Ethics And Deontology in Archival Practice: Uses and Epistemological Issues

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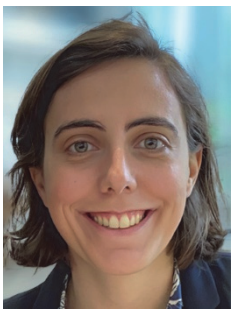

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Abstract: Ethics and professional conduct have become central concerns in the archival profession, as well as in heritage-related fields, for several years. The integrity of cultural artifacts and the respect for the rights and dignity of individuals are of paramount importance. These principles are governed by a professional archival framework and specific codes of conduct that archivists must adhere to. This paper delves into ethical and deontological considerations within the context of an archivist's role. It explores how these considerations impact every stage of the archival process, from acquisition to giving access to documents for users. To offer a comprehensive understanding of the various layers of ethical management in the archival field, we have developed a holistic diagram encompassing all the elements that shape a professional's actions throughout the archive processing journey. Part of these elements belong to the professional framework and another part of them is linked to the subjectivity factors specific to the archivist. This model takes into account, in particular, the dynamics between various stakeholders in the system, including the relationships between archivists and creators of archives, as well as the relationships between archivists and users of archives. These relationships further underscore the societal role of the archivist.

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1.0 Introduction

This paper proposes a study on ethical questions applied to the archival field. If archival science is part of the field of information sciences, it is also closely related to knowledge organization. The link between archival science and knowledge organization has been supported by several studies in recent years, notably through the concepts of archival knowledge and archival knowledge organization (Tognoli et al. 2013; Da Silva et al. 2015; Guimarães and Tognoli 2015; Barros and de Sousa 2019). The activities that underpin archival practice, such as the arrangement and description of archives, rely on controlled vocabularies, standards, and classification systems based on knowledge organization theories (Rousseau and Couture 1994; Schellenberg 1996 as cited by Da Silva et al. 2015). Parallels between archival science and knowledge organization are found both in terms of methodology and theoretical tools, particularly in the scope of classification and description. The integration of Archival Knowledge into the cycle of new knowledge production also comes into play.

For several years now, the concepts of ethics and deontology have been central to fundamental questions about life in society, particularly within the domain of social ethics. Social ethics seeks to explore the responsibilities within societal frameworks and the human relationships that evolve within them. Its goal is to equip individuals with the tools to be mindful of their surroundings and to delineate the boundaries between what is acceptable and what is not (Dion 1999). These two concepts are often juxtaposed with morality. Derived from the term "moral philosophy" (1637), morality is a practical discipline that helps us distinguish between right and wrong, just and unjust, and acceptable and unacceptable actions that individuals must adhere to. According to the Lalande dictionary, it pertains to "either morals or the accepted rules of conduct within a particular society at a given time" (Lalande 1926, 653). In philosophy, morality is seen as prescriptive, necessitating adherence to specific rules and standards, in contrast to ethics, which is the product of personal reasoning.

Ethics[1] involves thinking in order to do what is morally right. It assumes that individuals consider the values and moral principles that should guide their actions in various situations and then strive to act accordingly. This conceptual framework can be traced back to the ideas of Spinoza (1677), particularly his connection with the "Wise man". For Spinoza, ethics refers to the affects of "tenacity and nobility", which together constitute "strength of character". Spinoza defines tenacity as "by which each one strives, solely from the dictate of reason, to preserve his being'", and nobility as "the desire by which each one strives, solely from the dictate of reason, to aid other men and join them to him in friendship" (Spinoza 1996, 102-103). Whether directed towards oneself or others, it remains the same strength of character (Jaquet 2005); it is driven by the pursuit of the sovereign good that is common to all: "The good which everyone who seeks virtue wants for himself, he also desires for other men'" (Spinoza 1996, 134). This perspective on strength of character aims to connect morality with ethics of virtues, in which the intention of the individual is central. For Spinoza, it's about ensuring the coexistence of rational understanding of moral principles (rule ethics) and ethics of virtues.

As for deontology[2] , the notion refers to the theory of duties and, by metonymy, more commonly designates the set of moral rules governing a profession's practice. It refers first of all to the "set of duties inherent in the exercise of a professional activity and most often defined by a professional order" (Cornu et al. 2018, 359) and, secondly, to the "set of professional principles more aligned with duties than rights, ensuring both external and internal professional legitimacy and incorporating principles of intellectual freedom" (Kupiec 1999, 8).

2.0 Ethics: What does ethics mean for archival practice?

As highlighted in the conceptual framework, the relationship with others remains a fundamental cornerstone of societal organization and individual empowerment. The proliferation of studies in this area (through chairs and journals[3]) reflects both the need to strike the right balance in professional and civic practices and the imperative to impartially consider others. The scope of application is highly diverse, as evidenced by the broad spectrum of topics addressed in specialized periodicals. These publications scrutinize the normative aspects of social practices and public policies, explore the epistemological underpinnings of ethics, and report on contemporary discussions spanning ethics, bioethics, morality, theology, philosophy, and the human sciences.

Among these publications, the case of archives – which concerns us here – is not left behind: the work initiated in this field deals with both the ethical issues inherent in archival practice and in the management of heritage knowledge, as well as the relationship established within this context; particularly with users of archival materials. Improvements that can be made to the processing of archival materials and the access given to archives are regularly discussed, which also raises questions about the posture of professionals. Emphasis is placed on respecting the integrity of cultural heritage objects, as well as the rights and dignity of individuals and legal entities. Studies in this area cover legal issues (Ermisse 2004), accessibility and transparency (Obert 1996; Laurent 2003), issues of heritage (Grailles 2013; Davallon 2014), memory (Kabanda 2007) and communication (Kane 2019).

These studies – some of which originate from within the profession itself – also aim to encourage curators to examine the principles and values that frame their practices and the rules of conduct that legitimize their actions. The aim is to move beyond the concept of the "duty of memory" and instead focus on the responsibility towards heritage. This involves a deeper examination of heritage thinking and its evolution alongside the professional and political challenges it entails (Paquette and Nelson 2017).

Archivists' duties are governed by a set of laws, codes and standards governing the acquisition, processing, and accessibility of archival materials. The profession places significant emphasis on ethical and deontological principles as they serve to structure interactions with archival materials and archive users. Archives, by their very nature, are sensitive repositories, necessitating heightened vigilance from archivists to safeguard the rights and privacy of individuals and organizations. While this regulatory framework provides essential guidance, its application can sometimes be challenging. The question arises: how can we ensure that

the actions taken by archivists (such as appraising, disposing, or access giving) align with best practices and do not detrimentally affect either the profession or archive users?

Ethical considerations loom particularly large in archival practice because it imposes a duty of discretion on archivists that may extend to professional secrecy. This duty of discretion frequently encounters criticism from society, which associates a certain "culture of secrecy" (Krakovitch 1997; Santschi 2004) with the archival domain. This culture is questioned by declassification procedures, the growing importance of the right to information, which sometimes conflicts with access criteria for archives (determining what is accessible or not), and the posture of professionals.

Debates in politics about transparency and secrecy in archives, as well as issues pertaining to the right to information and the rights of archive users, are not the primary focus of our article. Of course, these elements do contribute to the reflection on the responsibilities of archive professionals and, more broadly, of those involved in the heritage sector in terms of ethics and deontology. We primarily focus on the establishment of a reflection among professionals regarding their own practice. We try to observe how ethical and professional conduct issues are developed in this context. In what manner do archivists take ethical considerations into account in the archival process? What initiatives and regulations are implemented in the field? How do they shape the decisions made, and based on what factors do they adjust their conduct?

To address these inquiries, we commence by exploring the concept of ethics as it relates to archives. How do ethics and deontology play a central role in archival practice? We will delve into the challenges that arise for professionals throughout the archival process and examine how the international archival community is tackling these issues. Subsequently, in the second part, we will propose a conceptual model that enables us to comprehend the various levels at which ethics are integrated, taking into account both the professional framework and subjective factors.

3.0 Ethical issues in archival processing

This study was conducted based on the French archival model found in much of the Francophone world, particularly in Africa. Thus, our reflection was built upon this French practice. However, we found it interesting to broaden the focus and consider the concepts and viewpoints developed within archival practice by other traditions, notably Anglo-Saxon ones. We do not presume that all the elements discussed are relevant to every national professional context, but this global perspective contributes to a deeper reflection on archival ethics.

The difference between the French system and other national systems, particularly British but more broadly Anglo-Saxon, has been studied by several specialists, notably by Leitch (2011): the differences are primarily of a legal and regulatory nature. In French archive services, the central authority exercises control over territorial services, which is a system very different from that of the United Kingdom. Lastly, from a practical standpoint, the system for selecting documents to be archived is not similar (Leitch 2011). There is sometimes a certain difficulty of mutual understanding between Francophone and Anglophone archivists, as the differences between the environments are not only linguistic but also conceptual and systemic. However, there are cooperation programs among archivists from different countries and traditions. This is the case with European archivists who collaborate on issues such as the conservation and processing of archival materials, digital archiving, pooling of digital resources, legislation, and prevention of damage and theft (Hallin 2009). This European collaboration takes place through the European Archives Group (EAG) and the European Board of National Archivists (EBNA). The International Council on Archives (ICA) also serves as a privileged forum for professionals to collaborate on standards and address common challenges facing the entire profession. Among the issues considered are, of course, digital preservation and archiving, but also ethics, which is an important concern in the archival profession, as in all professions dealing with enduring and sensitive information.

3.1 Areas of concern

The entire archival processing, from acquisition to access, including appraisal and disposition, results in the creation of archival *fonds*. These *fonds* are made accessible to the public after being arranged and described. Throughout this process, the archivist is confronted with a number of questions, occasionally evolving into conflicts, necessitating decision-making. When acquiring public archives, various issues can arise: the person or the institution that produced the documents may refuse to transfer them or may do an altered transfer. In France, as elsewhere, the acquisition of archival materials from central administrations and ministerial cabinets presents a notable example of this issue. These entities frequently encounter gaps in their archives (Canavaggio 1982; Potin 2017). Special measures have been established to enhance the quality of transfers, such as the *protocoles de remise* initially implemented for presidential archives (Canavaggio 2003) and later extended to ministerial archives[4]. These protocols, signed by both the archival institution and the person making the transfer, in other words, the politician concerned – the president, ministers or their representatives – "affirm the public nature of the documents produced in the course of public functions" (Lemoine 2003, 15). They ensure the effectiveness of transfers, which were previously far from systematic (Bos and

Vaisse 2005). The typology of these archival materials, combining public and private documents, may explain hesitations surrounding their transfer. Indeed, the actions of politicians concerning their archives often draw criticism, as exemplified by recent events involving White House archives. A dedicated section of the ICA (the Section on Archives and Human Rights) publishes a monthly bulletin listing failures in terms of archival transfers that have been reported in the international press[5].

Likewise, difficulties can also arise when acquiring private archives and personal papers, particularly when drawing up contractual clauses and negotiating conditions of access to archival materials. For instance, the acquisition and preservation of sensitive records, such as those linked to Truth and Reconciliation Commissions in Canada (Dekker 2019) or archives pertaining to Native American populations, have posed recurring challenges in recent years. In the case of Native American archives, the profession went as far as introducing a protocol and a guide to best practices based on codes of ethics in 2007, the Protocols for Native American Archival Materials (Cooper 2002).

Archival appraisal and selection come with their own set of challenges. When it's time to dispose of documents, the archivist may need to reassess selection criteria and the validity of appraisal standards, depending on the archival materials in question. Theodore R. Schellenberg scrutinizes the concept of archival value, distinguishing between primary values inherent in documents' use by producing departments and originating offices and secondary values that documents may hold for external readers, such as historical values and informational values (Schellenberg 1956, Klein 2019). Selecting archives is viewed as a function, even a skill in archival appraisal (Maftei 1997-1998).

It is therefore important to observe the conditions under which this appraisal is carried out: they involve not only archival rules and disposal standards but also an understanding of the conditions of records production and an understanding of the informational content of documents – fundamental elements in archival appraisal[6]. Additionally, personal judgment of the archivist plays a role. Lastly, this operation is completed by the physical appraisal criteria that entail disposal. How can we evaluate the archivists' approach when the action they take depends in part on their relationship with the document? Assessing the archivist's approach becomes all the more challenging given that the secondary user of the archives may not necessarily share the same connection to the document as the archivist does. This disparity arises from social, identity-related, and historical factors that influence the reception of information.

Regarding archive disposal, the archivist's impartiality may be tested, especially when subjected to pressure from creators of records and originating offices to dispose of specific documents. Archivists rarely mention the pressure they may be under to authorize the disposal of documents that are, nonetheless, of vital historical interest. This could be attributed to the "duty of discretion" and the obligation of professional discretion to which archivists in the civil service must adhere. Occasional indications of this issue surface, such as in a survey of professional archivists conducted by the Association of French Archivists (De Peretti 1992), or in certain articles (Boisard 1967; Lainé et al. 2003). However, the publication by the French Ministry of Justice in 2020 of a document on "the offense of destroying public archives without the prior agreement of the archive administration" clearly underscores the reality of this problem.

The act of archive destroying itself raises questions: where lies the legitimacy of this action if archives are indeed historical materials? (Pérotin 1965; Chabin 1995; Maftei 1997-1998). This resonates with the ongoing debate in Canada concerning the destruction of the Truth and Reconciliation Commission's archives. While the Canadian government advocated preserving the testimonies provided by Indigenous peoples within the Commission as a memorial record, some Indigenous individuals argued for the destruction of their testimonies to safeguard their privacy (Dekker 2019). In October 2017, the Supreme Court of Canada ruled in favor of destroying the archives unless the concerned parties decided otherwise, in which case their files could be transferred to the National Archives of Canada.

Finally, giving access to archives stands as one of the most challenging issues for professionals. Various forms of accessibility (direct access, online access, exhibitions) present distinct challenges, including resistance from creators of documents, privacy and personal data protection, changes in legislation, and reconsideration of access dates. When users have been refused access to documents, certain appeals can be used to obtain exemptions. In France, the CADA (*Commission d'accès aux documents administratifs*) was established for this purpose in 1978. Similar institutions have been established elsewhere, such as in Quebec in 1982 (*Commission d'accès à l'information*) or in Belgium in 1995 (CADA), or have been mandated by law, although not always effectively implemented, as in the case of Senegal. Decisions made by these independent administrative authorities are sometimes subject to criticism, raising questions about fairness and occasionally resulting in random judgments (Kane 2019).

3.2 Codes of ethics: responses from the international community

In guiding their conduct throughout the archival process, professionals naturally adhere to the rules of their profession, including international archival standards, national laws on archives and the responsibilities of civil servants, particularly civil service archivists. However, the complex

situations mentioned earlier often leave significant room for personal judgment. To assist archivists in their practice and facilitate professional decision-making, the international community of archivists, through the International Council on Archives (ICA), sought to develop a code of ethics in the late 1980s. This endeavor was initiated by the ICA in 1989, following the example of certain national associations, such as the Society of American Archivists, whose first code was established in 1980 and was itself inspired by the code of ethics of the U.S. National Archives formulated in 1955.

The objectives of establishing an international code of ethics were twofold (Carassi 1998, 19-21):

- to provide an institutional environment for debate on some of the challenges faced by archivists, particularly in areas not regulated by positive law, and in areas where the current standard leaves the archivist room for interpretation or intervention;
- develop professional conscience within the archival community.

After a long process of writing, reviewing, and refining, the Code of Ethics was adopted by the ICA in 1996. Heavily influenced by the existing Anglo-Saxon codes of ethics from which the original materials were derived, the code consists of 10 articles and has been translated into 23 languages. These articles are not intended to be prescriptive but rather propose a general ethical framework (Coutaz 2014). They are accompanied by a set of comments giving examples that provide examples of practical situations archivists may encounter. By examining the different articles of the ICA code, we can highlight the following archival functions and values:

- Integrity and authenticity of archives (articles 1, 3);
- Principle of *respect des fonds* (article 2);
- Archival appraisal and stringent selection criteria (article 5);
- Relationships with users and accessibility of archives, with a focus on openness, in accordance with the applicable laws in the country (articles 4, 6, 7);
- Integrity of archivists (articles 6 to 9);
- Preserving documentary heritage, transcending professional specificities and going beyond the scope of each heritage profession (article 10).

This code of ethics has been adopted by a large part of the profession through national associations. Some associations have ratified this code in conjunction with their existing code (e.g., the USA, Canada, and Quebec), while others, such as those in Switzerland and France, have opted to simply adopt this code in the absence of national codes. The code serves as a reference without imposing legal obligations on professionals. It is difficult to measure its real impact on archival practice, but the prevalence of ethical considerations in contemporary society encourages everyone to take these dimensions into account in their professional practice.

In addition to the Code of Ethics, the ICA has engaged in ongoing ethical considerations and has proposed other tools to promote archive accessibility. In 2011, a Universal Declaration on Archives was issued, addressed to all archive creators and users, not only archivists. In 2012, the Principles on Access to Archives were ratified. While these resources serve as valuable references for archivists, they may not suffice to keep pace with evolving professional demands. Furthermore, they inevitably have certain gaps. Specifically, the ICA Code of Ethics requires updating. Although this ICA code continues to provide a useful framework for reflection, it is considered outdated by a significant portion of the profession. This perception stems from its lack of updates since inception, leading to its failure to address the digital shift in archival practices. Some national professional associations, particularly those that had developed their own codes of ethics before the ICA, strongly criticize the international code. The Society of American Archivists has revised the SAA code several times (2005, 2012) to consider the evolving professional environment, particularly digital archives (Zhang 2012). Archivists need to pay more attention to the composition and revision of codes to reinforce trust, advance professionalism, and provide guidance (Dingwall 2004). "The ICA's failure to address the digital shift in modern records creation and preservation is acknowledged within the profession" (Hamer 2018, 161). Other criticisms are leveled at the ICA, particularly the principle of impartiality it recommends, which no longer seems adequate given the archival turn toward social justice that is currently underway. As part of the ongoing ethical reflection in the professional field of archival science, other values deserve to be emphasized and integrated into codes of ethics: transparency, reflexivity, and the pursuit of fairness and equity (Gilliland 2016).

The updated code should also incorporate aspects of the archivist's role that have gained recognition recently. These include the archivist's social role and the emotional impact of documents, an area of growing interest within the international archival and scientific community[7].

4.0 A holistic approach to the archivist's well-being

In order to gain a deeper insight into the circumstances under which archivists assume ethical responsibility, we present a conceptual model that amalgamates all the facets entangled in the decision-making process. We categorize these facets into

two principal domains: the professional framework governing the archivist's conduct and the subjective factors that influence their choices. This conceptual model is illustrated in the diagram provided below (Figure 1), followed by an analysis of the various components it encompasses.

In the following sections, we will delve into each facet of the conceptual model, elucidating how they interact and contribute to the ethical decision-making of archivists.

4.1 Professional framework

The decisions and actions of archivists are conducted within a professional framework that governs their core operations. The procedures for archival processing and preservation are specific to each country, as archiving is regarded as a national and sovereign function. However, irrespective of the distinctive features and regulations that vary from one country to another, a common professional framework exists. This framework includes several essential components that serve as reference points guiding archivists throughout their work. We have identified four key elements within this framework: the stakeholders in the system, categorized into creators and users of archives; the transaction subject, which is the archival materials; and, lastly, the professional function, encapsulating the legal, normative and deontological reference parameters of archival practice. At the heart of this system is the archivist, whose conduct is shaped by the equilibrium sought among these diverse elements.

4.1.1 Stakeholders: creators and users of archival materials

Archive creators can be segmented into various subsets contingent on the nature of the archival materials in question, whether they are public or private. Predominantly, public archives are supplied by institutions such as central and regional government departments, supplemented, at least in France, by public industrial and commercial entities and private sector organizations entrusted with public service missions, as per the *Code du Patrimoine* and the July 15, 2008 law on archives [8]. Alongside creators of public archival materials, there is a plethora of private archives and personal records creators, encompassing political, association, family and religious archives.

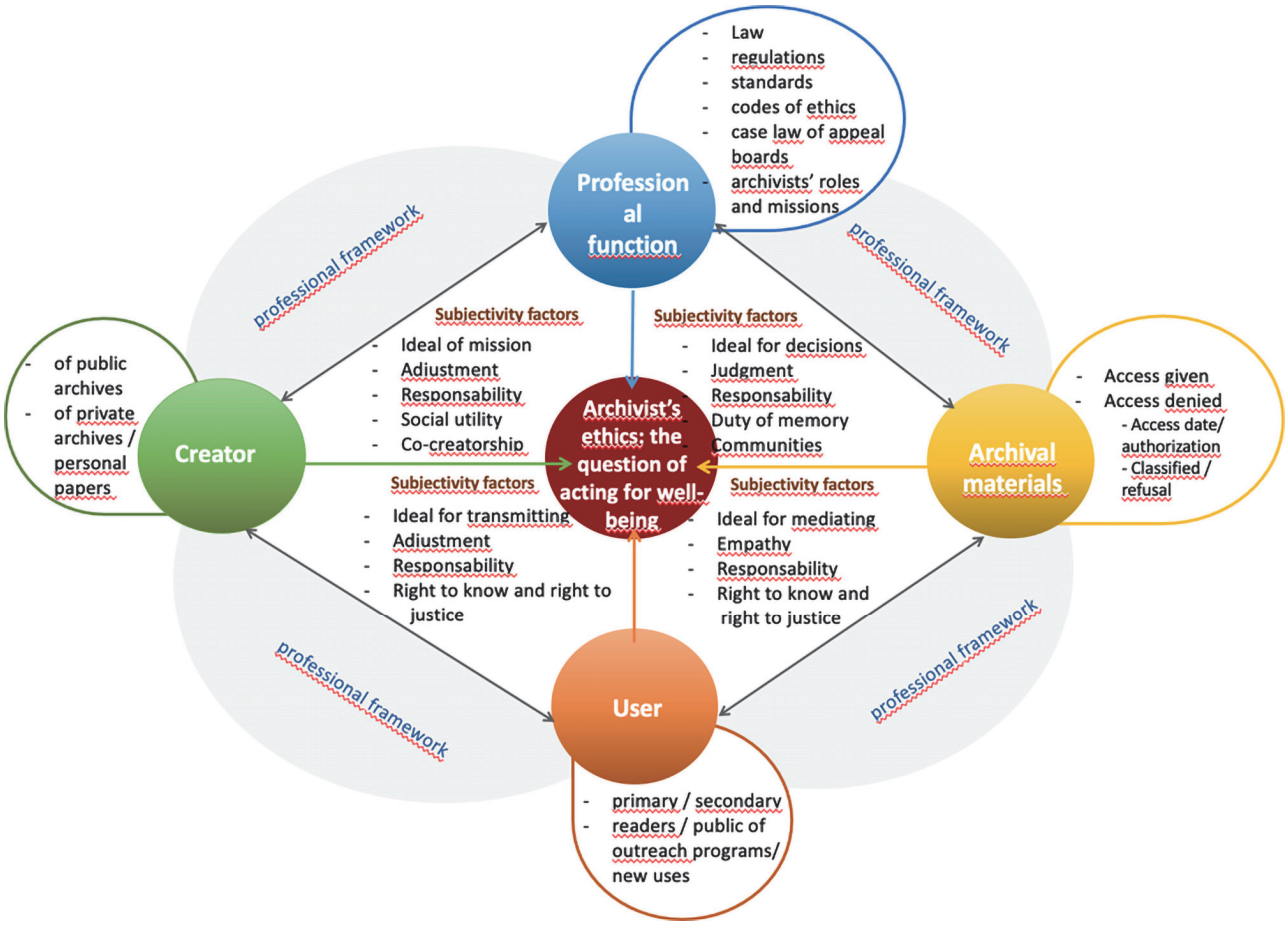

Figure 1. A holistic approach to the archivist's well-being (diagram drawn up by the authors).

The primary users of the archives are those who necessitate searching for technical, administrative, or legal information within the records they have created. However, this access granted to archive creators is subject to specific regulations. The more usual uses correspond to those of secondary readers, whether they are professionals or amateurs, who must adhere to the legal parameters governing public access. Professional users employ records as primary sources for their research, a practice observed among historians, scholars from other disciplines, and professional genealogists. Amateur users may turn to archives when researching their family history, the history of their residence, or the local history of their region. With the increasing digitization and online publication of archives, the scope of applications continues to expand, including the educational use of archives in secondary schools and universities. New uses are also emerging through outreach programs developed by archival institutions and through exhibitions organized around archival materials. Lastly, the use or re-use of archives by artists, who incorporate them into their artistic creations, is an example of new practices involving archives (Klein 2019).

4.1.2 Subject of the transaction: archival materials

The subject of the transaction – the archival materials – is characterized not only by its physical form but also by its informational content. The typological diversity of archives continues to expand as information carriers become increasingly varied. For instance, in the most recent revisions to the definition of archives, digital data has also been incorporated. Once a document has undergone processing and preservation, its accessibility status fluctuates based on legal, juridical, material, and temporal factors. Thus, the accessibility of a record may evolve over time, influenced by the access date or its preservation condition. Unlike public archives, subject to regular conditions of access, private archives adhere to specific accessibility rules, decided on a case-by-case basis by the creators and archival institutions. In the context of an ethical examination of archival practice, access to archives becomes particularly noteworthy, as it is subject to interpretation and decisions on the part of the archivist. This is one of the critical junctures where questions of ethics and deontology are most acutely confronted by professionals.

4.1.3 Professional function: regulatory and ethical framework

The professional function encompasses the legal, normative and deontological reference parameters of archival practice. These include both international elements – such as archival standards and principles – and national elements, such as regulatory texts[9] and the case law of appeal boards. Additionally, codes of ethics play a significant role, applied either at an international level (e.g., ICA), at a national level (e.g., USA, UK), or, in certain instances, within specific institutions (e.g., Library and Archives Canada, 2019). Furthermore, this function is partially contingent on the missions and roles of archivists. Four fundamental actions underpin the practice of archiving (acquiring, preserving, arranging, and access giving) and sum up the professionals' missions. Nevertheless, it is the intended purpose for which archives are preserved that defines archival missions. These missions are multifaceted and closely correlated with, on one hand, the functions inherent to the profession and, on the other, the roles that society assigns to it. Consequently, they can be classified into several categories, which constitute the foundational elements of the archivist's professional framework:

- Administrative and institutional function: one of the core responsibilities of an archivist, addressing the preservation needs of documents produced by administrations and institutions. Archives hold material, legal, and administrative evidential value, making it possible to keep track of the activities carried out by the services and the rights associated with them. Historically, this is indeed the primary reason behind the establishment of archive fonds by public authorities. Derrida emphasized that the condition of the archive is "the constitution of an instance and a place of authority" (Derrida 1995, 11). This function is designed to provide archivists with the necessary tools to identify documents that should be preserved and to determine the appropriate methods for their processing and valorization.
- Memorial and educational function: Through this function, archives are recognized as carriers of the past, serving as both places of memory and history. Pierre Nora highlights this dual specificity of archives and the challenges in their processing and reception, stating, "This is what makes the dramatic and conflictual stake of contemporary archives [since] they rightfully belong to both types of memory, historical memory and lived memory" (Nora 2003, 48). The analysis and interpretation of archives compel historians to think about the relationships between history and collective memory. The perception of the distance between the various temporalities involved in working with archives – past, present, and future – is linked to a set of factors, including the context of document creation, the history they encompass, and the conditions of reception and use. The connection between memory and history implies that the archivist's ethical choices should align with social and cultural is-

sues, especially when dealing with archives that originate from social and collective constructions, sometimes laden with emotional weight, particularly in the case of contemporary archives. As for the educational function, it is part of an educational process – teaching – extended to cultural activities that involve the general public. Sharing knowledge presupposes the sharing of common values based on ethical principles. It is then the responsibility of the archivist to consider the diversity of audiences, their needs, and their expectations regarding learning and cultural discovery.

– Social function: The social role of archivists has become increasingly significant in recent years, as perceived by professionals in their field. Indeed, within the profession itself, there has been a growing need for society to recognize the importance of their role and perceive the social consequences it carries. This has also led some professional associations to focus their codes of ethics on archivist missions. This is Quebec's case, where the issues of reaffirming the social mission of archivists and gaining social recognition for the profession are explicitly stated in the code of ethics. The social dimension is linked to the notions of the right to know, the duty of memory, the construction of collective memory, and the preservation and development of sustainable democracy. Indeed, from the master plan for archival processing to the management and protection of privacy and individual rights, all activities of the archivist are influenced by this social function, as they contribute to the construction of the nation's identity. Furthermore, since archival documents inherently serve as carriers of social discourse, all activities related to their processing – from acquisition to valorization – fulfilling both the administrative and scientific roles of the archivist strengthen their social function.

4.2 Modulating the archivist's action: elements of subjectivity

The work of an archivist operates within this defined framework governed by established standards and laws, as well as the expectations, needs, and obligations of the entities involved. However, this framework alone is insufficient to fully explain the complexity of archival decision-making. There are additional elements at play, referred to as "subjectivity factors", which influence the archivist's decision-making process. By "subjectivity factors", we mean the position adopted by the archivist, which involves the professional's exercise of discernment. This element of judgment, inherent in all decision-making processes, is naturally based on the objective regulatory elements provided by the professional framework. However, it cannot be divorced from the context within which the archivist operates or the relationships that develop between the archivist and the various stakeholders involved. Like any form of discernment, it inherently contains a personal component. Consequently, the conditions under which a decision is made, at the discretion of the professional, are influenced by the archivist's relationship with their mission, as well as the human relationships they engage in.

4.2.1 Collective and professional ideals

Archivists' relationship with their mission is closely professionally tied to what we may refer to as "collective ideals", following the terminology of Emile Durkheim. Durkheim defines the ideal as "something not connected to an individual personality or stemming from individual reasoning. Instead, it embodies a shared rationale, a force that is impersonal, hovering above individual wills, yet capable of inspiring collective action" (Durkheim 1911, 111). It is precisely this impersonal nature of the ideal that allows personal sensibilities to be transcended, making it suitable for adoption by a greater or lesser portion of the professional community. Durkheim further asserts that ideals serve as driving forces, underpinned by real, active collective forces akin to natural forces, yet characterized by moral significance comparable to forces at play elsewhere in the universe. "The ideal itself represents such a force and science can be made of it. It is a force that is both derived from reality and simultaneously transcends it" (Durkheim 1911, 111).

When we turn our attention back to the archival profession, we recognize that archivists are at the center of issues that go far beyond their immediate responsibilities (such as memory-related issues, heritage-related issues, and issues related to historical truth). Their roles within society give rise to professional and ethical ideals that are specific to their field. Indeed, society has delegated to the archivist a significant responsibility: that of selecting the records that will bear witness to human and societal activities. It is in alignment with these collective ideals that archivists are called upon to act, driven by forces that extend beyond their individual selves. These forces include the duty of memory and the duty to preserve historical facts, the right to know and the right to access information, and also the right to justice, which are essential for every citizen. Additionally, archivists play a social role and contribute to the well-being of contemporary and future societies through the utility of their mission. Depending on the entities and stakeholders involved, the professional ideals relevant to an archivist's practice can take various forms:

– The ideal of mediating between the archival materials and the user;

- The ideal of transmitting information between the creator and the user;
- The ideal of harmonizing the mission between the creator and the professional function;
- The ideal of making decisions between the professional function and the archival materials.

4.2.2 Judging and appraising archives

We have previously discussed the process of appraising archives, during which archivists determine whether archives should be retained or disposed of. Depending on the type of archival materials being processed, archivists may rely on programmatic documents, such as records retention and disposition schedules or selection recommendations. In situations where pre-established tools are lacking, archivists must exercise their own judgment in deciding how to select and preserve documents by creating their own appraisal criteria. Appraising and arranging archives are highly personalized activities resulting from a unique and often intimate relationship between the archivist and the archival materials. This is epitomized by the reverence surrounding the archivist's appraising table, where piles of documents remain untouched by others. (Both 2010 cited in Bouyé 2017). It is in these moments that the archivist's judgment comes into play within the decision-making process, guided by fundamental principles of archival appraisal and the imperative to substantiate their choices through documentation. Thus, even if the appraisal process does not aim for complete objectivity, the professional's decisions are documented, and the archivist's responsibility is firmly engaged.

4.2.3 The archivist's responsibility

Hans Jonas (1990) characterizes the principle of responsibility as an imperative for action, closely aligned with the emotion of fear. This is not a paralyzing fear but rather a positive one that is conscious of the stakes and potential hazards, prompting ethical action. It is a fear "for the object of responsibility", which, in this context, refers to archival materials. These archival materials serve as legal and administrative evidence, as well as a testimony to history. Archivists bear the responsibility to ensure their preservation. With an acute awareness of the legal, memorial, and heritage issues at play, archivists develop a sense of ethical responsibility that guides their decisions throughout the archival processing. This sense of responsibility is particularly evident during the stages of acquisition and appraisal of archival material, as well as when archivists are giving access to documents to users. The responsibility of professionals extends to multiple domains, including their responsibility to their institution, responsibility towards the duties of the civil servant where applicable, adherence to archival principles, standards and regulations, service to society in their assigned role, and accountability to future generations who will rely on these archival materials to gain insights into history.

4.2.4 Adjustment and relationship with creators of archives

In their relations with archive creators, archivists are required to exhibit a diverse range of qualities, including active listening, teaching, patience, persuasion, and, when necessary, firmness. They must elucidate to public archive creators the fundamental principles of records and archives management such as the notions of disposal date and disposal. Additionally, they need to stress the importance of adhering to retention and disposition schedules and the importance of producing accession documentation. When dealing with personal papers and private archives creators, they must negotiate deposit and donation agreements and arrive at consensus regarding conditions of access to the archives. We refer to these standards of conduct as "adjustment", where the archivist adapts their approach according to the context, creator, and documents involved, in addition to taking into account the regulatory framework.

4.2.5 Social mission and recognition of the co-creatorship of archives

A set of studies are currently questioning the role of archivists and, notably, the social missions they must take on in our time. It is clear that archivists, through their functions of document selection, contribute to the heritage conservation of a portion of the documents produced by society, to the construction of a collective memory, and are thus engaged in the creation of knowledge. However, the modalities of selecting and processing archives reflect a viewpoint, a position anchored in a context that may contain cultural and ethical biases. This is particularly evident in the description and indexing of archives. Archival description constitutes a situated discourse on these documents (Guimarães and Tognoli 2015): an official discourse, a scientific discourse primarily considered as a discourse centered on the producer of the archives. When considering actions of archivists as mediators of human social relations (Wallace 2020), and particularly description as a practice with profound human rights uses and consequences (Wood et al. 2014, 415), then we must question the relevance of description as it is usually carried out. How can we ensure the fair representativeness of all parties involved in the creation of the documents? This description can be seen as "mainstream", which "reflects and shapes interpretations of these materials in favor of dominant or elite interests" (Gilliland 2012, 341).

These questions have arisen in the archival field around sensitive archive fonds concerned with this issue of fair representativeness, particularly around the archives of indigenous communities in Australia, in the United States, and in Canada. One of the proposed lines of reflection is the possibility of multiple narratives by allowing the coexistence of parallel descriptions, reflecting both the point of view of official producers and that of the concerned populations, then considered as co-creators of the archives (Sowry 2014). As part of an ethical approach to social justice archiving, professionals seek to establish mutual trust among all parties involved to integrate the viewpoint and knowledge of these communities into archival description (Douglas 2017).

"The archival concept of co-creatorship has been proposed as a way to acknowledge, give voice to, and describe the roles of those who were involved with the creation of the record and its metadata as contributors, subjects, victims, or legatees rather than as the official authors" (Gilliland 2012, 341). Of course, the recognition of co-creatorship disrupts certain archival theoretical foundations, and in particular the notion of provenance (Gilliland 2012, Guimarães and Tognoli 2015, Douglas 2017). It then leads archivists to rethink certain theoretical frameworks as well as the practical frameworks of how archivists operate. It is in accordance with this theoretical movement that the Protocols for Native American Archival Materials were developed.

4.2.6 Empathy and the relationship with users of archives

Even if objectivity towards users is one of the mainsprings of the archivists' conduct, the professional's ability to listen and consider the needs of the reader can influence their decisions. Empathy plays a role in this dynamic. What user hasn't already asked an archivist for an exemption to allow access to an additional record, when he or she has reached his or her regulatory daily record access limit? In decisions as minor as this, the reader-archivist relationship and the reader's circumstances, such as traveling from afar to consult archives, can impact the professional's decisions. This is even more pronounced in more complex requests. The question extends beyond the spectrum of requests for record access, as empathy plays a pivotal role in all forms of knowledge dissemination, including training and awareness campaigns (Dejob and Moser 2018). Indeed, the term empathy is used by some archivists, such as Edouard Bouyé, who employs it twice in his essay concerning the archival profession and its societal role. First, he uses it to characterize the attitude expected of archivists in their interactions with both creators and users, stating that "it is advisable to embrace a posture of attention to their need of empathy" (Bouyé 2017, 39). Second, he invokes empathy concerning the informational content of the archives and the individuals involved, remarking, "all these men and women may not always evoke sympathy, but they elicit empathy. The archivist endeavors to comprehend their rationale, their physical and mental world, their objectives, their fears" (Bouyé 2017, 64).

In their relationship with the public, archivists do not remain insensitive to assisting users with their research or granting exemptions to access restricted archives when necessary. They also make decisions about which documents to provide to the reader based on the specific context, especially for deeply personal research related to family histories. This capacity constitutes "the archivist's positive attitude" (Coutaz 2022). In order to make archives available to a reader, archivists may have to remove certain items from a file, considering the sensitivity or non-accessibility status of specific documents. This can be the only way to ensure access to part of the file while protecting individuals from the release of personal information. Archivists must strike a delicate balance between safeguarding individuals' privacy and disseminating information. However, doesn't the removal of certain items distort the information content of the file? These questions, complex as they are, must be taken into account by professionals with a view to doing the right thing.

5.0 Conclusion

In archival practice, ethical considerations are sensitive to a multitude of elements, some of which are intrinsic to the archival professional, others extrinsic to his or her practice. Archivists' responses to ethical dilemmas may vary according to:

- the social, economic, political and cultural context in which they operate;
- external contingencies imposed upon them, including the identity of archive creators, the archival institution in which they work, and the users who come to them;
- and personal and professional values.

The model presented here is predicated on two dimensions: the elements of the professional framework and the archivist's subjective factors. At the end of this exploratory study, several points can be made. Firstly, the interconnectedness of all entities in the model: decisions made at the moment of archive processing have an impact on all the associated entities and their modes of operation. Consequently, it seems essential to adopt a global, holistic approach to archivist ethics, encompassing all aspects of the system (stakeholders, object, professional function) as well as subjective factors.

The second fundamental element concerns the factors that motivate ethical behavior, particularly professional ideals rooted in the right to know, the right to justice, and the duty of memory.

It is essential to understand the mechanisms that impede ethical practice. What obstacles can hinder the pursuit of ethical conduct? These obstacles can include internal and external factors, such as pressure, negligence, or malevolent intent, all of which require individual examination.

Endnotes

1. The term ethics is a scholarly borrowing, first as a noun (c. 1265), from the imperial Latin *ethica* "morality" (as a part of philosophy). The Latin term itself was adopted from the Greek *êthikon*, neuter substantival of *êthikos* "which concerns morals, moral".
2. The term deontology was first attested in the works of the English philosopher Jeremy Bentham. The term is formed from the Greek "to *deon*" (meaning "what should be done"), and "*deîn*" (meaning "to bind, to tie") in a literal sense, combined with "*logos*" (meaning "discourse, doctrine").
3. These include the international journal *Éthique sociétale et gouvernementale*, the journal *Ethique*: *la vie en question,* the journal *Revue d'éthique et de Théologie Morale,* the journal *Revue française d'éthique appliquée*, the journal *Ethique et société*, and the ethics workshops of the journal *Archives.*
4. The first protocol of this kind was established in 1979 on the initiative of Valéry Giscard d'Estaing. These protocols allow politicians to exert control over access to their archives.
5. In addition to reporting breaches of the principles of access to archives and archival ethics, the same bulletin also reports on initiatives by some archival institutions to promote access to their archives. The bulletin is available in several languages on the ICA website.
6. See the work of da Silva et al. on "Ethical Values in Archival Arrangement and Description: An Analysis of Professional Codes of Ethics" (2015).
7. Notable works on this topic include those by Anne Klein (2014, 2019), Yvon Lemay (2011, 2012), and Aminata Kane (2018, 2019).
8. In France, the definition of archives was amended in the *Code du Patrimoine* through the July 7, 2016 law, which incorporated data as an integral part of archives.
9. France, for instance, has a complex regulatory landscape governing archives. This includes the 2004 *Code du Patrimoine* (which incorporates the 1979 law, supplemented by the 2008 law on access dates), the *Code général des collectivités territoriales*, the Ordinance on freedom of access to administrative documents and the reuse of public information, the Law on citizens' rights in their relations with administrations, the CNIL Law (*Informatique et libertés*) and the DADVSI Law (*Droits d'auteurs et droits voisins dans la société de l'information*).

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