists should establish high standards of conduct for the archival profession. It should introduce new members of the profession to those standards, remind experienced archivists of their professional responsibilities and inspire public confidence in the profession."

Standards of the ICA code of ethics

One function the ICA Code of Ethics is recording the professional etiquette of the archival community. "The objectivity and impartiality of archivists is the measure of their professionalism", it states. And; "archivists should use the special trust given to them in the general interest and avoid using their position to unfairly benefit themselves or others." And then it reads: "They should resist pressure from any source to manipulate evidence so as to conceal or distort facts." Objectivity and impartiality, concepts referring to the independence of the professional, are considered ethical imperatives.

An important part of the code concerns the character and the quality of the services archivists are supposed to render to citizens and to society as a whole. "Archivists should protect the authenticity of documents, promote the widest possible access to archival material and provide an impartial service to all users, respect both access and privacy, and act within the boundaries of relevant legislation." They "should use the special trust given to them in the general interest and avoid using their position to unfairly benefit themselves or others." They "should promote the preservation and use of the world's documentary heritage, through working co-operatively with the members of their own and other professions."

The code also sets standards of competency. It must be beyond any doubt that archivists are fully competent to fulfil their responsible tasks. So archivists are bound not only to "act in accordance with generally accepted principles and practice", but also to scrupulously applying archival methodology in day to day work. Archivists, for instance, "should appraise, select and maintain archival material in its historical, legal and administrative context, thus retaining the principle of provenance, preserving and making evident the original relationships of documents".

Archivist can only derive competency from professional education and training. Consequently, "archivists should pursue professional excellence by systematically and continuously updating their archival knowledge, and sharing the results of

their research and experience." In accordance with archival methodology, the code forbids archivists to "seek or accept acquisitions when this would endanger the integrity or security of records" and urges them to "co-operate to ensure the preservation of these records in the most appropriate repository" or "in the repatriation of displaced archives".

Archival legislation and archival ethics

The relation of a code of ethics and formal law and the relation of the profession and the state in general is one of the most delicate aspects of the autonomy of a profession.

Archival autonomy and independence presuppose good archival legislation, which places the archival administration 'at an institutional level that will both ensure their professional autonomy and protect their financial viability'.⁷ Archival legislation, however, tends to reflect the influence and position that an archive has achieved within the government, rather than change the existing relationships, as Lee McDonald pointed out in the 1993 CITRA-conference.⁸ And the ability of archivists to secure fully functional archival legislation, Trudy Peterson added, is tempered by the working of the political process.⁹

There is not a hierarchical relation between a code of ethics and formal law. Law and ethics are different categories. Formal law commits every citizen, moral adherence to a code of ethics is voluntary. Law addresses all citizens and regulates their mutual relations in general; a professional code of ethics addresses the individual when acting as a professional. Archival and other legislation may leave the archivists a domain ruled by professional archival standards, "where", as Ketelaar puts it, "only professional ethics can provide guidance". The borders of this area will be defined and can be changed "by what society – ultimately through the vehicle of the judge and the legislator – will allow." Archivists "must negotiate their way out in this arena."¹⁰

On January 22, 1973 the Supreme Court of the United States of America passed its decisions in the Roe and Doe abortion cases. The Supreme Court refused to comply with the request of a group of American physicians to acknowledge the relevan-

7 Resolution 3 of the 1995 CITRA resolutions, in: *Interdependence of Archives. Proceedings of the twenty-ninth, thirtieth and thirty-first International Conference of the Round Table on Archives*. XXIX Mexico 1993, XXX Thessalonici 1994, XXXI Washington 1995. (Dordrecht, 1998), p. 48.

8 Lee McDonald, "Legal matters", in: *ibid.*, p. 23.

9 Trudy Huskamp-Peterson, "Elements of Archival law", in: *ibid.*, p. 14.

10 Eric Ketelaar, "The right to know, the right to forget? Personal information in public archives", in: *The Archival Image*, (Hilversum, 1997), p. 29.

ce in court of the paragraphs of the Hippocratic Oath forbidding a physician to be engaged in abortion, suicide and euthanasia. The Supreme Court rejected the request because it did not consider the Hippocratic Oath an ethical code shared by the majority of the medical profession: it held the Hippocratic Oath "a Pythagorean remnant rather than an absolute standard of conduct". Irrespective their opinion on abortion, most physicians agreed with this qualification, partly maybe because the oath in its original form also prohibited their participation in surgery. Anyhow, apparently, lack of consensus among the professionals about their professional standards negatively affects the autonomy of the profession. In the end it is up to the state to decide whether or not the claim of a profession on self-regulation is recognised and if so in what degree. The extent of a code of ethics' effectiveness depends largely upon the preparedness of the professionals to adhere to common standards and to establish and maintain an effective system of self-regulation.

Though there is not a hierarchical relation between a code of ethics and a law, adherence to law is a principle of ethical conduct which is common to most professional codes of ethics. The reason is not that obeying the law is considered to be more important for professionals than for other citizens. The reason is neither that a professional is considered to be less law-obeying than other citizens. The reason is that professional codes of ethics aim at restricting or limiting control of the professional over the citizen, the customer, the dependent party. It is the dependent party who is protected both by professional ethics and by legal regulations. Adherence by professionals both to a code of ethics and a law "will promote trust and credibility for the profession and an ongoing harmonious relationship with the dependent party".¹¹

The ICA code of ethics is one of the ethical codes in which adherence to the law is explicitly mentioned as a professional principle. "Archivists should protect the authenticity of documents, promote the widest possible access to archival material and provide an impartial service to all users and respect both access and privacy", but in doing so they should "act within the boundaries of relevant legislation." This means that "as researchers searching for truth seek access to public records containing personal information, archivists should act within the boundaries of relevant legislation when balancing the research and privacy values of the records. While promoting the widest possible access to archival material, ICA's code of ethics at the same time safeguards the researcher from the arbitrariness of archivists."

Archival autonomy, the code of ethics and the Einaudi-case

The archival profession not only adopted a Code of Ethics, it also decided to use it.

¹¹ Nickerson and Broihahn.

In February this year, Maurice Papon, just recently condemned for war crimes during World War II, brought a libel action into court against Jean-Luc Einaudi, who had accused him of having ordered the killing of hundreds of people engaged in a manifestation in favour of the independence of Algeria, in Paris 1961, when Papon was in charge of the Paris police.

Einaudi, a French journalist and writer, was denied access to the records of the Paris police Department, which, according to legal regulations were supposed to be closed till 2021. Einaudi, noticing that other people had been allowed access in the past, lodged a complaint to the Minister of Culture. As a result, the Minister promised that within short term the records would be made accessible to everyone.

A few days later, a colleague of Einaudi requested from the Paris municipal archives the identification of the files in which information relevant to the massacre might be found. With the announcement of the Minister of Culture in mind, Philippe Grand, archivist in charge, ran with the man through the inventory. Without handing over any file, he established the fact that indeed more than hundred files were kept on individuals having been killed in the 1961 manifestation.

Philippe Grand and his colleague Brigitte Lainé also testified in court. Brigitte Lainé supported the accusations of Einaudi and told the court that she considered the behaviour of the Paris municipality embarrassing and demoralising. As a result, the City of Paris and the Ministry of Culture started an official investigation in order to decide whether Grand and Lainé committed an abuse of power or not by giving access to closed files. Brigitte Lainé was additionally accused of not having observed enough professional distance.

Ms. Lainé defended herself by putting forward that what she did was not revealing a secret but the cover up of a state crime and that more reservedness on her side would have been against her professional conscience.

The French Archives Directorate and the French Association of Archivists, asked for their comments, did not support ms. Lainé. Referring to article 7 of the Code of Ethics of the International Council on Archives ("Archivists should respect both access and privacy, and act within the boundaries of relevant legislation") the Association accused ms. Lainé of misconduct for having divulged secret documents.¹²

For the archival profession the Einaudi case was a crucial case. The newly acquired autonomy of the profession was put to a severe test. A professional made use of her professional autonomy, the profession used its system of self-regulation and

¹² <http://www.matisson.com/affaire-papon/lepoint.htm#Einaudi>

both appealed to the new international Code of Ethics. In France, the profession seemed to have entered a new stage in its struggle for independence.

Archival independence and the state

Archival independence affects both the archival profession as a whole and the individual archivist. The archival profession can only be independent if archival legislation embodies the independent position of the archival administration within the public administration. Individual archivists can only acquire and maintain professional autonomy if they are recognised as professionals, particularly by government.

Most archivists are officials, employed by government. They are supposed to apply government regulations to records and archives and at the same time measure them with their professional standards. In a democratic system the margin the state has left the archivists to act according to their professional standards, is commonly sufficient; not many collisions between the two systems of values, which both are aimed at public welfare, at the general well-being of the citizens, are to be expected. But "failure to comply with the code's ethical standards of behaviour, and the laws that govern the functions of the professionals on a national and provincial level, may cause serious legal actions involving libel and slander, infringement of privacy acts," etc.¹³ And when this occurs, professional autonomy is put to a severe test, especially when archivists are requested to act as the defenders of citizens against government.

I characterized the Einaudi-case a crucial case which demonstrates that the profession is entering a new stage in its struggle for independence, for a professional made use of her professional autonomy, the profession used its system of self-regulation and both appealed to the new international Code of Ethics. But the Einaudi-case also clearly indicates that true professional autonomy asks for an independent position of the archival administration within the public administration.

As I told you earlier, neither the French Association of Archivists nor the French Archives Directorate gave ms. Lainé their support when she tried to justify what she did by referring to her professional conscience. The French Association of Archivists stated in an official press release that "access to public records is not a matter to be left to the free appreciation of public bodies let alone to the personal conviction of officials. Access is ruled by law in order to protect as scrupulously as possible the respect for public liberties and privacy on one hand, and the interest of public bodies on the other." The French Archives Directorate joined the Association in criticising ms. Lainé by stating that she should have demonstrated more reserved-

¹³ Socratous Marios, "Ethics in Archives", <http://www.slis.ualberta.ca/cap98s/msocrato/media.htm>

ness and that her call on professional standards while breaching the archives law should be considered unjustified.

These statements issued by two of the most authoritative bodies within the French archival community generated severe criticism of many French archivists and some of their colleagues from abroad. Under the title of *Archivist: a dangerous occupation* many colleagues expressed their views in this case, by posting messages to the ICA and archives-France list-servs.

The analysis of Eric Ketelaar, one of the world top-specialists in archival ethics, was the most fundamental one. On March 5, 1999, he posted a message to the archives-france listserv in Brigitte Lainé's defence. After having established the fact that Brigitte Lainé did not breach the Archives Act because she "was NOT revealing the content of any restricted document, but citing from a register kept by the court, a document which under French law is open after 30 years", he judged the official positions of the French Archives Directorate and the French Association of Archivists as seemingly "unfair and based upon untrue information. The French Association", Ketelaar wrote, "accuses ms. Lainé of misconduct, citing article 7 of the Code of Ethics of the International Council on Archives ('Archivists should respect both access and privacy, and act within the boundaries of relevant legislation'). But article 8 of the same code prescribes 'Archivists should use the special trust given to them in the general interest and avoid using their position to unfairly benefit themselves or others'. Then follows: 'Archivists must refrain from activities which might prejudice their professional integrity, objectivity and impartiality'." Ketelaars conclusion was Ms. Lainé acted within her professional domain and according to the law. Had she not told the court about the existence of the files, she would have committed a sin in view of article 8.

Archival independence and labour relations

In its war of independence the archival profession is about to fight its major battle on the battlefield of the archivists' labour relations with their employing government agencies. In the Einaudi case the Director of the French Archives has been accused of expressing *his masters voice* and an employee of the Archives of the Paris Municipality has actually been demanded to be a government official rather than an archivist, while professionally only the latter counts. The example of the medical profession, again, demonstrates how a profession could protect individual archivists, be it the national Archivist or an employee of a municipal archives, against employers overruling their professional standards.

In October 1993, the world Medical Assembly meeting in Budapest, Hungary, adopted its World Medical Association Statement on Patient Advocacy and Confi-

dentiality. Even when taking the big differences between the professional duties of physicians and archivists into consideration, we may find elements in this Statement which to a certain degree could also model the employee – employer relationship between the archivist and government agencies in the near bye future. Allow me to quote a considerable part of it.

"Should medical practitioners perceive circumstances which might adversely affect patient's health, it is their duty to inform responsible authorities so that remedial action may be taken.

Should responsible authorities decline to take remedial action, reasons for the decision should be made known to the medical practitioners who reported the circumstances. Should such notification not be provided or should the rationale for the decision prove unconvincing, the medical practitioners concerned have a duty to take further action.

Such further action might conflict with confidentiality provisions in the medical practitioners' contracts of employment, thereby creating social, occupational and ethical dilemmas for the medical practitioners.

Mutually accepted and acceptable mechanisms by which medical practitioners may express concerns either for individual patients or for public health, without breaching terms of employment contracts, should be established.

Such mechanisms should be embodied in medical practitioners' employment contracts. These employment contracts should acknowledge that medical practitioners' ethical obligations override purely contractual obligations related to employment."

Archival independence and politics

Undoubtedly, the Einaudi-case enhanced the awareness of many archivists of the importance of clearly distinguishing between their professional role and their role as an employee of a government agency. But a much more significant stimulus for archivists to rethink their position towards government have been and still is the fundamental and ongoing political changes in Eastern Europe and the former Soviet Union. During the late eighties and the early nineties the archival community has experienced again that the state not always acts as the self-evident caretaker of common heritage and national memory, that records and archives can be used by governments in a partial way, that fighting armies are to be expected to deliberately destroy cultural heritage of nationalities in order to destroy their national identity. The Bosnian Wars for instance put depoliticisation of the archival profession and the archival discipline high on the agenda of the global archival community. More than ever, depoliticisation is considered to be an essential condition for archivists to fulfil their

primary duty. We can only maintain the integrity of the records in our care and custody and thus guarantee that it continues to be reliable evidence of the past, when politics, ideology and special interests are prevented from interfering in our professional discussions and our professional work. Professionals must be fully equipped to make their professional judgements on the basis of their professional conscience particularly when they are tempted to act as a lengthening-piece of state politics and ideology.

The ICA Code of Ethics is part of this equipment. It states that, in the accomplishment of their primary duty archivists "must have regard to the legitimate, but sometimes conflicting, rights and interests of employers, owners, data subjects and users, past, present and future. The objectivity and impartiality of archivists is the measure of their professionalism. They should resist pressure from any source to manipulate evidence so as to conceal or distort facts." In this general demand for objectivity and impartiality, political and ideological objectivity and impartiality are included.

There are codes of ethics which more explicitly reject political and ideological bias. In 1948, only three years after genocide, euthanasia and medical experiments on human beings, the World Medical Association issued the Declaration of Geneva, which can be considered a modern version of the Hippocratic Oath. In its current form, which dates back to 1983, this declaration includes the stipulation that individual physicians will not permit considerations of religion, nationality, race, party politics or social standing to intervene between their duty and their patient.

Towards the independence and autonomy of the profession and the discipline

When noticing the steps the medical profession has taken on its way to professional independence, we must admit that the archival profession and the archival discipline on its own way to independence and autonomy still have a long way to go.

The first archival code of ethics has been issued in 1955 in the United States, but seen from a global perspective, the ethical issue remained a non-issue among archivists till the years preceding the 1992 Montreal Congress. If we take a code of ethics as a token of autonomy, we cannot escape from the conclusion that, if the archival profession ever acquired an autonomous status, it was certainly not before the Montreal Congress.

What about more recent years? Can the archival occupation in these days be proclaimed an independent and autonomous profession? There are good reasons to doubt it. Admittedly, the profession has won its wars of liberation against historians

and librarians¹⁴, but in most countries society still cannot distinguish between the archivist as a professional with an own exclusive intervention field and the archivist as a government official, as an executioner of governments politics.

The proclamation of archival science as an autonomous science is not indisputed either. Apart from the fact that in many countries of the world the struggle for academic freedom and against the politicisation of scientific work is still going on, archival science in many countries is merely established as one of the several auxiliary sciences of history or another related discipline, if it is established as an academic discipline at all. Archival science is not fully autonomous, it is just trying to find step by step its own profile as an academic discipline.¹⁵

At the 1992 Montreal Congress Liv Mykland stated, that "Our autonomy is (...) still far more weak and limited than it should be if we are to pursue our task. Only if we continue to strive for the authority and resources needed to carry out our work will our autonomy be strengthened."¹⁶ Moreover, "it is more relevant to ask", Mykland suggested, "how far we have come in the process of professionalisation – that is, to what extent we have a professional identity – than to proclaim us a profession or a non-profession"¹⁷ This year Börje Justrell supported this approach by demonstrating that our discipline and our profession are independent and autonomous only to a certain degree and that this degree differs, not only over time, but also between regions as well as between nations and parts of nations.¹⁸

It seems to be more reasonable indeed, to analyse the independence and the autonomy of the archival profession and the archival discipline in terms of a process, rather than in absolute terms, taking the rapid changes in archival science and the archival profession into consideration. Archival science is expanding from the discipline of arranging and describing historical archives into the discipline of establishing and maintaining the quality of *process-bound information*, information bound to the business processes by which it has been generated. Consequently, the profession is expanding from a group of professionals working within an archive management environment into a group of specialists in information of a specific structure, irrespective of where it is kept. Information and communication technology make the scientific domain expand and archivists and records managers merge. In the electro-

¹⁴ Elio Lodolini, "La guerra di indipendenza degli archivisti", in: *Miscellanea Carlos Wyffels* 1987), p. 269–293; translated and abridged in "The war of independence of archivists", in *Archivaria* 1989, pp. 36–47.

¹⁵ Börje Justrell, *What Is This Thing We Call Archival Science?*, (Stockholm, 1999), p. 39.

¹⁶ Liv Mykland, "Protection and integrity. The archivist's identity and professionalism", *ARCHIVUM* XXXIX, (München etc., 1994), p. 106.

¹⁷ Mykland p. 105.

¹⁸ Justrell p. 84.

nic age an independent archival profession is an integrated profession which a pro-active approach, able to control the integrity and preservation of both current records and archives, prepared to take full responsibility for both recordkeeping and archival functions. Only as an integrated profession future records professionals can independently and autonomously prevent the integrated documentary heritage from being damaged or destroyed.

As soon as we consider archival independence and autonomy as an ongoing process rather than a stable situation and as soon as we consider it as a process with different paces in different regions of the world, the importance of international co-operation in developing standards, in archival research, and especially in archival education and training forces itself upon us. The implementation of professional standards in one country is likely to stimulate their general acceptance in the other. Taking part in archival research is joining the world of learning, in which state boundaries can only be relevant as objects of study. Educating archivists is not only transmitting to them the archival corpus of knowledge, but also the general attitudes, habits and values of a records professional. Archival science and the archival profession can only gain independence and autonomy if they adopt a global perspective and take the whole archival world as their playground; only with an international orientation they can overcome political antagonism and national narrow-mindedness.

Conclusion

"Alles van waarde is weerloos", the Dutch poet Lucebert wrote, "everything of value is defenceless". How can the memory of nations survive when archivists are dependent from governments who refuse to hold themselves accountable for their acts, how can it be saved from oppressive regimes, military force and political violence? How can the archival profession maintain and improve the level of competence of its members and the quality of their work without public recognition of the archival competencies and without general acceptance of archival quality standards? How can the archival profession and the archival discipline positively affect public welfare when professional autonomy is not generally recognised? How can professional standards of behaviour be observed when democratic values, civil and human rights are not respected? The independence and autonomy of archival science and the archival profession are vital for democracy, transparent government, public accountability and the preservation of the documentary heritage.

Dear colleagues. The archival profession must continue its fight for independence and autonomy and for the independence and the autonomy of the discipline on which the quality of its operations depends. Independence and autonomy are vital for the profession and the discipline especially when engaged in preventing the do-

cumentary memory of society from being damaged or destroyed and in reconstructing it when prevention failed. Especially in times of political reconstruction, safeguarding national and common heritage is hardly feasible when politics and ideology interfere in the archivist's professional domain.

If we do not defend our independence, we will not fulfil our professional mission. If we do not succeed in establishing archival autonomy, we cannot expect individual archivists to counter fraud, violence or just neglect with professional courage. If we do not depoliticize our professional discourses, we cannot control the quality and the exchange value of the services we render to society.