IT'S NOT CRICKET:
LAWS OF THE GAME, OR GUIDANCE IN ETHICAL REFLECTION FOR INFORMATION PROFESSIONALS IN WESTERN EUROPE

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ABSTRACT

The game of cricket is played according to a set of laws, but even more important than these is a consciousness of unwritten principles of conduct that is expected to inspire the cricketer. It is argued that the maturity of ethical guidance available to information professionals can be assessed by examining the same two elements. Some examples of codes of ethical conduct for information professionals from Western European countries are examined for suggestions as to whether they either seek to prescribe lines of conduct, or to encourage ethical reflection and well-considered decisions by individual professionals. An approach to developing systems of guidance on professional ethics based on codes of ethics, but incorporating case study material and the codes of other relevant associations, is suggested.

INTRODUCTION

Although the game of cricket may not seem to offer an ideal source of metaphors to that great part of the world where it is neither played nor understood, it does nevertheless provide a very helpful way of explaining the central point of this paper. Cricket is played according to a set of laws (not rules), but during the three centuries in which it has been played in more or less its modern form, a body of conventions has grown up to supplement these laws. The complexity of cricket could be said to mirror the complexity of professional life, and the accumulation of shared experience of this complexity has always been passed on by narration and discussion on the pitch and in the pavilion, and is now found in the sports sections of newspapers, and on radio and TV programmes. From this has emerged an ethos that is universally accepted in the game and has often been used in the past as a metaphor for an ethical approach to life in general.

Unacceptable conduct, in whatever area of life, could be dismissed with the phrase 'It's not cricket'. When this view has been expressed it is not in reference to the laws of the game, but to the ethical conventions that surround them. Take for example the possibility that the non-striking batsman might be run out by the bowler for backing up too far (the pitcher dismissing a batter whilst attempting to steal a base, for baseball enthusiasts). This would be quite within the laws of the game, but for it to happen without due warning would be regarded as definitely 'Not cricket'. For anyone wanting a dramatic presentation of this way of illustrating the ethos, the Indian historical movie *Lagaan* uses it to very good effect, the plot revolving around a cricket match between ruthless British colonialists and heroic Indian villagers. When one of the British players runs out a non-striking batsman from the village team, the

point that the colonial system was not only brutal but hypocritical is made in a moment of moving images, when it might take pages to build the same case with words.

If we take this distinction between formal sets of rules (or even laws), and the ethical climate in which they apply, and use it to look at the ethics of library and information work, it proves very helpful. I would contend that those who have drafted codes of ethics for librarians have generally sought to set out clear rules that make simple distinctions between right and wrong, acceptable and unacceptable. If such distinctions are clear, a disciplinary regime that will enforce good conduct might seem a realistic possibility. Certainly in Britain, professions such as medicine, law and accountancy not only have powerful disciplinary procedures backing their codes, but these are further reinforced by the law of the land. In this tradition, the Code of Professional Ethics that the Library Association, accepted in 1983, was intended to create the possibility that cases of unprofessional conduct could be brought before the LA Disciplinary Committee. Indeed, the then Secretary-General of the Library Association, explicitly discussed the process in disciplinary and regulatory terms (Lawry, 1981), linking the Library Association's possession of a code of professional conduct with the potential for statutory recognition of the association's control of who might and who might not practise librarianship.

However, if we look at what happened in practice, the Disciplinary Committee only very occasionally had to discuss a potential case and it was virtually unknown for disputes to be brought to a hearing. Fairly recently a dispute was heard in the presence of both parties, but otherwise there was only one major dispute that the Committee had to handle formally. This concerned financial malpractice and it had to be heard in absentia, as the member who was the subject of complaint did not respond to communications and was believed to have left the country. This insignificant record of disciplinary action might be taken to show that the Code was ineffective. This could well have been the case since one critic said of the Code in draft form that it was 'badly written, confused, silly, contradictory and threatens to bring the LA into disrepute' (Greenwood, 1981). There is another possibility, that exists whether the Code was a strong document or not. The profession must have been either ignoring problems (and this is quite likely to have often been the case) or resolving them before they reached the status of formal disputes. In doing so the latter, they could have been drawing some kind of guidance from the Code, despite its inadequacies. What is even more likely is that they were drawing on a set of ethical values passed on as much by example as by precept within the profession and using this as a means to decide what was, and what was not, 'cricket'. A brief look at the quality of guidance to be obtained from codes would therefore be useful, before going on to take a less specific view of ethical guidance.

CODES OF ETHICS (WITH WESTERN EUROPEAN EXAMPLES)

The model for all codes of ethics in information and library work is surely that of the American Library Association (1995). It has few clauses, and these are phrased with crystal clarity. Take, for instance, the commitment to freedom of information in Clause 2:

> We uphold the principles of intellectual freedom and resist all efforts to censor library resources.

What could be easier to understand and, indeed, accept? The problem is that professional life can genuinely be more complex than this. This is, of course, recognised by the ALA and the preamble to the code does suggest that - 'These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.' What we have to is to ask ourselves whether an unequivocal statement of principle qualified by a general suggestion that interpretation is required in context is the best way to come to terms with the phenomena of complexity.

If we look at a small selection of recent codes of ethics from western European countries, we can identify different responses to the problem of complexity. A small selection of codes (available in either English or French versions) will be used here to illustrate some of these responses. It must be stressed, however, that this is a rather superficial glance at a small number of examples: it can only suggest some ways of looking at the content of codes. The codes examined are from France (adopted in 2003), Italy (adopted in 1997), the Netherlands (adopted in 1993), Portugal (adopted in 1999) and Switzerland (adopted in 1998). They are available, with others from all over the world, on the FAIFE website. (IFLA/FAIFE, 2003) First of all, we find that these recent codes are all more detailed that the ALA Code, and they divide their content under topic headings.

The small sample suggests that a user/profession/collection approach may be identified as a recurring method of organising the content of a code. The French and Italian codes actually show their modernity by commencing with sections devoted to the user. The French code, for instance, has nine statements under this heading, beginning with 'Respecter tous les usagers' and ending with 'Promouvoir auprès de l'usager une conception de la bibliothèque ouverte, tolérante, conviviale'. A section on the profession is common as balance to this, with statements such 2.1 from the Italian code, which translates as 'The librarian shall honour the profession, profoundly aware of its social usefulness'. These two groups of statements are then often placed in balance by a section on the collection. Both the Italian and French codes have each of these three elements. But different approaches to the same principles can also be found. The Netherlands code contains statements on the collection, such as 'The librarian builds up a collection and preserves it, according to the information and media needs of users, and the role of the library within the community.' This appears in a collection section within a broader section on the profession. Furthermore, to talk simply of a user/profession/collection approach to a code would clearly not fully characterise codes that have these elements. The French code, for instance has an extremely interesting fourth element - 'La tutelle'. According to the dictionaries, the word translates into English as 'guardianship', but this very definitely fails to catch the flavour of the section, which actually seeks to place the librarian's responsibilities in an organisational and policy context. Amongst other things this section is able to deal in a subtle and convincing way with the political and other pressures under which librarians may find themselves.

In other codes a rights-based approach can be distinguished. The Portuguese code, which incidentally offers a disciplinary structure in its preamble, exemplifies this approach. Its content is divided between Intellectual Freedom, User Privacy and

Professionalism. The latter is long, containing 24 clauses and moves from professional competence, through (amongst other topics) relations with users and continuing professional development to sharing professional knowledge. It is the 'responsibilities' route that is adopted in the draft code under discussion during 2003 by CILIP, the new British library and information association.(CILIP, 2003) The draft distinguishes six types of responsibility: personal responsibilities, responsibilities for information, and responsibilities to users, the profession, employers and society generally. Of course, the consultations may result in a rather different document, but the initial approach is interesting. The Swiss code is different again, offering a more purely professional view of the duties and rights of the librarian. Collections, access, education and training ('formation' in the French) and responsibility (which includes confidentiality and avoidance of bias) are the larger headings.

The line of argument developed in the foregoing sections may seem like an attempt to devalue codes of ethics completely. It is not. What emerges from looking at even a sample of codes is a strong sense of the thorough and intelligent work that has gone into them. In fact, it is precisely the positive effect of looking at more than one national code that leads us into the next point. Arguably, between them a set of codes help us form a stronger sense of what might be appropriate conduct in the professional arena, than would a single such code. The possible dangers of reliance on a code can be illustrated from examples of experimentation with complex problems at the library reference desk. In his revealing study Hauptman (1976) tested librarians' responses to a request for information on a topic that set up a dilemma between free access to information and user confidentiality on the one hand, and social responsibility on the other. The librarians whose responses he tested seemed to be reflecting less upon the social implications of their actions, than focusing closely on conducting an effective and confidential transaction with a member of the public. Similarly, Slovenian researchers tested the values of librarians in their small, newly independent, formerly socialist, Catholic country. (Juznic et al, 2001) They found, amongst other things, that Slovenian librarians unquestioningly handed over helpful material to a researcher purporting to be contemplating suicide. In both these sets of experiments, the librarians seemed to have closely followed the principles made explicit in their national code of ethics for librarians. It is not unreasonable to argue that a wider ethical awareness than the codes provided was needed in these cases.

Just as the game of cricket needs its laws and a profession needs its code. However, just as cricketers do not unquestioning rely on the laws, so professionals cannot, or should not, rely solely on their code. The code cannot be expected to give guidance in every situation that might occur in professional life. What is more, if we separate the use of codes from their connection with a disciplinary procedure, then consulting more than one code, irrespective of national origins, is better than consulting a single code. The hard work, careful thought and consultation that has gone into creating each code examined for the purposes of this paper can be of value to professionals beyond the borders of the country in which it was created. Their variety (despite the existence of common features) is a potential asset to the concerned professional. The scope for ethical reflection that a set of codes offers gives us reason to be grateful to FAIFE for mounting such a large number of codes on its website. Yet, does this offer all that might be needed? If a professional should still feel in need of guidance after consulting their own code, or even a set of codes, what might provide this supplementary guidance? Two types of approach can be suggested.

CASE STUDIES AND PORTFOLIOS OF CODES

In arguing that a modern code should encourage ethical reflection, rather than prescribing lines of approach, it is obvious that some idea on how to do this is needed. The experience of the former Institute of Information Scientists (now subsumed within the United Kingdom's CILIP) is helpful. It was a paper by Kostrewski and Oppenheim (1980) that placed ethics on the information science agenda, but not as a matter relating to professional discipline. The suggested that a code should 'create an awareness of ethics', and thus 'create a path towards a truly committed profession'. Members of the Institute never lost interest in this idea, for instance discussing ethical issues in depth at their 1989 conference, even though its ostensible focus was on legal matters.(Rowley, 1990) Then in 1993, an Institute Ethics Working Party, with Sheila Corrall as Chair, set out to draft a document that would not be a 'code'. They called their document Guidelines. They wanted to avoid the attempt to create a document narrowly designed to distinguish right from wrong in the interests of professional discipline. The draft Guidelines were accepted as Institute policy (Institute of Information Scientists, 1998).

The important thing, however, is that the Working Party also drew up a set of case studies to encourage and facilitate discussion and understanding. In this way they were making it clear that the Guidelines themselves were not enough: concerned professionals needed to think for themselves and could use previous experience as a basis for this. This approach fits comfortably with that of other British information-related associations. Their approach is frequently open and multi-directional, rather than closed and directive. According to Simon Rogerson, the initiator of much recent work on ethics in the computer field,(Institute for the Management of Information Systems, 2001) the need is for debate and transparent dialogues, not the creation of codes that sit on the shelves like 'book ends'. Codes should help articulate professional concerns and become 'dog-eared' from frequent reference.(1)

Codes can also cross professional boundaries, just in the way that particular areas of practice can no longer be restricted to self-defined professional groupings. Thus a Code of Ethics and Professional Practice for Software Engineering to which Rogerson has recently contributed, has been accepted by both the Association for Computing Machinery and the Institute of Electrical and Electronic Engineering, and will maybe find acceptance with other professional bodies on whose areas of interest it impinges.(Gotterbarn et al., 1999) This approach coincides very well with that which is brought into CILIP from the creators of the IIS Guidelines.

Information professionals might naturally have an interest in the ethics relevant to a group such as competitive information professionals. Since the Society of Competitive Intelligence Professionals (SCIP) was working on an ethical code during 2002, their ideas are capable of being shared. In the competitive intelligence field the challenge is to agree on ethical principles applicable to practice that is notoriously open to unethical and even illegal activities. Awareness of the research and development activities, products and marketing strategies of rivals is capable of making the difference between market leader status and bankruptcy. This is clearly the reason why the draft SCIP Ethics Policy is a lengthy document, backed by

explanatory notes and supporting documents on training, compliance, and frequently asked questions. Any code that begins with outlawing theft, bribery, deception, lies, breach of confidence, and covert surveillance is clearly operating at very basic human levels. Despite this, the SCIP drafts are clearly dealing with matters that fall within the broader spectrum of information professionalism. Why should not an association of information and library professionals sign up to it, along with a portfolio of other codes including, for instance, the Code of Ethics and Professional Practice for Software Engineering? Any of these would generally enlighten information professionals, and provide them with guidance on specific instances.

CONCLUSION

The argument is that professional life is like cricket: to play the game properly we need more than a set of rules or laws, however well-drafted they might be. The evidence is that professional associations have indeed expended appropriate amounts of energy and intelligence, and that there are well-drafted and thought provoking codes in many countries. Yet to support these 'rules', we still need assistance with the ethical reflection so as to find appropriate responses to dilemmas that are likely to have unique and unpredictable features. Consequentially the test of whether a professional association's ethical code is the best that could be provided will not be based simply on the choice of topics covered and the clarity of the drafting of its statements. It will be the availability of extra guidance so that the individual professional can devise sophisticated and sensitive responses to complex problems. The conclusion offered here is that, in the first place, codes should be supported by collections of reasoned case studies, and that professional associations should consider signing up to the codes of other relevant associations. Clarity might well be lost but the scope for ethically mature responses will be greatly increased. Ideally individual professionals should be in a position to consult not only the code of their association, but a selection of similar codes from other countries, sets of case studies and codes from related professional bodies.

NOTE

1. Interview with Professor Simon Rogerson, Centre for Computers and Social Responsibility, Leicester De Montfort University, 7th March 2002.

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