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Ethics: an Alternate Proposal

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The American Library Association (ALA) Committee on Professional Ethics is undertaking a several-year review of the Code of Ethics, nominally for reasons stated in various Annual Conference announcements: "Relevant or relic? Does [it] live up to the challenges of the new millennium?" "The rusty, old ALA Code of Ethics gets new scrutiny.... [It] needs rigorous revision to distinguish individual ethics from institutional protection."¹ The reality behind those simplistic statements questions is much more complicated, and I am here making the case for not revising the ALA Code of Ethics. I do so not because it is already perfect in every little way, nor because I consider it so fundamentally flawed that it should be scrapped entirely and begun again. On the contrary, if actually followed and enforced, our policies would place librarians among the ethical and intellectual leaders in the professions. There are three strong reasons not to revise the Code of Ethics and I will review each in order.

I. We already have a good set of interlocking policies on our ethics and related issues.

If one rereads the Code of Ethics, there is a good bit of territory already covered: a public mission linked to intellectual freedom in a democracy; equitable, unbiased access and service; privacy; fair employment conditions in libraries; and maintaining distinctions between our private interests (be they intellectual, spiritual, or economic) and our responsibilities as professionals.² Furthermore, there are many policies that ALA has passed or endorsed which refer directly to the Code of Ethics or further articulate its stated principles. For instance, the ALA Core Values statement refers specifically to Intellectual Freedom embedded in the Code of Ethics, identifies

libraries' "fundamental" role in a democracy and as an "essential public good" along with "broad social responsibilities." [3](#) ALA endorsed and adapted for librarians the national standard for academic freedom and tenure 59 years ago, stating that "academic freedom means for the librarian intellectual freedom" which was in turn linked to the "practice of [our] profession without fear of interference or of dismissal for ... unjust reasons."[4](#) This language is currently equated with tenure in the security of employment section of the ALA Policy Manual [5](#) - which itself points us right back to the statement on our ethical responsibilities. We have excellent policies against "compulsory affirmations of allegiance as a condition of employment,"[6](#) on the freedom to read [7](#) and view, [8](#) and on not abridging the intellectual rights of children by acting in loco parentis [9](#) - without even mentioning the landmark Library Bill of Rights [10](#) and our ethical principles concerning censorship.

In short, we have covered the policy waterfront very well and staked out our place as "trustees of knowledge with the responsibility of ensuring the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn" [11](#) and citizens freely inquire on whatever matter they wish - to quote and adapt yet another relevant policy. Please note, I am not saying we are overburdened with policy - only that I see little room for improvement. Our policies are fundamentally sensible and grounded, and they are already on the books. However, this very foundation leads to the second reason not to amend the ALA Code of Ethics.

II. ALA leadership has taken the most conservative possible approach to ethics policy - and especially the connection between librarians' professional responsibilities and rights.

It is important to briefly walk through the underpinnings of what I mean here, and the best way is to examine one model of the interrelationship between professional responsibilities (for instance, those in the Code of Ethics), the rights and protections that come with those responsibilities, and a means to enforce them. Founded by John Dewey, the functioning of the American Association of University Professors (AAUP) is an alternative example of how a professional association deals with its ethical and professional standards. The AAUP has stated the basic principle very clearly: tenure (in whatever form) is not an end in itself. Rather, tenure exists as a means to protect academic freedom. A higher education system conducted "for the common good ... depends on the free search for truth and its free

expression." In other words, academic freedom is essential to the core, public, democratic purposes of higher education - and tenure exists to protect it, not the individual interests of teachers and researchers - who not incidentally have corresponding ethical obligations and limits in their work. [12](#) Further, the AAUP has taken as its mission not only articulating the standards, but also the investigation of serious instances of their violation. The Association deliberates on the evidence gathered, measures it against policies and standards, and if warranted, votes to censure institutions in its annual membership meetings [13](#) - placing them on what has been called "academia's blacklist," the list of censured administrations published in each issue of *Academe* along with full reports on those added or removed. [14](#) Those institutions range from the small and obscure involving local issues like dismissal for disagreeing with the college president - to large and well known universities with famous cases of academic freedom, for instance Angela Davis and free speech at Berkeley or Father Curran's theological teaching and scholarship at Catholic University of America. Finally, the standards and process have both been legally recognized - not by legislation, but by the courts, both as an employment standard for professors and as setting reasonable limitations on their actions - and thus forming a legitimate basis for discipline and even dismissal of tenured professors. [15](#)

Why have I taken this detour into another professional association's workings? First, it is important to remember that, for 59 years, ALA has endorsed these very principles; and second, ALA has taken the maximally cautious approach to them over the years. There has been, for instance, a systematic refusal by ALA to take any action or make any comments on what has been termed "local management issues." That means that ALA felt obliged to make no statement pro or con in regards to the Hawaii outsourcing debacle [16](#) or the controversy over the dumping of thousands of volumes from the new San Francisco Public Library building. [17](#) (You might recall that, though new, SFPL was already overcrowded due to administrative and design decisions and that led to the dumping.) They were both "local management issues." Further, ALA officially states that they might help defend you if your employment rights are denied in the process of defending intellectual freedom (like opposing local censorship) but not when you exercise it. [18](#) Let me make this concrete with an example: if a librarian in Hawaii had been formally disciplined or dismissed for vigorously protesting that local library collections were being seriously skewed or local monies wasted by the centralized book purchasing process (there are numerous examples from the Hawaii situation) thereby directly addressing the ethical "commit[ment] to intellectual

freedom and freedom of access" or insisting that administrators "not advance ... private interests at the expense of library users" (quoting the Code of Ethics) - ALA would not have done anything about it. We seemingly have intellectual/academic freedom in our work, but no teeth in nor means to enforce the policy. This is not speculation: in any number of situations work communication was shut down or strongly discouraged to prevent information sharing and dissenting points of view within library workplaces [19](#) and outright discipline under such circumstances is not a stretch of the imagination as my own co-published survey on the issue indicates.[20](#)

The Code of Ethics inherently calls for a series of actions in response to responsibilities: one must act to make services and access equitable; one must act to protect privacy - that is what is meant by the phrase in the Code stating our "special obligation to ensure the free flow of information and ideas to present and future generations." ALA has historically sidestepped its own responsibility in protecting that responsibility to act - subsuming it under "local management issues." For instance, the most conservative legal theorizing was applied by the Office of Intellectual Freedom (OIF) to the current proposal on workplace speech - essentially saying it was counter to employment law to take a stand on intellectual freedom as a library workplace right or goal. So instead of "permit[ing] and encourage[ing] a full and free expression of views by staff on library and professional issues"[21](#) as the original proposal stated, after OIF and ALA leadership objected, it was watered down: "Libraries should encourage discussion both among librarians and library workers and with members of the library's administration of non-confidential professional and policy matters about the operation of the library and matters of public concern within the framework of applicable laws."[22](#) There are enough qualifying words in this "policy" to allow almost any practice: "I did encourage discussion, but staff didn't want to speak up;" "the issue was deemed confidential," etc..

Perhaps most telling in contrast, the AAUP has established the greater good and protections of academic freedom and tenure in spite of common employment law (the "framework of applicable laws"). And further, ALA has stood firmly against laws and the courts plenty of times before when they violated other professional practices and ethics: the Children's Internet Protection Act and USAPATRIOT leap to mind. Bowing to employment law which is meant to cover workplaces from the local garage to the corporate cubicle evacuates the meaning of our ethics code - after all, if ALA isn't willing to stand behind putting it into action, why should the practicing librarian do it? Lastly, ALA

itself has clamped down on internal Association expression by its own roundtables and divisions with demands via ALA legal counsel for disclaimers on statements [23](#) and via the OIF virtual monopoly on interpreting the application of intellectual freedom principles. [24](#) In short, in its corporate actions, ALA doesn't substantively support putting the Code of Ethics into action by librarians and doesn't practice good intellectual freedom principles inside the Association. This brings us to the third reason not to amend the Code of Ethics.

III. When policies are amended, they are not always improved - and those on the books are often ignored.

The culture within ALA has become much more corporate lately - there is no other way to put it. How else to explain featuring the Barnes & Noble "model" for libraries on the cover of *American Libraries* [25](#) and as the featured ALA book publication in the winter catalog? How else to explain the constant ALA drumbeat to redefine our users and patrons as "customers" and that ALA publishes about eleven books on adapting corporate-style management, finance, fundraising, and planning for every one on intellectual freedom or analysis of the public role of libraries? [26](#) The Association seems preoccupied with building maintaining a burnished image as a current corporate information-style player, and equally preoccupied with not with taking concrete actions to put stated principles into practice or to try and water them down if given the chance. I will give four examples:

1. An interpretive extension of the Library Bill of Rights to electronic resources was watered down by the Association of College & Research Libraries (ACRL) Board in the process of making its way to ALA Council for approval. For instance, a reference to James Madison's famous quote on "popular government without popular information" was excised - along with a statement on information equity. In fact, an opposite interpretation putting forward the necessity to charge for services was actively discussed and ACRL leadership went out of their way to express concern over the document requiring that budgets be spent on "esoteric" requests and its ultimate irrelevance to academic freedom issues. A strong reference to the rights of children in the electronic environment was excised from the document in the process as well. [27](#)

2. Despite policy which directs the Association and those who act for it not to "imply ALA endorsement of their policies, products, or services," ALA has expanded this practice dramatically via the "One Voice" and "@ Your Library" public relations activities. Through these, the

Association appears to endorse: the World Wrestling Federation, NASCAR, Hershey's, McDonald's, New Line Cinema, 3-M, and Barnes & Noble among other corporations. ALA leadership has in the process refused to acknowledge the role of democratically-elected oversight committees for such activities.²⁸ I was conveniently provided with a very timely example of this practice just prior to the ALA conference. In the mail an envelope with the ALA seal, name, and return address arrived. In it I was informed that "ALA membership gives [me] direct access to car insurance [via] the ALA/Geico auto insurance partnership" in an undated letter from "Gerald Hodges, ALA Communications and Marketing." The Geico gecko complimented me in an enclosed brochure that touted "such smart customers." A small note at the bottom of the letter held the key: "ALA is compensated for allowing Geico to offer this insurance program to ALA members." This could not be clearer: librarianship has no community of interest with car insurers, and by allowing the repeated use of the Association's seal, letterhead, etc. in this and many other cases, ALA is clearly violating its own policy not to "imply ALA endorsement." The implications are clear - by forming such business partnerships contra its own policy, ALA places the compensation received before any ethical values. It is not that ALA refused to comment on the Hawaii outsourcing case because of ties to Baker & Taylor, nor that the bookstore model finds its way on to cover of the magazine because of ties to Barnes & Noble. Rather, the issues and controversies are thus framed and shaped beforehand via that business relationship, irrespective of ethical considerations.

3. Some of the benchmark library standards in higher education have been weakened in subsequent revision. The Standards for Faculty Status for Librarians - a model for ethical and academic/freedom protections within the profession - has been diluted in the process of "revision" over the last 15 years. The standards for performance, peer review, self-governance, tenure, and even the recommendation that librarians be faculty in the first place are all weaker now than when they were formulated in 1971. For instance the language has subtly shifted from clear statements that academic librarians "should adopt an academic form of governance ... similar to that of facult[y]" and that they "must have the protection of academic freedom [and their] professional judgment must not be subject to censorship" in the 1971 standards, ²⁹ to "the library exists to support the teaching and research functions [and] thus librarians should also participate in the development of the institution's mission, curriculum, and governance" and that they "are entitled to the protection of academic freedom" as defined by the AAUP's 1940 statement (but not the updated AAUP

²⁸On Not Revising the ALA Code of Ethics: an Alternate Proposal," John Buschman. *Library Philosophy and Practice*, Vol. 8, no. 2 (Spring 2006)

interpretations?).³⁰ Similarly, a recent C&RL News article asked the question "who uses ACRL standards?" The answer was "several" institutions, but since they too were weakened in 2000 by eliminating quantitative measures, a number of academic libraries found "no value in the [new] standards" and find the "superceded, quantitative standards much more valuable for their purposes."³¹ Certainly making an argument for budgets and positions based on hazy "outcomes" alone - completely divorced from resources and collections - makes that task very difficult.

Thus my third reasons for not amending the Code of Ethics is that we might well weaken it substantially or isolate it even more from effective practice by librarians.

In conclusion, I think it pointless to amend the Code of Ethics since ALA lacks the will and the imagination to enforce it. Inevitably number of objections will be raised in response:

- That is not ALA's mission to do so. What is the mission? If, as stated, it is "the promotion and improvement of ... profession of librarianship in order to enhance learning and ensure access to information for all," then it would seem that investigating, censuring, and publicizing the most serious violations of our Code of Ethics falls within that mission. Such a stance would mean that ALA intends that its ethics code actually mean something in practice and in action - and that most certainly fits the stated vision of being a "leading advocate for the public's right to a free and open information society."³² Right now ALA is defining all this in a very safe way to the detriment of our ethics.
- That it jeopardizes ALA's non-profit status or somehow transforms it into a quasi-union. ALA certainly puts enough legal disclaimers and explanations of what its counsel says it can do and not do on its web page - it is actually featured under "Our Association - Governing and Strategic Documents."³³ That's the maximally cautious approach again. The AAUP maintains its status as a non-profit, with a collective bargaining wing separate from the promulgation of standards, and Committee A which investigates the violations (itself separate from the other two). Further, AAUP has faced the same questions about standards-as-a-form-of-unionism (raised by my own institution no less in the process of a censure investigation over 30 years ago - the administration at the time also attempted prior restraint on AAUP publication of the censure report.³⁴) Which is a greater

- good - social and economic relationships with vendors or advocating for and protecting the profession and the institution? It is not a mere rhetorical question.
- That librarianship (via ALA) cannot effectively enforce its ethics code - via censure for instance. This objection has been stated a few ways, first as raised by Wayne Wiegand during the discussion portion of the conference panel on which the original version of this paper was delivered. Wiegand's argument is that, unlike the university classroom, coming to a library is entirely voluntary. Therefore librarianship as a profession lacks the essential authority - derived from the social compulsion to get an education giving teeth to professional standards meant to protect and reassure the public - to censure a library, a board, a library administration, or a librarian. The second version of this argument is that we don't need to punish "malpractice." As it was put, in the main it is "preferable to use personal networks, human resource reference and referral procedures, and the pressure of professional opinion to adjudicate informally ... unprofessional behavior. The system is far superior to any formal machinery."³⁵ In response, it is worth turning again to the standards and careful processes followed by the AAUP, widely recognized by the courts and as an employment standard in higher education - and as a common measure of simple shame. Censure does not equate to a loss of employment, license or certification, but rather as the dictionary puts it, an expression of "disapproval." The preface to the list of censured administrations in each month's *Academe* put it that, "as evidenced by a past violation, they are not observing the generally recognized principles [and] this list is published for the purpose of informing Association members, the profession at large, and the public at large...."³⁶ Elsewhere, the AAUP notes that adoption of professional standards do not "necessarily bind any institution to a unilateral interpretation of it, nor has any court so held, [rather,] these documents should be understood as reasoned argument [and] if an institution resolutely tries to wall itself off from such outside influences, it loses the good along with the bad."³⁷ What, other than our own reticence about our own principles, stands in the way of carefully investigating and publicizing notable, documented instances of violation of librarianship's professional ethical standards along this model? We know that, from the experience of the Committee on Professional Ethics, questions on ethics violations and what to do about them come bubbling up out of the profession all the time.

The American Association of University Professors and its actions in regard to policy are not a paradigm of pure good (I was on the AAUP's national governing council for 3 years, and I know well that they have their problems too). Rather, there are strong similarities with ALA in terms of stated values and principles, and the AAUP functions as a viable alternative to the way librarianship deals with those purported core values. However, in the current climate, the Code of Ethics may well be weakened in the process of revision, and to continue to make excuses not to enforce it makes it mere rhetoric. Any revision must include serious and principled investigation and publicizing of the most flagrant violations - whether by the politically overzealous (in the library or the community) or by "local management." Further, this can not be overseen by the Office of Intellectual Freedom nor by a committee of the Executive Council, but rather by a committee of the elected Council. If we are to uphold and support democracy in our libraries, we have to practice it in our profession and its Association, and the Association's leadership has consistently failed to do so in terms of the Code of Ethics.

I don't see a good reason why the Supreme Court should not write, as they did about higher education, that "Our Nation is deeply committed to safeguarding [intellectual] freedom, which is of transcendent value to all of us and not merely to the [librarians] concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the [library]." ³⁸ However, the courts won't stand up for principles that we do not fight for ourselves. In turn I don't see good reason why ALA can't state clearly (as the AAUP does) that librarians must "measure the urgency of other [ethical] obligations in light of their responsibilities to [an informed public] and to their institutions. ...As citizens engaged in a profession that depends upon freedom for its health and integrity, [librarians] have a particular obligation to promote conditions of free inquiry and to further public understanding of [intellectual] freedom" ³⁹ - and that we as a profession have a proactive obligation to uphold that standard.

Notes

1. "2005 Annual Conference Preliminary Program, June 23-29, 2005. Chicago, Illinois." A Supplement to *American Libraries Magazine*; and John Berry, "Teaching and Selling (ALA Chicago 2005)," *Library Journal*, June 1, 2005, 64.

2. American Library Association, Code of Ethics, June 28, 1995. Link at www.ala.org/ala/oif/statementspols/codeofethics/coehistory/Default2092.htm>
3. American Library Association, Core Values Task Force II Report, June 29, 2004. Available at www.ala.org/ala/oif/statementspols/corevaluesstatement/corevalues.htm>
4. See John Buschman and Mark Rosenzweig, "Intellectual Freedom Within the Library Workplace: An Exploratory Study in the U.S." *Journal of Information Ethics* 8 (Fall 1999): 37-38; and American Association of University Professors, "1940 Statement of Principles on Academic Freedom and Tenure, With 1970 Interpretive Comments," Policy Documents and Reports, 1995 edition, (Washington, D.C.: American Association of University Professors, 1995), 3-7
5. American Library Association, Policy Manual: 54. Library Personnel Practices. Available at www.ala.org/ala/ourassociation/governingdocs/policymanual/librarypersonnel.htm> (accessed May 12, 2005).
6. American Library Association, Loyalty Oaths, July 1, 1992. Available at www.ala.org/Template.cfm?Section=otherpolicies&Template=/ContentManagement/ContentDisplay.cfm>
7. American Library Association, The Freedom to Read Statement, June 30, 2004. Available at www.ala.org/ala/oif/statementspols/ftstatement/freedomreadstatement.htm>
8. American Library Association, Freedom to View Statement, January 10, 1990. Available at www.ala.org/ala/oif/statementspols/ftvstatement/freedomviewstatement.htm>
9. American Library Association, Access for Children and Young Adults to Nonprint Materials, Access to Resources and Services in the School Library Media Program, and Free Access to Libraries for Minors. Links at www.ala.org/ala/oif/statementspols/codeofethics/coehistory/Default2092.htm>

10. American Library Association, Library Bill of Rights, January 23, 1996. Link available at www.ala.org/ala/oif/statementspols/codeofethics/coehistory/Default2092.htm

11. Association of College and Research Libraries, American Library Association, and the American Association of University Professors, "Joint Statement on Faculty Status of College and University Librarians", 1973,) Policy Documents and Reports, 1995 edition, (Washington, D.C.: American Association of University Professors, 1995), 201.

12. "1940 Statement," 3.

13. "Introduction," Policy Documents and Reports, 1995 edition, (Washington, D.C.: American Association of University Professors, 1995), ix-xii; "Academic Freedom and Tenure: University of the Cumberlands (Kentucky)," *Academe*, March-April 2005, 99-113; and "For the Record: Committee A Procedures," *Academe*, March-April 2005, 115-118.

14. "Censured Administrations," *Academe*, March-April 2005, 123.

15. "Introduction," xi; and "Appendix I: Selected Judicial Decisions..." Policy Documents and Reports, 1995 edition, (Washington, D.C.: American Association of University Professors, 1995), 257-260.

16. Summarized in John Buschman, *Dismantling the Public Sphere: Situating and Sustaining Librarianship in the Age of the New Public Philosophy* (Westport, Conn.: Libraries Unlimited/Greenwood, 2003), 99-100, 133.

17. Summarized in Buschman, 95-96, 98; and Melissa Riley, "Notes from the Front Line at San Francisco Public Library," *Progressive Librarian* 12/13 (Spring/Summer 1997): 60-62.

18. Judith Krug, attached memo to ALA Executive Board on "Resolution on Workplace Speech (CD#38)," March 28, 2005, distributed to ALA Council List by Carol Brey Casiano and forwarded on plgnet-l@listproc.sjsu.edu by Mark Rosenzweig on May 2, 2005.

19. See Riley; and John Berry, "Workplace Rights at Risk," *Library Journal*, June 1, 2005.

20. Buschman and Rosenzweig.
21. Quoted in "Fwd: [ALACOUN: 14584] Resolution on Workplace Speech, "distributed to ALA Council List by Carol Brey Casiano and forwarded on plgnet-l@listproc.sjsu.edu by M. Rosenzweig on May 2, 2005.
22. Quoted in "ALA Resolutions: Workplace Speech, Gay Bias, and Disinformation." *LibraryJournal.com*, July 5, 2005. Available at <www.libraryjournal.com/article/CA623045.html>
23. Buschman, *Dismantling*, 135-137.
24. *Ibid.*, notes 34 and 36, 145-146.
25. *Ibid.*, note 17, 124.
26. John Buschman, "Another take on closing the book on bad library rhetoric & ALA" (a content analysis of the Winter 2005 ALA Editions catalog), sent to plgnet-l@listproc.sjsu.edu on January 17, 2005.
27. John Buschman, "A House Divided Against Itself: ACRL Leadership, Academic Freedom & Electronic Resources," *Progressive Librarian* 12/13 (Spring/Summer 1997), 7-17.
28. Buschman, *Dismantling*, 139-140.
29. "Standards for Faculty Status for College and University Librarians" (reprint of the 1971 Standards), *College & Research Libraries News*, December 1989, 976-977.
30. Association of College & Research Libraries, Guidelines for Academic Status for College and University Librarians, June 18, 2002. Available at <www.ala.org/ACRLPrinterTemplate.cfm.ContentManagement/HTMLDisplay.cfm&ContentID=8655>
31. William Nelson and Robert Fernekes, "Who Uses ACRL Standards?" *College & Research Libraries News*, May 2005, 359-361.
32. American Library Association, *ALAction 2005*. Available at <www.ala.org/ala/ourassociation/governingdocs/alaction2005/alaction2005.htm> (accessed May 12, 2005).

33. American Library Association, *Our Association: ALA Governing and Strategic Documents: ALA Legal Framework*. Available at www.ala.org/ala/ourassociation/governingdocs/legalguidelines/legalframework/alalegalframework.htm (accessed May 12, 2005).
34. Mervin Dissinger, "Message to the Rider College Chapter," *Rider College AAUP Newsletter*, Edition 1, Fall 1993, 2-3; and "Rider College (New Jersey)," *AAUP Bulletin*, Spring 1973, 98.
35. John Berry, "'Malpractice' Undefined," *Library Journal*, October 15, 2004, 8.
36. "Censured Administrations."
37. "Introduction," xi-xii.
38. Quoted in "1940 Statement," 5.
39. *Ibid.*, 6.