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TRENDS

Ethics and the Dissemination
of Information

Robert Hauptman
Issue Editor

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Introduction

ROBERT HAUPTMAN

ABSTRACT

ETHICAL CONCERNS HAVE always played a seminal role in the
traditional professions, but it is only fairly recently that librarians
have manifested any interest in ethics. Prior to the publication of
the present editor's bomb experiment in a 1976 *Wilson Library
Bulletin*, there was virtually nothing available in the literature.
Subsequently, sporadic articles began to appear and as the eighties
progressed, due in part to the general *zeitgeist*, the floodgates opened
and a plethora of articles and two books poured forth. Additionally,
conferences, seminars, and meetings, all devoted to various aspects
of ethics and information dissemination, began to take place. Indeed,
these activities have stimulated researchers to investigate areas that
heretofore were not considered within this context—e.g., "the ethics
of book preservation." Finally, it should be noted, the state of
Michigan employs a lawyer whose primary responsibility is to help
librarians who have legal questions and dilemmas of a professional
nature.

Libraries are the traditional storehouses of information, but, with
the recent dramatic change to a postindustrial society, one that values
information more than any other individual commodity, new sources
of information have arisen. The editor of this issue takes a broad
approach and thus one will find herein articles on such standard
topics as confidentiality (Garoogian) and medical reference (Wood),
but also discussions of the censorious practices not of political nor
religious groups, but instead of scholarly cliques and their charges

(Swan), the relationship between ethics and technology (Froehlich), the conflict of simultaneous service or public and private employment (Stevens, Bjørner), and the process of disseminating new knowledge (Moran, Serebnick).

   This issue of *Library Trends* is not meant to be a comprehensive overview of the broad and diverse range of subjects subsumed under the rubric of ethics, but rather a series of essays on some of the most important and intellectually stimulating of these topics. Many of the authors have already contributed to the growing body of literature on information ethics, and it is hoped that these new essays will stimulate further discussion of those topics that will be most influential during the coming decade. These include the dissemination of scholarly information and a reevaluation of the peer review process; patron confidentiality; conflict of interest; technology; and information liability, including the possibility of malpractice suits.

Ethics in Librarianship: A Management Model

ROSEMARY RUHIG DU MONT

ABSTRACT
A MANAGEMENT MODEL of ethical decision making in librarianship
is presented. The model combines individual variables with
situational variables and shows why policymakers and decision
makers must exercise moral judgment in performing their duties.
This article also examines the notion of social responsibility as an
ethical issue.

INTRODUCTION

The study of ethics in the information professions is a subset
of the study of ethics in general. Thus, a definition of *ethics* may
be helpful in clarifying this concept. There is no agreement on the
exact definition of the term ethics. Some use it to refer to the art
of determining what is right or good. It is also used in three different
but related ways signifying: (1) a general pattern or "way of life,"
(2) a set of rules of conduct or "moral code," and (3) inquiry about
ways of life and rules of conduct (Dwivedi, 1987, p. 22). As a concept,
the purpose of ethics is to establish principles of behavior that help
people make choices among alternative modes of action. Making such
choices often involves ethical dilemmas, because these are marked
by multiple and noncomparable dimensions. The dimensions are the
results—both benefits and harms—that are going to affect the
organization, the society, and the individual as a result of a decision
or action (Hosmer, 1988, p. 10). In essence, *ethical behavior* is what
is accepted as "good" and "right" as opposed to "bad" or "wrong"

in the context of the governing moral code (Schermerhorn, 1989, p. 604).

The determination of what is right rather than what is wrong has been generally codified in the form of law, although not all situations have been, and can be, covered by any such codification. Laws are rationalized for the welfare of society; thus, any behavior considered ethical should also be legal in a just and fair society. This does *not* mean, however, that simply because an action is not illegal it is necessarily ethical. In other words, just living up to the "letter of the law" is not sufficient to guarantee that one's actions can be or should be considered ethical (Schermerhorn, 1989). The following examples of ethical questions can be considered in this context:

● Is it ethical to take longer than necessary to do a task?
● Is it ethical to do personal business on the employer's time?
● Is it ethical to call in sick to take a day off to catch up on chores at home?
● Is it ethical to fail to report rule violations by a co-worker?

None of these examples is illegal. But many individuals would consider one or more of them to be unethical.

The values held by an individual, group, or society are the basic components of an ethical system. Yet uncertainty is a fact of complex dynamic organizational life. The interests and values of another individual, group, or society and laws regarding both are unclear. Ethical standards, therefore, are not universally accepted, but rather they are the end product of discretionary decision-making behavior affecting the lives and well-being of others (Pearce & Robinson, 1989, pp. 148-49).

Ethics in the information professions is concerned with the application of moral standards to the conduct of librarians and other individuals involved in information dissemination. It is a type of applied ethics concerned with clarifying the obligations and dilemmas of librarians and other information professionals who make decisions regarding the acquisition, processing, and dissemination of information to individuals, groups, and society at large.

EVOLUTION OF ETHICAL CONCERNS IN INFORMATION PROFESSIONS

Tracing the development of ethics as an area of concern for information professionals will help in identifying the factors that are responsible for and that influenced the evolution of ethical behavior. Although ethical issues in librarianship were of some concern prior to the 1960s (see Table 1), it was the rise of the social responsibility debate in the decade of the 1960s that caused ethical

concerns to become of major importance to librarians and other information professionals.

TABLE 1
STAGES OF ETHICAL ORIENTATION

	Stage 1	Stage 2	Stage 3
Ethical attitudes	Traditional (before 1930s)	Stakeholders (1930 1950s) i.e., staff, patrons	Affirmative action (1960s-present)
Orientation	Institutional self-interest	Institutional interest, stake-holder interest	Enlightened self-interest, stakeholder interest, societal interest
Social values	Personal and user problems must be left at home	Employees have needs beyond economic needs and users have needs beyond information needs	Societal interest and participation is fundamental to our success
Political	No government involvement desired	Government support is a necessary evil	Government and information agencies must cooperate to deal with societal prob-lems

The concept of social responsibility is fundamentally an ethical concept. It involves changing notions of how human needs should be met and emphasizes a concern with the social dimensions of information service that has to do with improving the quality of life. Social responsibility provides a way for the information profession to concern itself with the social dimensions of service and be aware of the social impact of that service.

Historically, librarians saw that their major responsibility was to the collection; caring for the materials within the library building was their primary concern (Du Mont, 1977, p. 24). Many modern information professionals now acknowledge that they are responsible to any individual or group (i.e., stakeholder) with an information need. These stakeholders can be any constituency in the library's environment—users, nonusers, employees, suppliers, government agencies, public interest groups, and host communities.

Table 2 illustrates a four-stage model of a social responsibility continuum. Stage one encompasses responsibility for the library

collection. Stage two adds responsibility for employees. Stage three includes responsibility to library users—those individuals who have made a conscious decision to use the library's information resources. Stage four expands responsibility furthest by proposing that information professionals are responsible to society in general and includes users and nonusers alike.

TABLE 2
SOCIAL RESPONSIBILITY CONTINUUM OF AN INFORMATION PROFESSIONAL

Stage 1		Stage 2		Stage 3		Stage 4
Collection development and maintenance	+	Employees only	+	Information users	+	Society as a whole

What information professionals do in terms of pursuing social goals depends on to what or to whom they believe they are responsible. A stage one information professional promotes collection development and maintenance. At stage two, information professionals accept responsibility for the employees in their organization and focus on human resource concerns. Because they will want to get, keep, and motivate good employees, they are concerned with appropriate education and training, improved working conditions, expanded employee rights, increased job security, and the like. A stage three professional expands goals to include high quality service, an excellent collection, good relations with the public, and the like. A stage four professional aligns with an active interpretation of social responsibility. At this stage, professionals see their responsibility to society as a whole. Their service is defined in terms of advancing the public good. The acceptance of such responsibility means that such information professionals actively promote social justice, support social and cultural goals, and take political positions even if such actions are perceived negatively by some.

Each stage carries with it an increasing level of discretion. As professionals move to the right along the continuum, they have to make more decisions based upon situational variables not of their own making. By the time professionals reach stage four, they are required to think about ethical dilemmas not necessarily solely within the context of their organizations but to decide what is right and what is wrong from a societal perspective. They may follow self-chosen ethical principles, upholding values and rights regardless of majority opinion (Trevino, 1986). Obviously, not all professionals perceive reaching stage four as an appropriate goal. Some stay in stage one, which emphasizes responsibility for collection maintenance

and development, or stage two, which emphasizes appropriate behavior for a librarian as a professional, or stage three, which emphasizes fulfilling the duties and obligations of a professional librarian through high quality service to users.

There never has been established any simple right-wrong dichotomy to help information professionals make decisions regarding their appropriate domain for ethically responsible action. The social responsibility movement of the 1960s did provide fuel for debate. The concept of intellectual freedom, called the profession's "central ethic," was used to frame issues as diverse as civil rights, the war in Vietnam, women's rights, and the war on poverty (Bundy & Stielow, 1987). On one side, there were those who were in stage four on the social responsibility continuum, defining intellectual freedom as a series of value judgments supporting a radically pluralistic egalitarian society. On the other side were those who viewed social responsibility from stages one and two of the continuum, defending intellectual freedom from a position of collective and individual neutrality (Peattie, 1987, pp. 43-57).

As the debate waned in the 1970s, it was obvious to many proponents and opponents of the social responsibility movement that there were several key issues in the debate that had not been, and perhaps cannot yet be, settled. One key issue concerns the operational definition of social responsibility. How shall a library's resources be allocated to help solve social problems? With what specific problems shall a given library concern itself? What priorities shall be established? What goals or standards of performance shall be established? What measures shall be employed to determine if a library is socially responsible or socially irresponsible?

In the past, the traditional library environment provided little or no information to the decision maker that was useful in answering the above questions. The concept of social responsibility itself provided no clear guidelines for ethical behavior. Given this lack of clarity, librarians who wanted to be socially responsible were left to follow their own devices or relied on some rather vague generalizations about social values and public expectations.

Another problem with the concept of social responsibility is that it has not always taken into account the environment in which the library functions. In the past, many advocates of social responsibility treated the library as an isolated entity that had the ability to engage in unilateral social action. Eventually, it came to be recognized that libraries are severely limited in their ability to respond adequately to social problems. There are physical, organizational, and attitudinal barriers that have to be overcome (Martin, 1989).

The last issue that remains unresolved in the debate about social

responsibility concerns the moral basis of the notion. The term
responsibility is fundamentally a moral one that implies an obligation
to someone or something. It is clear to most people that librarians
have professional responsibilities to acquire, process, and disseminate
information products and services efficiently to users of libraries.
These responsibilities constitute the reason for the existence of
libraries. But why do librarians have social responsibilities and to
whom? What are the moral foundations for a concern with the social
impact of information services?

The proponents of social responsibility, though well intentioned,
have produced no clear and generally accepted moral principle that
would impose on the information professions an obligation to work
for social change. Various arguments have been made to try to link
moral behavior of the profession to the performance of libraries.
Little has been accomplished, however, by way of developing a solid
and acceptable moral argument for the notion of social responsibility.
Thus, although those promoting social responsibility are very
moralistic in many of their statements, in debate with others, they
do not articulate a philosophical basis for the social responsibilities
discussed (Bundy, 1980).

The emotionally laden nature of the discussion on social
responsibility presents the possibility that debate on the subject will
continue indefinitely with little prospect of agreement being reached
on the scope of the issues involved or their solution. Beginning in
the late 1970s and continuing through the 1980s, a theoretical and
conceptual reorientation has begun to take place regarding the
information profession's obligations to its various constituencies. The
new approach can be labeled "social responsiveness" (Pearce &
Robinson, 1989, pp. 147-48) and it has become clear that the shift
from responsibility to responsiveness reflects a significant change
of focus. This new focus has shifted the discussion from moral
imperatives related to social responsibility to a more technical and
neutral approach that includes social responsiveness.

The Public Library Association's guidelines for identifying roles
for public libraries reflects this shift (McClure et al., 1987). The process
described in the guidelines includes identification of both internal
and external mechanisms, procedures, arrangements, and behavioral
patterns of the library's constituent groups taken collectively. It
establishes mechanisms to judge the capability of libraries to fulfill
certain roles. Attempts are made to identify key variables within the
library that relate to its responsiveness and discover structural changes
that will enable the library to respond adequately to social demands.
The important questions are not moral, related to whether a library
should respond to a social problem out of a sense of social

responsibility, but more pragmatic and action oriented, dealing with the library's ability to respond and the changes necessary to enable it to respond more effectively.

One of the advantages of this approach is its managerial orientation. The concept ignores the philosophical debate about responsibility and obligation and focuses on the problems and prospects of making libraries more socially responsive. The process lends itself to analytical techniques in utilizing specific methods, such as data collection and analysis and numerical interpretation of results. The utilization of data through this process can help decision makers determine how best to institutionalize social policy throughout the library. Organizational structures can be evaluated; the roles of information professionals can be delineated; personnel policies can be structured to reward appropriate "socially responsive" behavior; and goal statements can be formulated that reflect the roles identified.

Even though this approach seems to answer many of the questions faced by those concerned with the social responsibility debate, social responsiveness does not offer answers to all questions. The concept of social responsiveness does not provide guidance on how resources should be allocated to fulfill the various library roles. Libraries respond to the same problems in different ways and to varying degrees. And there is no clear data as to what pattern of responsiveness will be the most successful. The philosophy of responsiveness does not help a library to decide what roles it should have or what priorities should be established. In the final analysis, social responsiveness provides no better guidance to management than does social responsibility on the best strategies or policies to be adopted for library service. It appears that library personnel, by determining the degree of social responsiveness and the pressures to which they will respond, decide the meaning of the concept and what services will be developed as a result.

There is still a lack of moral principles or theory on which to base decisions. Societal pressures are assumed to exist, and libraries must respond to these in some manner. Social responsiveness assumes a passive attitude to such pressures. The concept of responsiveness provides no moral basis for information professionals to respond to social problems. There is no explicit moral or ethical theory and no specific values for personnel to follow in making responses to societal demands.

This position becomes quite evident when examining the statement of professional ethics developed by the American Library Association (ALA) in 1981 (ALA. Committee on Professional Ethics, 1981, p. 335). The 1981 statement makes no mention of the Library

Bill of Rights nor any other philosophical statement as a source of the foundational ethics of library service. Although a 1980 draft spoke of the need for "participation in professional associations [and] community activity in support of library programs and legislation" (ALA. Committee on Professional Ethics, 1980), this point was left out of the adopted version.

Criticism of the draft document includes the assertion that, "it does not deal adequately with the ends and means of the library profession. Rather it is primarily a guide to attitudes toward work, without examining the mission of that work" (Du Mont, 1980, n.p.). While the presence of an ethical code can stimulate debate and strengthen professional autonomy, these results can only take place if the effect of the code is one of clarification of the practice of librarianship rather than a clarification of the appropriate demeanor of the professional (Kuhn, 1989, p. 25).

In responding to such criticism, the question of managerial guidelines and principles becomes relevant. What criteria, other than self-interest, are relevant to guide information professionals in the development of socially responsible strategies? Shall these strategies be judged solely on their short term effectiveness—i.e., in helping a library respond to a patron who wishes to remove a certain book from the shelves? Can libraries retain their neutral posture and still support those government leaders who support the interests of libraries and share traditional values of intellectual freedom and access? The nagging question of defining the social good or, in a public policy context, of defining the public interest, appears. And finally, the absence of a clear moral underpinning for whatever strategies are determined continues to present a problem. If information professionals become proactive, does such behavior mean that they are attempting to minimize the impact of social change? Do not information professionals have a moral obligation that goes beyond their identified mandate to acquire and disseminate information? If information professionals do have social and political responsibilities as well as professional responsibilities, what is the moral basis for these responsibilities today?

ETHICAL DIMENSION OF DECISION MAKING

In answering the preceding questions, the major premise is that management is basically an ethical task, and that many management decisions have an ethical dimension. In general, an ethical decision is one that affects human welfare or human fulfillment in some significant manner (Bucholz, 1989):

> An ethical decision can be further defined as a decision where questions of justice and rights are serious and relevant moral considerations. These concepts are central ethical considerations in human affairs, and an

ethical decision is one where a consideration of them is an important
dimension of the decision. Can the decision be defended on grounds
of justice? Is it fair and equitable in some sense to all the parties affected?
Does the decision violate some basic human rights, such that it could
be labeled an immoral decision? These are the kinds of questions that
must be asked. (p. 31)

Bucholz (1989) has identified three levels of ethical issues which
vary in scope and breadth—the individual level, the organization
level, and the system level (pp. 30-47). At the individual level, one
makes day-to-day decisions that mostly involve the application of
institutional policy to specific situations. When dilemmas arise,
judgments must be made, some of which have ethical dimensions.
At the organizational level, decisions are made for the organization
that will guide the behavior of employees. These decisions may be
broad in scope and involve consideration of social responsibility. At
the system level, broad questions can be raised about the ethical
foundations of information service; such questions are not tied to
a particular organization.

The specific nature of the decisions involved at each of these
levels can be seen if a concrete example is used. Information access
issues are fraught with ethical dimensions and provide a useful vehicle
to illustrate ethical dilemmas at each of these levels. Let us assume
that the basic organizational policy in regard to access is one of "free
access to all library materials for all individuals." Ethics enters into
access decisions at the individual level in borderline or exceptional
cases that policy does not seem to cover. For example, does free access
really mean that a ten year old can take out an "R" rated video?

At the organizational level, the ethical dimensions of decision
making come into play when selection decisions are made. Decision
makers must make certain that the criteria and procedures that are
established to make selection choices do not discriminate against
certain writers nor points of view nor on the basis of irrelevant factors
such as race, sex, or religious preference of either the author or selector.
Self censorship of controversial materials is a constant problem that
must be addressed.

At the system level, ethical questions relate to information
dissemination. Who has access to information and at what cost? How
does information format affect access? Who is responsible for
providing information for those who have limited skills to acquire
it? These kinds of questions are settled through the public policy
process and the eventual outcome is reflected in laws and regulations
related to information access at local, state, and federal levels.

Figure 1 shows these various levels of decision making and the
ethical issues relevant to each level. Potential clashes exist at all levels.
Institutional policy may require that a decision maker go against

his or her own ethical standards, producing significant internal
conflict for one so involved. Institutional policy may not always reflect
the ethical standards of the society at large, which may force society
to develop laws and regulations to bring about change in institutional
behavior.

Decision Rule:	Select the best materials for the most people at the least cost.
Individual level:	Borderline and extraordinary cases.
Organization level:	Are selection criteria discriminatory?
System level:	Is information access just and equitable?

Figure 1. Information access decisions

Another example can be taken from the hiring process for
librarians (see Figure 2). Many libraries make an ALA-accredited
degree an entry-level qualification for a professional librarian.
Applicants for professional positions lacking this qualification are
rejected. The ALA-accredited degree thus becomes a standard by which
libraries hope to assure the recruitment of a high quality staff.

Ethics enters into a decision to hire at the individual level in
borderline or exceptional cases where applying the policy in a
mechanical fashion does not seem just or equitable. For example,
if an applicant does not have an ALA-accredited degree, should he
or she be automatically rejected without looking at other information
such as previous work experience or other academic credentials? Such
a decision may not seem fair given the subjective nature of the hiring
process in general. Suppose a candidate with previous work
experience, but without an ALA degree, is narrowly rejected for an
academic library position and another candidate with an ALA-
accredited degree, but no work experience, is accepted for a position.
Is that fair considering that the work experience and academic
credentials are not really comparable. And what about exceptional
cases in which applicants may have other credentials, including
doctorates? Should they be mechanically rejected without some special
consideration?

At the organizational level, ethical considerations come into play
when one considers justice and rights in relation to the hiring policy
itself. Does a hiring policy discriminate unjustly on the basis of race
or sex, or can it be defended as fair and equitable? Are written
employment tests biased in favor of white middle class applicants

due to the concepts and language used in examinations: Is an applicant's right to equal treatment violated by the use of such examinations? And, given the fact that grades mean different things depending on the school one attended, is it fair that grades are used as a factor in making employment decisions?

At the system level, questions can be asked about the justice of public service institutions such as libraries hiring only those who are citizens or legal residents of a given community. Do not all individuals have a right to apply for employment for which they feel qualified, regardless of their legal status or place of residence? These are serious ethical questions worthy of debate.

Decision Rule:	Reject applicants who do not meet the standards.
Individual level:	Borderline and extraordinary situations.
Organization level:	Is the required ALA-accredited degree fair and equitable to all groups, including all races and both sexes?
System level:	Is it fair and just for public service institutions to have legal qualifications for employment unrelated to individual expertise?

Figure 2. Hiring decisions

These examples serve to illustrate where ethical questions arise at different levels of decision making in libraries. The decisions made at all these levels benefit and burden individuals and groups differentially. Some individuals gain and others are affected adversely. Questions of justice and individual rights become relevant (MacCann, 1989, pp. 1-11). The question for the manager to answer is, Whose rights should be respected and what concept of justice is appropriate? (Bucholz, 1989, pp. 35-47).

ETHICAL CONSIDERATIONS FOR MANAGERS IN LIBRARIANSHIP

Librarians as managers are constantly making ethical decisions whether they know it or not. They are constantly directing people toward or away from information resources that may directly impact their ability to enhance their lives or the life of their community. They are creating the future for their organizations, for their employees, for their users, for those who fund the service, and for society as a whole.

Decisions about information access can affect human well being

and social welfare, having ethical impacts that are significant for all those touched by the decisions. A recent article in the *Chronicle of Higher Education* discussed "a revolution in the nature of resources that provide [political] power" (Coughlin, 1990, pp. 10-11). The suggestion is made that access to information resources must now be counted as a source of world power. As the ability to access information across the globe becomes possible through the use of technology, librarians will have more and more opportunity to influence decision making on a worldwide scale through appropriate information provision. This is an awesome responsibility and one that calls for ethical reflection of the highest order.

Librarians must be encouraged to think more broadly and highly of their task. They must recognize that libraries are multiple purpose institutions that have many impacts besides cultural enrichment or recreation. Moral leadership of such institutions means recognizing information agencies as part of an ethical system having various values that are important to human welfare. The challenge to librarians is to incorporate these values into routine decision making and develop methods of analysis that are applicable to identifying appropriate goals for themselves and their organizations.

An Action Plan

The implementation of an ethical vision in librarianship requires action in several areas. An ethical perspective must be incorporated into the workplace as well as into the curriculum through which future librarians are being educated. The following areas constitute what could be called an ethical agenda for librarians in both of these settings.

1. In the educational setting, such a plan calls for a thorough integration of moral and ethical concerns into the library/information science curriculum. Although separate courses in ethics may also be offered, integration of ethical concerns into basic courses such as Management or Reference is essential to make ethics more directly related to the roles and responsibilities of information professionals.
2. Continuing education programs need to develop parallel efforts to maintain the work begun in the academic setting. Questions about ethics and moral aspects of librarianship must continue to be addressed as professionals move through their careers.
3. Library boards of trustees and/or advisory boards must demonstrate a concern about ethics by raising ethical questions when appropriate. The moral implications of decisions and actions must

Boards can acknowledge the significance of ethical issues by raising them in relation to goal setting and long-range planning.

4. Information professionals at all levels must recognize the important role they play in institutionalizing ethical responsibility throughout their organizations. Professional librarians have many channels open to them to shape the library/information center, including the setting of objectives for units and individuals, developing and implementing the reward structure of staff, modifying organizational structure to accomplish goals, and developing and utilizing appropriate measures of performance. Professional staff not only have responsibility for efficient and effective use of material and human resources but also must be willing to create a responsible institution that cares about and responds to the ethical and moral imperatives of its policies and actions.

5. Information policy-making by various government bodies must be considered from an ethical point of view. Librarians have a role to play in the debate; they can make contributions to the discussion and provide insight into the formation of regulations regarding the dissemination of information. Librarians must be given the freedom to respond to information policy issues out of a sense of ethical responsibility; rules and regulations for the control of information flow must be evaluated as well as the inherent limitations of information dissemination systems.

6. More research must be considered by both library school faculty and professional librarians into the ethical aspects of decision making by librarians. One of the themes of this article is that many in the profession of librarianship are ignorant of ethical issues, not having a good understanding of how such matters should be analyzed and discussed. Research into ethical and moral issues can help overcome this ignorance. Scholars in the field need to apply their expertise to ethical questions and combine this with the work of those from other professional disciplines who have similar concerns.

This action plan suggests that a consideration of ethical issues must become a familiar comfortable part of librarians' thought processes. Ethical ambiguities are always present because no one can formulate policies that are going to be morally justified in all circumstances and in all places and times. It is important that those responsible for formulating, implementing, and evaluating policies should be made aware of these ambiguities and be ethically aware so as to act in a responsible and moral manner. Ambiguity, it should be noted, does not diminish the significance of ethical issues, which this discussion implies are pervasive in librarianship. In point of

fact, the ethical dimension of librarianship represents a generalized concern for the improvement of quality of library service and professional conduct of librarians.

A final caveat is in order. Ethical behavior in librarianship does not mean that one should take no action, that is, avoid certain actions or books or ideas in an effort to keep out of trouble. On the contrary, the notion of ethics suggests that librarians take actions that are socially just. Only by actively pursuing social aims can librarians be ethically responsive. There is evidence to suggest that librarians choose not to choose, to "play it safe" with services and collections. Instead, librarians ought to exercise ethical judgment in their duties. Only by demonstrating the highest standards of ethical decision making will librarians inspire confidence and respect in the information arena.

REFERENCES

American Library Association. Committee on Professional Ethics. (1980). *Draft: State on professional responsibilities.* Unpublished manuscript.

American Library Association. Committee on Professional Ethics. (1981). On professional ethics. *American Libraries, 12*(6), 335.

Bucholz, R. (1989). *Fundamental concepts and problems in business ethics.* Englewood Cliffs, NJ: Prentice Hall.

Bundy, M. L. (1980). *Helping people take control: The public library's mission in a democracy.* College Park, MD: Urban Information Interpreters.

Bundy, M. L., & Stielow, F. J. (Eds.). (1987). *Activism in American librarianship, 1962-1973.* New York: Greenwood Press.

Coughlin, E. K. (1990). The astonishing transformation of Eastern Europe upsets research agendas, intellectual assumptions. *Chronicle of Higher Education, 37*(January 3), 10-11.

Du Mont, R. R. (1977). *Reform and reaction: The big city public library in American life.* Westport, CT: Greenwood Press.

Du Mont, R. R. (1980). *A comment on "The statement of professional responsibilities."* Unpublished paper presented at the Council on Professional Ethics Forum, American Library Association annual conference, New York City, June 26.

Dwivedi, O. P. (1987). Ethics, the public service and public policy: Some comparative reflections. *International Journal of Public Administration, 10*(1), 21-50.

Hosmer, T. R. (1988). Adding ethics to the business curriculum. *Business Horizons, 31*(July-August), 9-15.

Kuhn, J. (1989). *The neutral librarian: An overview of the defense and critique of ethical neutrality in the profession.* Master's thesis, School of Library Science, Kent State University.

MacCann, D. (Ed.). (1989). *Social responsibility in librarianship: Essays on equality.* Jefferson, NC: McFarland.

McClure, C. R.; Owen, A.; Zweizig, D. L.; Lynch, M. J.; & Van House, N. (1987). *Planning & role setting for public libraries: A manual of options and procedures* (Prepared for the public library development project). Chicago, IL: American Library Association.

Martin, W. J. (1989). *Community librarianship: Changing the face of public libraries.* London: Clive Bingley.

Pearce, J. A., & Robinson, R. B. (1989). *Management.* New York: Random House.

Peattie, N. (1987). Intellectual freedom activities in the sixties: The defense of a professional standard. In M. L. Bundy & F. Stielow (Eds.), *Activism in American librarianship, 1962-1973* (pp. 43-57). New York: Greenwood Press.

Schermerhorn, J. R. (1989). *Management for productivity,* 3d ed. New York: Wiley.
Trevino, L. K. (1986). Ethical decision making in organizations: A person-situation
    interactionist model. *Academy of Management Review, 11*(July), 601-617.

Librarian/Patron Confidentiality:
An Ethical Challenge

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ABSTRACT
THE AUTHOR PRESENTS moral, legal, and professional arguments for
the protection of a patron's privacy, reviews how some librarians
have dealt with the issue, and concludes that librarians should lobby
for legal recognition of librarian/patron privilege of confidentiality.

INTRODUCTION

Privacy, as the term is commonly used, means the unavailability
to others of information about oneself. For many years in our history,
the need to protect one's privacy was not an issue. Transactions
involving personal information were simpler and, if records were
generated at all, they were generally maintained by the individual.
As society grew in complexity, so did its need for information. Up
until recent times, however, this information was still easily protected.

> Much of the records keeping that we did as a society had the protection
> of the fact that getting at the data was so damned difficult. Do you
> remember the old file cabinet? You had to get the drawer open, and
> then you had to go through this file and that file. The greatest protection
> of privacy was the old file cabinet that did not have enough oil on the
> drawer....
>   Suddenly the difficulty of opening the file cabinet is no longer there.
> You just push a button. You will get more data than you ever want
> to see about anything and everything. (Blaustein, 1984, p. 11)

COMPUTER TECHNOLOGY AND PRIVACY

Society has grown dramatically in complexity, generating an
enormous increase in the amount of information that is recorded
and in its capacity for retrieving this information. The government's

appetite for personal information has grown to an insatiable level. Surveillance devices have been developed and perfected. Dramatic advances in computer technology, perhaps most of all, have contributed to the increasing problem of maintaining an individual's privacy. Computers are capable of performing a multitude of repetitive tasks and of organizing and storing vast quantities of information, two functions that have made the work of the information professional infinitely more efficient. Along with the increasing capability of computers to manage vast amounts of information, there has been an increasing awareness of the computer's potential to seriously compromise the individual's right to privacy. This major issue has been identified in different professions. Business people, lawyers, and other professionals, for example, have expressed deepening concern for the increasing capability of government surveillance in the name of national security.

HISTORY OF PRIVACY INVASIONS

In the area of library and information science, the issue of privacy existed before computer technology advances became a reality. In 1970, for example, when there was growing interest on the part of the government in subversives, agents began to request slips and to make inquiries relating to borrowers of books about explosives. In Milwaukee, the city attorney ruled that such records were "public records," at which point the librarian complied. In the Atlanta Public Library, the same request was denied in the absence of a subpoena (Crookes, 1976, p. 3). The Seattle Public Library released its 1970 circulation records to the FBI when the agency presented a subpoena for the records in connection with a forgery case. In that same year, the library in Los Alamos, Texas, refused to turn over records that FBI agents had requested regarding individuals included on a subversives list (Linowes & Hyman, 1982, p. 495).

ALA ADOPTS PRIVACY POLICY

In 1970, the American Library Association (ALA) adopted its "Policy on Confidentiality of Library Records" in response to these attempts by U.S. Treasury Agents and others to examine various libraries' circulation records (Krug, 1988, p. 41). It was soon learned that the emphasis on voluntary compliance inherent in these guidelines was problematic at best. The American Library Association, therefore, began lobbying for protection legislation and at last report was successful in thirty-nine states and in the District of Columbia (Zubrow, 1989, p. 90).

Nonetheless, state, federal, and local officials continue to attempt to gain access to library personal data records. As recently as 1987,

FBI agents visited the Math/Science Library at Columbia University and asked the clerk who was on duty about foreigners who were using the library. This incident led to the disclosure of the now well-known FBI "Library Awareness Program" in which it was revealed that FBI representatives had visited libraries across the country seeking to obtain information about specific library patrons' subject interests including the materials they had borrowed (Schmidt, 1989, pp. 83-90).

There may have been a time when this information would have been difficult to find, a state of affairs that could have made it easier to resist compliance with such requests. As society, however, increasingly relies on information and moves into a near total technological environment, the issue of the individual's freedom becomes even more crucial. In our eagerness to gain technological control of the ever-expanding world of information, are we losing sight of the individual's right to privacy?

Some of the specific issues that have relevancy for information professonals are concerned with circulation and reference records. The general image of the librarian's role is the guardian of circulation records as well as provider of answers to reference questions. As such, the library has access to certain information about users that may be considered confidential. In both capacities, there is a direct link between the user whose confidentiality must be protected and the professional who is the protector of this confidentiality. The increasing computerization of both circulation and reference systems means that access to these records has increased.

Circulation systems, put simply, are "social surveillance" systems. Information on an individual's past is held in a central place and can be called up anytime. Technology now enables one to query the computer concerning the past performance of any patron within a few seconds. "Librarians dimly perceive the surveillance nature of circulation records." They have asked for driver's license numbers, social security numbers, place of work, and other data for the purpose of circulation. Is this information really necessary to maintain control over circulation (Crook, 1976, p. 483)? Furthermore, what does the library professional do when a U.S. Treasury Agent or other federal representative attempts to obtain information about the habits of a library's borrowers?

In many cases the reason for controversy is not the release of circulation records but rather the disclosure of a person's reference questions—information that is also considered confidential. The online phenomenon simply adds to this concern, and the reference interview itself may very well infringe on a user's privacy.

Librarians must be aware of the pitfalls that can be encountered

in collecting, organizing, and disseminating information. Additionally, we must recognize that the lines are not as clearly drawn as we would care to have them. There exists a fundamental conflict between society's need for information of many kinds and the individual's right to privacy protection. The "Library Awareness Program," for example, was justified by the FBI on the grounds that there was a need to protect the country from foreign spies who had exploited libraries by stealing proprietary and sensitive information (Schmidt, 1989, p. 84). In a democratic society, information is needed for many worthwhile purposes such as provision of services, the collection of taxes, protection against crime, and the maintenance of a free press. Citizens of a democracy, however, may at times find themselves in conflict; there exists a desire to preserve privacy and, concomitantly, the benefits of an open society.

When faced with decisions regarding requests for information of a private nature, librarians may often find themselves involved in the age old conflict between the common good and the sanctity of the individual member of society. What should one do when police who are investigating cross burnings seek the names of persons using materials on the Ku Klux Klan or when the district attorney's office investigating a rash of child murders seeks information on a suspect's reading habits or when a husband seeks information on materials that his wife has taken out in order to prove she was contemplating a divorce?

In all cases, whether it be a request from a family member, a law enforcement agent, or a reporter, the librarian is ethically and legally bound to make every effort to protect the individual's right to privacy no matter how convincing the argument for the release of such information appears in the light of the greater good. The individual's right to privacy should take precedence over the rights of society. A person's independence, dignity, and integrity are violated when one's right to privacy is infringed upon. In the words of Thomas Cooley (1868):

> it is better oftentimes that a crime should go unpunished than that the citizen should be liable to have his premises invaded, his trunks broken open, his private books, papers, and letters exposed to prying curiosity.... (p. 306)

By extension, it is far better for a crime to go unpunished than to have a patron's reading habits revealed by a third party who is the custodian of this information. Librarians are in a very powerful position since they have direct access to the private reading and subject interests of their users. They have been entrusted with this power. It is, therefore, their moral obligation to keep this information confidential.

What is meant by privacy and is it a justifiable right? Privacy has been defined as:

> the claims of individuals...to determine for themselves when, how and to what extent information about them is communicated to others. (Buchanan, 1982, p. 31)
>   the condition enjoyed by one who can control the communication of information about himself. (Lusky, 1972, p. 208)
>   selective control of access to the self or to one's group.... (Altman, 1976, p. 8)
>   control over when and by whom various parts of us can be sensed by others. By "sensed" is meant simply seen, heard, touched, smelled or tasted. (Thomson, 1975, pp. 304-05)
>   [the] right that certain steps shall not be taken to find out facts [private facts] and ...[the] right that certain uses shall not be made of [these] facts. (Thomson, 1975, pp. 304-05)
>   having control over information about oneself. (Decew, 1987, p. 171)

The essence of privacy then is the ability to keep personal information from others, whether it be one's thoughts, feelings, beliefs, fears, plans, or fantasies, and the control over if and when this information can be shared with others. The right to privacy, furthermore, can be justified on both moral and legal grounds.

According to Edward Blaustein (1984), privacy is related to one basic value—the dignity of the individual which "defines man's essence as a unique and self-determining human being" (p. 1000). The concept of dignity as it relates to essential humanity has its roots in religious tradition (Berger et al., 1974, p. 89). Privacy provides the rational context for love, trust, friendship, respect, and self-respect, without which we would not be human. Brian Johnstone (1984) argues that: "Human dignity is closely tied to self-determination since the forms of domination and manipulation which deprive people of self-determination are a profound affront to human dignity." An individual, therefore, has a claim to privacy based on the requirements of self-determination in respect to the person's basics needs (pp. 86-88). Erving Goffman (1973) adds that privacy plays a key role in self-identity and personhood. The ability to control access to thoughts or actions is closely tied to one's notions of personal identity and selfhood (p. 178). This sense of self, Herbert C. Kelman (1977) believes, depends on maintaining a recognized boundary between self and environment, thus assuring private space on both physical and psychological levels. A central consideration in maintaining private space, he adds, is the inviolability of one's body and personal possessions (p. 188).

If privacy is a basic human need, it follows that, if it is absent, negative consequences will follow. Caplan (1982) argues: "Cognitive functioning can be impaired, physical and mental disorders can occur, the individual's sense of well-being is harmed, and the sense of personhood and of self is injured" (p. 178). People feel intruded upon

when questioned about their family affairs, their religious beliefs, or their past histories. Questions about personal fantasies, religious beliefs, or political opinions may, to varying degrees, be experienced as violations of private space.

Thus, respecting the rights persons have to privacy is as basic a requirement as there can be in ethics. "In the absence of privacy, there are no persons to serve as either the subjects or the agents of moral action and moral description" (Kelman, 1977, p. 188). Privacy is a right which must be taken seriously. It is a universal human need essential to one's sense of identity and well being. Since privacy is a basic human need, the moral right to privacy achieves a "primacy superior to that of other rights" (Beauchamp, 1982, p. 31).

Although not explicitly stated in the U.S. Constitution, there are those who argue that the desire for privacy was clearly in the minds of its framers when they added the First, Fourth, Fifth, Ninth, and Fourteenth Amendments. According to the U.S. Supreme Court rulings, these amendments, taken together, constitute an individual's right to privacy ("How the Constitution Protects Your Right to be Left Alone," 1986, p. 12).

The development of the legal notion of privacy was first seriously addressed by the First Amendment which protects freedom of the press, speech, and peaceful assembly. The Fourth Amendment protects the right to be secure against "unreasonable searches and seizures." The Fifth and Fourteenth Amendments shield individuals from having to testify against themselves. The Ninth Amendment acknowledges rights not spelled out but which are equally important.

Samuel Warren and Louis Brandeis, in an article written in 1890, noted that the violation of an individual's right to privacy was a suitable subject in a court of law. They argued for the recognition of the right to privacy based on the principle of "inviolate personality"—i.e., "the right to be let alone"—which they felt was a right most valued by civilized men (p. 205).

Until about 1937, the concept of personal privacy was treated quite restrictively by American courts. The notion of privacy was used primarily to protect the interest of property holders. In the late 1930s, the original notion of inviolate personality was restored. The right of privacy was now perceived as the right to protection against intrusions into an individual's zone of privacy, which also includes the right to control information about oneself.

In the mid-1960s, a new concept of privacy was introduced when the Supreme Court affirmed a right to privacy older than the Bill of Rights, older than political parties, older than the school system. It could now be claimed that the "right to privacy asserts the sacredness of the person." The notion of privacy as seen in this context

existed to protect the individual from the intrusion of others, especially government (Johnstone, 1984, p. 76).

The courts were slow to acknowledge the right to privacy. It was not until 1965, in *Griswold v. Connecticut,* that the Supreme Court ruled that the Constitution guarantees a right to privacy ("How the Constitution Protects...," 1976, p. 12). In 1973, in the landmark *Roe v. Wade* decision, the Supreme Court once again relied on the constitutional right to privacy to protect the zone of individual choice in the matter of abortion (Johnstone, 1984, p. 76).

Concern about privacy began to increase as record keeping became automated, culminating in the Privacy Act of 1974, which takes as its basis the fundamental right provided by the Constitution to protect individuals from the growing ability, due to technology, to gather and control information (Johnstone, 1984, p. 77). "All people are by nature free and independent," the act states, "and have certain inalienable rights among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, and happiness, and privacy" ("Privacy Act of 1974," 1974, p. 1896). Under the act, federal agencies are required to establish appropriate measures to protect the confidentiality of personal data records. It is also specified that personal data cannot be used for a purpose other than the one for which it has been collected nor can it be disclosed to other agencies without the written consent of the subject ("Privacy Act...," 1974, pp. 1896-1910).

The basis for concern for intrusions into the privacy of personal reading habits begins with the First Amendment. Mark Wilson (1980) maintains that: "The recognition of a first amendment right to read and a finding that this right is unduly burdened by disclosure of library circulation records provide an initial basis for the imposition of constitutional limitations on access to library borrower lists" (p. 279). The First Amendment does not explicitly guarantee an individual's right to read or to acquire knowledge. The right to speak or to publish, Wilson continues, presupposes listeners or readers and their right to receive information. The right to read can be seen as a necessary corollary to freedom of the press and to freedom of speech (p. 279).

Wilson argues that a direct attempt to prohibit a reader's exercise of his First Amendment rights would most certainly be struck down as unconstitutional (p. 185). He bases his argument on the "chilling effect" doctrine in which the Supreme Court has held that the uncertainty of litigation and the possibility of erroneous conviction create an impermissible First Amendment "chill." That is, they inhibit individuals' exercise of their rights. The process of "imputing the substance of a book" to its readers and using it as a measure

of the reader's state of mind is, at best, a questionable endeavor. If reading habits, he continues, were admissible at trial, the possibility of improper interpretation and erroneous conviction would, without a doubt, inhibit the individual, or other individuals, from fully exercising the First Amendment right to read (p. 289).

The U.S. Congress has not enacted any federal legislation that specifically protects library confidentiality. In the 100th Congress, a bill was introduced "to preserve personal privacy with respect to the rental, purchase, or delivery of videotapes or similar audiovisual materials and the use of library materials or services" (Senate Bill 2361, 1988). Joint hearings were held, but when the committee reported its findings, the library privacy protection section had been eliminated. Although they agreed in principle with the needed restriction on disclosure of library borrower records, the subcommittee members could not resolve questions regarding problems that might occur in the provision of law enforcement. All of the statutory activity relating to privacy of library records has been at the state level. Of the thirty-nine states that now have statutes, seventeen have broad laws protecting all library records (Zubrow, 1989, p. 91). Many allow disclosure upon permission or written consent of the person identified in that record or to persons authorized to inspect such records. Only a few states allow information to be released at the request of a parent or custodian of a minor child. Almost all specify that disclosure may be made only upon presentation of a court order or a subpoena (Million & Fisher, 1986, p. 347).

Thus there is a strong moral and legal basis for protecting the confidentiality of a patron's library records. When confronted with a request for information of a private nature from a third party, whether it be a law enforcement agent, a reporter, or a family member, how have some librarians dealt with the challenge of protecting the individual's right to privacy? Several librarians describe the situations they were faced with and their responses. (These descriptions derive from several interviews that were granted on the proviso that they were to be kept confidential and hereafter will be referred to as "confidential interviews.")

> **Situation:** An individual has gone on a shooting rampage at 3:30 in the afternoon at the local shopping mall, killing three people and seriously injuring seven. She had been in the library at 2:00 that same day and had taken out some books. Subsequently, reporters and detectives from the criminal investigation division and district attorney's office request information about the books the individual has taken out.
> **Response:** The first request came from a reporter on a local newspaper who, when refused, accused the director of protecting a cold-blooded killer who did not deserve the same civil rights

as others. The heart of the struggle to defend the suspect's right
to privacy centered on the endless visits by, and questions from,
the detectives and staff from the criminal investigation division
and the district attorney's office, as well as from the defense
lawyers. After three months, the district attorney finally decided
to go ahead and try to get a court order, which was subsequently
granted. In consultation with the library's legal adviser, it was
decided to show the requesters copies of the book cards rather
than the originals. "Being interrogated by detectives and
attorneys was a harrowing experience," the director confides.
"They hammered at me until I became confused. They tried
to get me to say things I didn't want to say. They wrote down
the most casual remarks and used those responses later in court
to discredit my testimony. They made me feel as if I were the
one in the wrong....The events of the day of my testimony were
unforgettable," she continues. "I spent nearly eight hours in a
small guarded room with ten or more individuals waiting to
testify. As I took the oath with my hand on the Bible and looked
across the courtroom, I saw the suspect staring into my eyes.
I felt guilty. I felt as if I were betraying her right to privacy
in spite of all I had been through to protect it. I wished for
something like the librarian/patron privilege" (Interview,
August 18, 1988).

Situation: A book is returned to the library. When the circulation
card is put back, the book drops to the floor falling open and
revealing a very detailed description of an intended assassination
plot, including the date, against the President of the United States.
Response: The director was aware that it is against the law not
to report any knowledge one may have of a crime of this nature
so she proceeded to contact the Secret Service after she was told
the FBI was not the appropriate agency. When she told the agent
what had happened, he asked her to reveal the name of the
individual who had taken out the book which she would not
do. She quoted from the state law which covered confidentiality
of library records. The agent said that "no silly law superceded
the federal statute." Subsequently, she discovered there was no
such statute. They harangued her for five days during which
they questioned her patriotism and professionalism. They tried
to exert pressure on the mayor, the personnel director of the city,
the city clerk, and the library board president. As a result of
this pressure, these officials tried to persuade her to release the
name. She would not do it. Eventually she was served with two
subpoenas, one as an individual and the other as custodian of
the records. She contends that they had been very clever in doing
this for if they had given her the one subpoena as an individual
she would have said "I'm not in charge of circulation and don't
have that information." She had no problem in complying once
she had been served with the subpoena. To infringe on someone's
right without it, she contends, would have been troublesome
to her. "I have a real problem with the release of information
to begin with..." she continues "When it involves the life of
another person, who are we to decide who is to live and who

is to die" (Interview, July 28, 1988)?

Situation: A deputy from the local sheriff's office, narcotics division has requested information on anything the library has on people who have been reading books on witchcraft, satanism, or the mutilation of animals. He has theorized that people involved in satanism tend to be drug users.

Response: The deputy produced a subpoena after he was told that he could not get the information without it. The subpoena was signed not only by the judge but by one of the assistant district attorneys. To have secured the cooperation of both of these officials indicated that they must have strong evidence against a particular individual or individuals. But it was soon discovered that they were not investigating any specific crimes or actions; they simply wanted to develop a file of potential drug abusers. In the meantime, the director scheduled a meeting with a higher official in the district attorney's office. He revealed that he had no previous knowledge of the subpoena since it had not been obtained from any of the higher officials in the department. He advised the director not to turn over any information until he checked further. The director informed the official that a reporter had been calling him to try to get some information whereupon the official responded that he thought this was supposed to be a secret investigation. Apparently someone had revealed details about the investigation without authority, which made this an issue of equal importance to that official. Subsequently, after discovering that the subpoena had not been preceded by a careful scrutiny of the facts, the district attorney's office withdrew it. It appears that the assistant district attorney had assumed that the sheriff's office had a strong need for it. He too had had second thoughts about the subpoena's validity since it requested too broad of a search. They had wanted twelve months worth of circulation records pertaining to everybody who had checked out books on satanism. A newspaper article subsequently appeared that outraged several library users. Some admitted to being so frightened they wanted to turn in their library cards. A mother would not let her son check out a book about witchcraft on his library card but rather checked it out on her own (Interview, September 6, 1988).

Situation: The President of the United States has been shot. The only piece of information on the alleged perpetrator is a library card. Hundreds of telephone calls are received by the library. *Newsweek* representatives appear with a copy of the state's Open Records Act and claim that the library must give them access to the perpetrator's library records.

Response: After it was revealed that the only piece of identification that the alleged assassin had on him was a library card, the phone started to ring at the library and continued for at least thirty-six hours.

Everyone, including the *London Times,* wanted to know what he had checked out. The library quoted its library board policy which forbade employees from giving out information. At that time, the librarian believed, due to the fact that the library still

used a microfilm system, that it would have been almost impossible to retrieve this information. Now they are automated and could respond within seconds. They had not set up strict rules that guided the staff in how to deal with requests of this nature. In general, they knew they should keep this information confidential. Callers besieged several branches wanting to know what he had read, where he lived, and had the members of the staff seen him? *Newsweek* people appeared on the scene the next day with a copy of the state's Open Records Act and insisted that the library must give them access to the circulation records. The librarian refused, but subsequently was told by the county attorney that the records must be shown to the requesters. The library complied and the *Newsweek* representatives spent three days reviewing all of the records, not only those of the suspect. At that time the library press criticized them for having given out the information. The librarian declared it was a very difficult time. Subsequently, the library director decided the library could not function under these constant requests for this information and ultimately decided to release the information to United Press International. The FBI finally served them with a subpoena, and the library turned over the books to them (to this day the books have not been returned). Since then the state has enacted a Privacy of Library Records Act. At the time of the affair, the county attorney said, "I hate to tell you, but courts do not care a great deal about what the American Library Association says. They never heard of it and could care less." The lesson learned in this case, says the librarian, is the necessity for a state law (Confidential interview, August 2, 1988).

Situation: A woman has asked for circulation records pertaining to her stepchildren. Three years before, she and her husband (the natural father) had obtained a court order mandating that the natural mother use the natural father's name. Could the library tell her what name was being used by the children?
Response: When the woman asked for the circulation records pertaining to her stepchildren, it was explained to her that there is a state confidentiality policy within the library and a state law that supports the policy. It was further explained that the library could give out the information if the patron could present a library card or if she could provide them with the patron's card number. The patron proceeded to give them some background information on her situation. Her husband had been divorced approximately eight years before, and there were two children as a result of this first marriage. Both parties had since remarried, and the natural mother was using the stepfather's name for the children. Three years before, the patron and her husband had obtained a court order that mandated that the natural mother use the natural father's name for the two boys. Apparently the court order had been ignored. The librarian sympathized with her predicament but could not reveal any information without a court order. Subsequently, the subpoena did arrive. The librarian conferred with the library's attorney. "In our data base," she explained, "we have the capability of searching the name

which appears on the subpoena in several different ways. In this
case, it is complicated because the last name is a fairly common
one and one of the children's first names was spelled incorrectly
on the subpoena." The attorney advised them to supply the
information only as it is requested on the subpoena. As a result,
they did not supply the information on the child whose name
was misspelled. The information pertaining to the second child
was supplied. Soon after, the father came into the library asking
if they could search the database by the various spellings. The
staff member would not comply since the father did not bring
a court order requesting such a search. Following this, the director
received a phone call at her home from the father. She explained
that they had followed the directions given by their attorney,
but that if he could get another subpoena, which had the correct
spelling and variations, they would give him the information
he sought (Confidential interview, August 3, 1988).

Situation: An individual is caught forging documents in another
state. He is one of the library's users. The librarian is handed
a subpoena from the other state requesting this information.
Response: When the subpoena was presented, it was sent down
to the library's legal counsel who immediately pointed out that
it was not legal in this state. "We could have followed the letter
of the law," the librarian explains, "and simply said no, but
we brought judgment to bear and saw that it would be in our
best interest to provide the information that was needed." They
did feel certain, he adds, that what was asked for in the subpoena
was legitimate. They did not supply any information beyond
what was asked for in the subpoena nor did they reveal that
they did indeed have other information that might be pertinent.
The authorities wanted to know if the individual had used the
library during a specific period of time and, if so, for what had
he been looking. The librarian affirmed that he had been using
the library during that time, but did not reveal what he had
read (Confidential interview, June 30, 1988).

Whether or not one agrees with the specific actions taken by
these librarians, it is necessary to recognize the context within which
they were operating—the conflict between the common good and
the sanctity of the individual. When asked how they view this conflict,
most agreed that the rights of the individual should take precedence
over the rights of society.

I think philosophically I would [say] that the rights of the individual
are supreme....Society has a few rights, but I think basically the answer
would be that the rights of the individual take complete precedence
(Confidential interview, August 18, 1988).

  Probably the edge should be given to the individual. How much of
an edge depends on the situation....One is presumed innocent until
proven guilty. The individual seems to need a little more help sometimes
when the government seems so much more powerful (Confidential
interview, June 30, 1988).

  [The] two are equally important, but the rights of the individual take
more precedence....Society always needs to prove its right to the

information whereas the person doesn't (Confidential interview, August 2, 1988).

The right of the individual should take precedence over everything....If there is a legitimate reason to know what a person is reading...then the law should be able to prove it (Confidential interview, July 28, 1988).

Judith Krug (1988), in her testimony before the Senate Committee investigating the feasibility of enacting a Video and Library Privacy Protection Act, eloquently reminded the listeners that:

One of the guiding principles of the library profession in this country is intellectual freedom. To librarians, this concept involves two inseparable rights. The first is the First Amendment right to seek and obtain access to all publicly-available ideas and information. The second is the right to have what one has sought and what one has used kept private. The right to information cannot help but be inhibited if personal reading or research interests can and will become known to others without one's own consent.

There are people in every community who believe that a person's interest in a subject must reflect not merely his intellectual interests, but his character and attitudes. Thus, in the view of some people, a person who reads the "underground press" is branded as a radical; a person who reads atheistic tracts is marked an atheist; a person who reads sexually oriented literature is identified as a libertine....Such characteristics are not justified or warranted by such literary pursuits but if charged, they can be personally and professionally damaging. (pp. 40-41)

Tenuous at best is the inference involved in probing individuals' mental processes through their reading habits. Recently, when a woman in Seattle was accused of putting poison in the Excedrin that killed her husband, it was discovered that she had taken out several books that discussed cyanide and poisonous doses. The prosecution used this information to substantiate theory that she had read this material in preparation for the murder. The defendant, on the other hand, claimed she had taken out the books for "information about poisonous plants because she was concerned about potential danger from local toxic plants for her granddaughter and children for whom she baby sat" ("Trial Under Way in Cyanide Death," 1988, p. A16). Morally and legally what individuals read or what information they seek is nobody else's business. A library user's privacy has clearly been invaded if a librarian reveals this information to an outsider. As indicated in the American Library Association's "Statement on Professional Ethics," librarians must protect each user's right to privacy with respect to information sought or received and materials consulted, borrowed, or acquired ("Librarian's Code of Ethics," 1982). This places an enormous responsibility of protecting the sanctity of the individual's right to privacy squarely on the librarian.

How can the interests of the library's patron be best served? Librarians should be granted the privilege of library/patron

confidentiality. Confidentiality refers to a general standard of professional conduct that obliges a professional not to discuss information about clients with anyone. It implies a contract not to reveal anything about clients without their agreement (Stover, 1987, p. 240). Privilege occurs when a certain type of relationship protects information derived from that relationship from being legally acquired (Stover, 1987, p. 241).

The profession must be able to legally defend the perspective outlined in a 1970 *American Libraries* editorial:

> What an individual uses in a library may not be used against him; ... records of transactions between librarian and client may not be used against him in a court of law without his permission; ... a librarian [may] not be required to testify on types of material used by any given individual.

The library has long been recognized as a "sanctuary of ideas," the editorial continues:

> If the citizens of a free nation are to have access to materials which can express ideas unpopular with segments of its own society including the government, they must be free of the fear of intimidation and possible incrimination
> Librarians must constantly provide the alternatives in idea and thought while respecting the individual right to privacy as he searches for his own solutions. ("Editor's Choice," 1970, p. 750)

The public must believe that the library is a sanctuary where individuals can feel unconstrained by the possibility that the materials they use, the books they read, or the questions they ask will become public knowledge. If a library earns a reputation for reporting on the actions of its citizens, it can be very serious. It could create obstructions to patrons' pursuit of knowledge and have a "chilling" effect on their First Amendment right to read. If people cannot use the library because of fear, they are being denied free access. The following was reported in the *Brooklyn Heights Press* in 1988:

> On Friday afternoon, a patron telephoned the Central Library to inquire whether the published proceedings of the recently-concluded Soviet Communist Party Congress were now available. She was told that they were not, but that information on the Congress could be found in *The New York Times*, available in the Periodical Division.
> A short time later, the librarian received another call, from a woman who said the first caller had been her secretary. She had called the *Times* to obtain reprints of their reporting on the Congress, but was told she needed to know the names of the reporters who had filed the stories. The librarian told her that she could get this information from *The New York Times Index* at the library. At this, the patron asked, "If I come and ask for that material, will you report me to the FBI?"
> Despite the librarian's assurances that no-such thing would happen, the woman was unconvinced. She again said that she was concerned about sending someone to the library for this information because of her fear of the FBI. "I just don't want to get in trouble with the government" she said. ("Seeking Spies," 1988, p. 10)

Respecting the rights that patrons have to privacy is the basic requirement of the librarian's Code of Ethics. It is difficult to infringe on this right and feel morally justified in doing so. In the absence of a legal doctrine of professional privilege for client communication, the librarian, in a court of law, may be required to break confidentiality or be sent to jail. Librarians have little recourse to disclosures dictated by subpoenas. Subpoenas can be challenged, but to do so, the librarian must convince the court that the subpoena has been unlawfully issued in respect to a specific law. It is impractical for the reader of books or the user of library materials to come forward to challenge a subpoena. To do so would reveal the name of the individual involved and thus inhibit or "chill" the reader's desire to read certain books. It then becomes the responsibility of the holder of the records, the library, to raise the constitutional claims of the reader (Wilson, 1981, pp. 317-18).

If, with the help of legal counsel, it is determined that the subpoena has been properly issued, can the librarian be held liable for violating the First Amendment right of the patron by providing the information? (This has yet to be tested in court.) Judgment can also be brought to bear in how to respond to a subpoena. Some librarians admit to responding to requests in different ways depending on the urgency of the situation and how sympathetic they are to the request itself.

> Depending on the situation we use some judgement in terms of how much or little we talk with them [requesters].... We read the subpoena very carefully and read the request very carefully and though we might not agree with what's being asked for, we wouldn't go against the law and if we disagreed we might cut back the amount of information. We would be very precise about what information they asked for and the exact date it was delivered. If they were off a day we would be precise and say nothing came in on that day. We would not offer the information.... [On the other hand] we can help to get the requester to be more focused. (Confidential interview, June 30, 1988)

In the absence of library/patron privileged communication, there are many librarians who have no legal support at all in protecting their patrons' First Amendment rights. Not all states have statutes; those statutes that do exist are not necessarily adequate nor is there uniformity in their coverage. Judith Krug, testifying at that same Congressional Hearing in 1988, elaborates:

> Many of the statutes enacted...which protect the privacy of library records did not adequately anticipate the ways technology has changed the character of library use. Thus, many of these statutes apply to only one or two kinds of libraries, i.e., public, school and/or academic. In addition, many of the statutes refer to materials checked out of libraries. Increasingly, however, library patrons use online databases. Moreover, none of these statutes protect privacy rights of the information in multi-library, not to mention multi-state networks, many of which share not only cataloging but also circulation information.... Some of the state

laws apply only to public libraries, not to school libraries. Some apply only to those libraries receiving state funds. (pp. 45-46)

In the absence of library/patron privileged communication, are librarians morally bound to tell their clients that under certain legal conditions they may have to provide information about their research or reading interests to law enforcement officers? In other words, when patrons take out a book from the library or ask for reference help, they may have relinquished their right to privacy. In an effort to protect the patron by implementing tight procedures for concealing an individual's reading habits, John C. Swan (1983) wonders if we are not creating "an atmosphere inimical to the informal exchange of ideas.... Libraries, are among the last remaining places where people openly talk about books....An environment of secrecy can have a 'chilling' effect on the patron's First Amendment right to privacy" (p. 1650).

In the absence of librarian/patron privileged communication, can we really hope to provide the most efficient service if we are bound to keep as little information as possible of a private nature about our patrons? Walt Crawford (1988) describes the pitfalls inherent in standardizing patron and circulation information.

> The computer makes it far easier to standardize patron and circulation information. A standard format would make it easier for a library to move from one system to another. Library systems could then be linked. A patron could conceivably present another library's card and receive service, and the library could gain immediate information as to the patron's status. However, this record has personal information. If the system is tapped into, patrons can be linked to materials currently charged out and to information within every library to which the system is linked. (pp. 15-16)

The reasons personal information is collected in libraries is to help the organization to keep track of materials and to provide better service. To use this information in any other way is most unethical. The concept of the library as "sanctuary" demands that the librarian be extended the same privilege of confidentiality granted to the attorney-client, the physician-patient, the accountant-client, or the journalist-informant relationships. Librarians thus far have not been granted this privilege in a court of law. The profession must, therefore, vigorously lobby for such a privilege. Otherwise, its practitioners will be facing the continuing problem of finding creative ways in which to protect their patrons from intrusions. Or they too may find themselves in a courtroom facing a patron and wishing, If only I had the protection of the privilege of confidentiality.

REFERENCES
Altman, I. (1976). Privacy: A conceptual analysis. *Environment and Behavior, 8*(March), 7-29.

American Library Association. (1982). Librarians' code of ethics. *American Libraries, 13*(October), 595.

Beauchamp, T. L.; Faden, R. R.; Wallace, R. J.; & Walters, L. (Eds.). (1982). *Ethical issues in social science research.* Baltimore, MD: Johns Hopkins.

Berger, P.; Berger, B.; & Kellner, H. (1973). *The homeless mind: Modernization and consciousness.* New York: Random House.

Blaustein, E. (1964). Privacy as an aspect of human dignity. *New York Law Review, 39,* 962-1007.

Bloustein, E. J. (1984). The right to privacy vs. the right to know. In J. Varlejs (Ed.), *The right to information* (pp. 1-19). Jefferson, NC: McFarland & Co.

Buchanan, R. (1982). Garbage in, mischief out. *Library Review, 31*(Spring), 30-34.

Caplan, A. L. (1982). On privacy and confidentiality in social science research. *Privacy and Confidentiality,* 315-325.

Cooley, T. M. (1868). *A treatise on the constitutional limitations which rest upon the legislative power of the states of the American union.* Boston, MA: Little, Brown.

Crawford, W. (1988). Caution: Use of this library card may be hazardous to your privacy. *LITA Newsletter, 9*(2), 15-16.

Crooks, J. (1976). Civil liberties, libraries, and computers. *Library Journal, 101*(3), 482-487.

Decew, J. (1987). Defending the "private" in constitutional privacy. *The Journal of Value Inquiry, 21,* 171-184.

Editor's choice: Sanctity. (1970). *American Libraries,* (September), 750.

Goffman, E. (1973). The mortification of self. In R. Flacks (Ed.), *Conformity, resistance and self-determination: The individual and authority* (p. 178). Boston, MA: Little, Brown.

How the Constitution protects your right to be left alone. (1986). *Scholastic Update,* (September 8), 12-13.

Johnstone, B. V. (1984). The right to privacy: The ethical perspective. *The American Journal of Jurisprudence, 29,* 73-94.

Kelman, H. C. (1977). Privacy and research with human beings. *Journal of Social Science, 33*(Summer), 169-195.

Krug, J. F. (1988). Statement of Judith F. Krug before the Joint hearing of the Subcommittee on technology and Law of the Senate Judiciary Committee and The Subcommittee on Courts, civil liberties, and the Administration of Justice, of the House on The Judiciary on the video and Library Privacy Protection Act of 1988.

Linowes, D. F., & Hoyman, M. M. (1982). Data confidentiality, social research and the government. *Library Trends, 30*(3), 489-504.

Lusky, L. (1972). The invasion of privacy: A clarification of concepts. *Political Science Quarterly,* (June), 208.

Million, A. C., & Fisher, K. N. M. (1986). Library records: A review of confidentiality laws and policies. *Journal of Academic Librarianship, 11*(6), 346-349.

Privacy Act of 1974. PL93-579. (1974). *United States Statutes at Large, 88*(December), 1896-1910.

Schmidt, C. J. (1989). Rights for users of information: Conflicts and balances among privacy, professional ethics, law, national security. In F. Simora (Comp. & Ed.), *The Bowker annual library and book trade almanac, 1989-90* (pp. 83-90). New York: R. R. Bowker.

Seeking spies: FBI visits local libraries in effort to recruit informers. (1988). *Brooklyn Heights Press,* (August 11), 10.

Senate Bill 2361, 100th Congress, 2nd session, (1988).

Stover, M. (1987). Confidentiality & privacy in reference service. *RQ, 27*(2), 240-244.

Swan, J. C. (1983). Public records & library privacy. *Library Journal, 108*(15), 1645-1649.

Thomson, J. J. (1975). The right to privacy. *Philosophical Public Affairs, 4*(Summer), 295-314.

Trial under way in cyanide death. (1988). *The New York Times,* (April 25), p. A16.

Warren, S. D., & Brandeis, L. D. (1890). The right to privacy. *Harvard Law Review*, *4*, 193-220.

Wilson, M. K. (1980). Surveillance of individual reading habits: Constitutional limitations of library records disclosure. *The American University Law Review*, *30*(1), 275-381.

Zubrow, M. (1989). The right to confidentiality in libraries: New York State changes its law. *The Bookmark, 47*(2), 89-92.

Dispensing Law at the Front Lines:
Ethical Dilemmas in Law Librarianship

Maria E. Protti

ABSTRACT
THE LAW LIBRARIAN has special ethical dilemmas because transferring
information is so important in the American legal system. A duty
exists, the article states, to keep legal queries confidential, but there
is no clearly defined duty for the librarian not to comment on the
law. Other concerns discussed are providing services to those neglected
by lawyers and librarians maintaining more than an arm's length
relationship with vendors. The possible establishment of an American
Association of Law Libraries (AALL) commission to review the ethics
of law librarian activities is also covered.

The day-to-day activities of law librarians present many
challenges. Like other librarians, law librarians also collect, house,
and retrieve information. However, the nature of information that
law librarians manage and the services they provide makes their duty
different and subject to special concerns.

In the American adversarial judicial system based on *stare decisis*
(meaning to abide by decided cases), adequate knowledge of the law
is necessary to show convincingly that one has abided by the law
or has been wronged (*Neff v. George,* 1936). Legal knowledge depends
on distilling legal principles from thousands of cases, and the
presentation of that information to judicial decision makers is
important for the determination of legal rights of the petitioners.
The special nature of these library services stems from the fact that
the judicial system in this country depends upon the transfer of legal

information. Collectively, Americans rely on lawyers to ferret out facts and principles to present before the bench. Judges are not expected to gather information about the case at hand. This reliance on lawyers makes obtaining access to legal knowledge a crucial part of the adequate presentation of one's case.

More specifically, the importance of legal information stems from the common law adversarial system—the foundation of American law. The whole system is based on the concept that the lawyer or petitioner produces evidence and cites precedents that support the stance. A key to winning a case is gaining access to evidentiary facts and legal opinions decided earlier. In the aggregate, the people who have knowledge about legal matters have the power to uphold or change the law. They have the power to encourage the distribution of resources awarded by judges and the power to help make activity illegal. To an individual, knowledge of the law can mean a greater chance of not going to a prison, gaining monetary damages, or stopping the government or a corporation from taking some action. The holder of legal information is able to make a better legal decision than the uninformed. Such decisions as when to sue, who to sue, who to pay, and the likelihood of winning a suit are made by considering what one knows. Knowledge is therefore valuable. Individuals and corporations go to great lengths to uncover information. The dispersal of information about the law helps a democratic America because it helps to ensure that all have an equal position in court. This importance of law argues that law librarians should work to inform with seriousness. They should strive to disclose the law and enable persons to understand it.

In other words, law librarians should work to dispense understandable, timely, relevant, complete, and appropriate information (the goals were first proposed by Jack N. Behrman [1981] who probed the ethical content of business activities). "Understandable" information is intelligible information. To dispense convoluted information is to obfuscate the legal workings of this democracy and to confuse the patron. "Timely" means current law, not superseded law (unless the patron is undertaking historical research). Delivering outdated law is extremely dangerous because the patron may form opinions and act according to rules and regulations no longer in effect. The goal of "relevance" means not just providing accurate information but striving to provide information useful in helping individuals to make legal decisions. "Complete" means making available all general relevant information which helps the patron to understand a legal matter (this does not mean that all information on the topic should be given). "Appropriateness" calls for highlighting some information in certain

instances. For example, detailed reams of statistical data on house buying trends should be called to the attention of the legislative aide drafting a bill on rent control, but it is not necessary to indicate to a high school student who wants to know the definition of the phrase "rent control."

Librarians should attempt to meet ethical objectives based on these five standards. To a law librarian employed by the state in an academic, court, county, legislative, or prison library, the obligees are many and clear. Nonetheless, the librarian employed in the private sector should not exclude these standards. The public librarian owes understandable, timely, relevant, complete, and appropriate information to a community of people. The private librarian is directly accountable to the employer. The difference is the obligee and not the ethical standards. None of the five should be lacking. All of the ethical considerations discussed in this article are really just variations of these five standards.

Stemming from the principle that all Americans should enjoy access to legal information, a probable duty exists for a law librarian to keep confidential the identity of a patron and the nature of a legal query. Anything less than a guarantee of privacy may deter the sensitive patron from seeking information and thereby keep a patron at a legal disadvantage. This deterrence, in a small way, may thwart the workings of the court where justice depends on the transfer of information. This is an age in which persons in the middle and poor classes do not always have the means to employ lawyers (McKay, 1986), but they can take advantage of access to law librarians at governmental libraries. A law librarian should pledge not to divulge information concerning communications between the librarian and the patron just as lawyers would pledge the same for their clients (of course an exception occurs when a librarian, in giving information, is an accessory to a crime to perform an illegal act). A general respect for individual privacy will also preclude decent librarians from prattling about the details of patrons' legal inquiries. Most state legislatures acknowledged the need for such preclusion when they passed into law provisions that disallow librarians to furnish circulation records (i.e., the names of library patrons and the books they read) to anyone (Kennedy, 1989).

A recurring and tough ethical dilemma a law librarian faces is the conflict between wanting to produce information and the danger of practicing law without a license. Many resolve this issue by noting that the librarian should not interpret the law. A common belief is that librarians should not give legal advice because of the harm it could cause laypersons.

> Laymen come into a law library expecting to find people with legal
> expertise and tend to accept what law library staff members say as accurate
> statements of the law. Thus the inexperienced and uneducated layperson
> can...be easily misled by what we tell him.... [A]n individual who is
> given inaccurate legal advice by an attorney can recover for injuries
> suffered as a result by suing his lawyer for malpractice but one who
> relies to his detriment on information he is given by law library personnel
> does not have nearly as effective a remedy. (Mills, 1979, p. 180)

The availability of a remedy for being misled protects the patron and should not determine whether a librarian can interpret information. Although no known law librarian has been sued for malpractice, lawyers are constantly sued for informational deceit or misrepresentation. Moreover, adequate causes of negligence and concomitant remedies for monetary damages and specific performance exist. Information integrity may even improve if the librarian is subject to possible malpractice suits and held accountable to patrons. In a widely publicized case, the head librarian at a naval air force station was held responsible by the military for failure to update a maintenance manual used by mechanics who inspected a plane. The inspected plane had crashed. The exposure of librarians to similar negligence suits does not seem improper especially in the face of extreme possible damages such as those arising from a plane crash ("Library Head Blamed ...", 1990, p. 940).

Historically, reference services have been closely scrutinized when they are of a legal nature. For at least seventy-five years, writers have cautioned law librarians in the United States to restrain their librarianship by neither giving legal advice nor interpreting the law (Schanck, 1979). Interpretation is clearly employed when one notes particular law associated with a factual situation or predicts the outcome of a case. But the word *interpretation* is relative, although many claim that a line exists between interpretation and noninterpretation.

Upon reflection, the line demarcating the interpretative area is blurred. The stark immediate quandary of a law librarian in helping a patron is whether the librarian may find applicable information— i.e., applying the facts of an immediate case to the analysis of a law. The organization of U.S. legal materials generally follows the organization of the branches of government: legislative codes of statutes and session laws, judicial case reporters, and executive and administrative codes and registers. The very act of selecting a source defines the concern at hand as one being controlled by the legislature, courts, or an executive leader respectively. To choose to refer to a work is to opine a fitting jurisdiction and controlling governmental branch. The identification of relevant books involves some interpretive application of the facts to the law. Within the books, the sections are divided by topic or by jurisdiction, and so the librarian

must choose among subjects or legal forums. The mere retrieval of a book after viewing a parallel citation is problematic. For example, in finding a U.S. Supreme Court case, one is forced to choose between locating the case in an official or an unofficial reporter. Any direction chosen by a librarian on how to find the law involves a selection of certain materials as relevant to the patron's legal needs as does the identification of pertinent law. Yet the fallacy that there is a distinct difference between reference and research or reference and interpretation persists. In 1989, the Standing Committee on Unauthorized Practice of Law of the Virginia State Bar Association stated that librarians, assuming that they were not licensed attorneys, could not perform legal research because librarians "were untrained in the law and unregulated by the profession." The librarian can retrieve and copy specific materials as that action "does not require the possession or use of any legal knowledge or skill." This reasoning forces a pretended schism between the integral acts of retrieving and researching, and inhibits the ability of a law librarian to perform any kind of research however simple (Virginia State Bar, 1989).

There is another parameter on the degree of legal reference service that is not placed on other types of librarians. Couched in ethical terms, the American Association of Law Libraries Code of Ethics and Law Library teaching handbooks explicitly state that "law librarians while engaged in their professional work—have a duty *neither* to engage in the unauthorized practice of law *nor to solicit* an attorney-client relationship" (AALL Code of Ethics, 1989). That sentiment, that only lawyers should comment on the law, is so strong that lay people who seek legal assistance in a law library may be referred automatically elsewhere (Leone, 1980). Referral clearly works to the advantage of lawyers collectively who hold a monopoly on interpreting legal information.

Even a law librarian who belongs to a bar is counseled not to interpret the law. However, the law librarian specialist may know more about the field than the average lawyer with a passing acquaintance in the particular subfield. Examples of specialists are those law librarians who work at libraries that exclusively center on banking, securities, or tax matters. To reject the notion that all librarians may not comment on the law, is to reject the legal expertise of a double degreed (M.L.S. and J.D.) lawyer. The ethical standard here needs to be rethought especially as bar licensed librarians multiply. No longer can it be assumed that a "lawyer usually has more complete knowledge of the law" or that a "lawyer understands the practical functioning of the legal system" (Schanck, 1979; Public Services Liaison Committee, 1990) although the law librarian does not. Other librarians are allowed to discuss the contents of the material

they manage. If law librarians are competent and able to provide the patron with insight into the workings of the law, they should not be restrained from speaking (Chicco et al., 1991). First Amendment freedom of speech considerations in this area warrant additional investigation.

Further reasons to support the ethical principle that librarians should not "advise" are the notions that a "lawyer has better access to the facts in the case" and "is able to research the law at length" (Schanck, 1979; Public Services Liaison Committee, 1990). These are really temporal constraints concerning the opportunity to interview the client/patron and to collect information. Librarians who have passed a bar and work in the private sector are at times indistinguishable from lawyers. They may not argue in court, but they surely retrieve applicable law and discard inapplicable law just as lawyers do. Like most lawyers, they have a certain readily identifiable clientele (which is largely made up of lawyers), interview their patrons or clients, and even bill for their time. It seems as if the chasm between reference work performed by librarian-lawyers and legal advice given by lawyers is an imaginary one that benefits the legal profession by protecting the profession's claimed turf of legal elucidation.

The AALL supports the principle that law librarians should not opine on the law's application (AALL Code of Ethics, 1989). A mention of the principle appears to be absent from literature concerning ethics promulgated by the American Bar Association (ABA). Ironically and recently, the ABA has made some attempts to encourage nonlawyers to analyze the law especially when no lawyers are available or willing to participate fully in the given case (Krucoff, 1981).

Optimally, the law librarian's business is sharing legal information, and the law librarian concertedly should teach and demonstrate how to use finding aids—especially to population groups that normally do not retain lawyers. The main themes of library school (cooperative lending efforts, public knowledge of governmental information, and outreach to persons who cannot come to the library) conflict directly with the adversarial themes of law school ("hiding the ball" through the Socratic teaching method, competition in oral arguments, and exclusive law review memberships). The cooperative philosophy promulgated by librarians is useful in serving population groups underserved by lawyers. According to the AALL Code of Ethics, the law librarian "has a duty actively to promote free and effective access to legal information" (AALL Code of Ethics, 1989).

This obligation arises from a law librarianship tradition as well as from the knowledge that certain population groups have little

recourse in the courts, the main focus of justice in our society, because they have little access to legal information. After all, 90 percent of U.S. lawyers serve 10 percent of the population (Carter, 1978). The middle-class claims to governmental information may be fulfilled through tax supported libraries. For this reason, law librarians have examined what they can do to help untrained patrons to learn the law. One of the examining forums is the AALL's "Committee on Services to the Public and Legal Resources in Public Libraries."

The law librarian's attitude is one of accommodation and the general AALL attitude has been one of service especially to *pro se's* (individual patrons who are practicing self-help law) (Begg, 1976). *Pro se* patrons deserve the attention of librarians. The U.S. Supreme Court has decided that there is a constitutional right to self-representation in a criminal trial where the accused chooses to represent himself (*Faretta v. California,* 1975). Within this right is an implicit subright that grants the *pro se* defendant an opportunity to read the same tools that the opposing party uses and a probable duty of the librarian to assist in finding the tools (Leone, 1980). Other lay groups that are helped are prisoners and the institutionalized. Law librarians working in the public sector should purchase and make available consumer-oriented self-help law guides to serve these special groups based on the premise that Americans need more information about the law. Self-help law books are in great demand. The major publisher of these books, Nolo Press, keeps more than sixty titles in stock (Nolo Press, 1990).

The relationship between librarians and book dealers or publishers provides another ethical consideration. It should be one that is in accord with standards of accountability. The law librarian should choose vendors based on quality of service and the product and of the reasonableness of the price. Also, the librarian should provide payment promptly. The librarian should discourage personal gratuities and refuse or return any gifts of significant value. One common practice that merits review is the publisher/dealer sponsorship of events at American Association of Law Libraries' meetings. Lavish breakfasts, receptions, and banquets paid for by vendors help the publisher to sell but increase the cost of the product involved. At the 1989 summer AALL annual meeting, for example, one publisher funded a rodeo solely for the law librarian audience complete with a sit down dinner and country band (AALL, 1989). The year before at the annual meeting, a publisher hosted an evening of "the stars" with prizes, games, clips from the television show "LA Law," and even flew in an actor from the show to shake people's hands at the reception. Altogether, more than 4,200 law librarians were invited to each. A law librarian who is responsible for

acquisitions who attends such functions has at best a conflict of interest and possibly an ethically unsound relationship with the vendor. The problem is that attendance can be difficult to avoid. Lavish receptions are regularly combined with AALL business and professional meetings. Some believe that without such publisher subsidy, attendance at the meetings would fall. Nonetheless, the AALL might rethink its propensity to rely on vendor sponsorship for social events better paid for by the individuals in attendance and on vendor sponsorship of educational and professional programs.

Law librarians should also generally not act as paid consultants for a publisher who sells books to the librarian's employer. An example of such action is evidenced by the increasing number of publisher advisory boards composed of law librarians. Members of the board allow the use of their names for advertising, sometimes fly to funded special meetings, and may attend seminars hosted by the vendor by invitation only. Yet these same board members work for employers who make thousands of dollars in annual payment to the hosting publishers. Some laudable board members, who recognize the ethical dilemma, donate their advisement fees to their law schools or a scholarship fund (Mid-America Law Libraries Association, 1989).

Law librarians believe that their work necessitates a special code of ethics that is not entirely reflected in the American Library Association's Code of Ethics nor in the American Bar Association Code of Ethics. The AALL Code, effective September 1978, addresses matters of conduct peculiar to this hybrid profession. The drafters of that code hoped that the AALL administration would sanction those who did not abide by the code. They wanted an "ethics commission" to be established with commissioners holding staggered terms. The commission would issue advisory opinions on the ethics pertinent to any stipulated set of facts presented by any aggrieved individual or institutional member of AALL. The purpose of the commission would be to decide whether the conduct described in the stipulated facts abides by the AALL Code of Ethics. Enforcement would rest with the complainant. The commission would create and publish a body of advisory opinions that would serve to guide the determination of violative conduct and allow for minority opinions (Dupont, 1979). For whatever reason, the commission never came into being and the AALL now administers no formal sanctions for code indiscretions. The absence of opinions on ethical matters limits standards. A profession that neither airs ethical grievances nor polices itself is missing an opportunity to achieve high levels of service. Therefore, members within AALL should work to establish the envisioned commission.

During the last twenty-five years, the amount of litigation in

this country has increased at an astounding rate. As persons in our technological society become more interdependent, due to communication and transportation innovations, the need for legal boundaries burgeons. Concomitantly, the role of the law librarian in disseminating the law strengthens, especially as lawyers become overwhelmed with learning a vast amount of law (Posner, 1987). No one profession deals with the law autonomously. Law librarians are increasingly called upon to explain, distinguish, and find judicial opinions, statutes, and rules. They are exposed to more and more diverse and constant ethical dilemmas. Their particular predicaments should not go unnoticed.

REFERENCES

American Association of Law Libraries. (1988). *81st annual meeting of the American Association of Law Libraries.* Chicago, IL: AALL.
American Association of Law Libraries. (1989). *82nd annual meeting of the American Association of Law Libraries.* Chicago, IL: AALL.
American Association of Law Libraries. (1989). *1989-90 AALL directory and handbook* (Code of Ethics). Chicago, IL: AALL.
Begg, R. T. (1976). The reference librarian and the *pro se* patron. *Law Library Journal, 69,* 26.
Behrman, J. N. (1981). *Discourses on ethics and business.* Cambridge, MA: Oelgeschlager, Gunn & Hain, Inc.
Carter, J. (1978). Unpublished speech presented before the Los Angeles County Bar Association, May 4.
Chicco, G.; Johnstone, Q.; Hauptman, R.; & Stelmach, H. (1991). Ethics and law librarianship: A panel discussion. *Law Library Journal, 83*(1), 1-19.
Dupont, A. J. (Comp.). (1979). *Working documents and correspondence of the Ethics Committee of the American Association of Law Libraries.* Honolulu, HI: AALL (text fiche).
Faretta v. California, 422 U.S. 806 (1975).
Kennedy, B. (1989). Confidentiality of library records, problems, policies and laws. *Law Library Journal, 81,* 735.
Kirkwood, C. C., & Watts, T. J. (1983). *Legal Reference Services Quarterly, 3*(2), 67-82.
Krucoff, C. (1981). Paralegals' progress. *The Washington Post,* June 17, B5.
Leone, G. (1980). Malpractice liability of a law librarian. *Law Library Journal, 73,* 44-65.
Library head blamed for Marine jet crash. (1990). *American Libraries, 21*(10), 940.
McKay, R. B. (1986). Law, lawyers, and the public interest. *University of Cincinnati Law Review, 55,* 351-374.
Mid-America Law Libraries Association. (1989). *Ethics in the AALL.* Unpublished discussion at the 1989 annual meeting, Chicago, Illinois, October.
Miller, M. S. (1986). *Self-help publications—have they come of age? Do they really help?* Unpublished discussion at the 1986 AALL annual meeting, Washington, DC, July 8.
Mills, R. K. (1979). Reference service vs. legal advice. *Law Library Journal, 72,* 179-180.
Neff v. George, 364 Ill. 306 (1936).
Nolo Press. (1990). *Nolo Press spring 1990.* Berkeley, CA: Nolo Press.
Posner, R. A. (1987). The decline of law as an autonomous discipline: 1962-1987. *Harvard Law Review, 100,* 761-780.
Public Services Liaison Committee, Minnesota Association of Law Libraries. (1990). Guidelines for legal reference service. *LISP,* (Spring), 2.

Sanders, M. K. (1983). Reference. In H. P. Mueller & P. E. Kehoe (Eds.), *Law librarianship: A handbook* (p. 175). Littleton, CO: Rothman & Co.

Schanck, P. C. (1979). Unauthorized practice of law and the legal reference librarian. *Law Library Journal, 72,* 57.

Virginia State Bar Association. (1989). *Legal ethics opinion no. 1135/unauthorized practice of law opinion no. 127.*

Public Service Ethics in Health Sciences Libraries

M. Sandra Wood

Abstract

REFERENCE LIBRARIANS IN HEALTH SCIENCES libraries must provide
accurate and up-to-date information in a timely fashion in response
to the patient care and research needs of the health care profession.
Discussed here are some of the issues involved in the provision of
such services: quality of service, access to information, confidentiality,
intellectual freedom, and liability. Although technologies such as
online information retrieval, telefacsimile, and CD-ROM have
improved access to information, they create their own problems,
including potential for censorship and equal access to information.
End-user searching raises new questions related to quality and
information access.

Introduction

Professionalism, malpractice, liability, and ethics are concepts
that have received increased attention by librarians over the past
decade. The latest code of ethics was adopted by the American Library
Association (ALA) (1981). The California Library Association (1978)
has adopted a statement regarding professional responsibility of
librarians, and in 1979 the Standards Committee of the Reference
and Adult Services Division (RASD) of ALA (1979) adopted a section
on "Ethics of Service" as part of its developmental guidelines. Related
to these ethical codes is the concept of evaluation of quality of service
(Judkins, 1986; Schwartz & Eakin, 1986). The literature conveys the
impression that ethical concepts are inviolate and that the librarian

must be perfect—the librarian always makes the correct decision in sensitive situations, is always good humored and self-effacing, and always provides the correct answer in a timely fashion.

Would that a discussion of professional ethics be so clearcut and easily described and that all librarians held the same ethical values. The truth is that professional ethics, in many cases, is situational and requires decision making on the part of the librarian. Not all librarians will make the same decision in any given situation, and the same librarian might not make the same decision should a similar situation arise again.

Ethics has been variously defined. It is regarded as "the moral principles by which a person is guided" (Murray, 1933, p. 312), "a group of moral principles or set of values" (*Webster's Third*, 1965, p. 780), or "the principles of conduct governing an individual or a profession: standards of behavior" (*Webster's Third*, 1965, p. 780). Certain professions are governed by codes of ethics—for example, medicine and law. The foundations of medicine are grounded in the Hippocratic Oath. The concept of "medical ethics" has an exact meaning, and physicians not adhering to these principles can find themselves in both professional and legal difficulties. The medical profession has traditionally monitored and censured itself, although more and more cases are being resolved in the courts.

In librarianship, the concept of ethics does not have such a historic background, and ethical principles are not well defined. Professional associations are without the power to enforce codes of conduct—e.g., the ALA Code of Ethics describes only general precepts. Over the years such codes have set standards that include everything from a librarian's deportment and good manners to loyalty and integrity (Crawford, 1978). Literature aimed at the ethics of librarianship often approaches the topic on a more personal level, frequently incorporating the individual's own values and ethical concepts.

HEALTH SCIENCES LIBRARIANS

Medical reference librarians share the same ethical concerns as reference librarians in academic, public, and special libraries. These concerns include access to information, quality of service, confidentiality, neutrality, and intellectual freedom. Two major features distinguish reference service in a health sciences library from other reference situations. These are, first, the technical nature of the literature, which encompasses the biomedical sciences, and second, the need for specialized bibliographic services resulting from the pressures and time constraints placed on health care personnel (Lewis, 1970). McClure (1982) indicates that the clientele served—physicians,

nurses, and other health care professionals—often need information immediately for patient care decisions. The reference librarian must provide accurate and up-to-date information in a timely fashion to meet the needs of a demanding profession. "Clinical emergencies" are fairly common occurrences in a health sciences library. New technologies such as telefacsimile, full-text databases, and electronic mail have made it easier for medical librarians to handle such requests. Whether the information is provided to a physician in a patient care setting or to a researcher meeting a grant deadline, immediacy is a critical need in health sciences reference librarianship. The reference librarian is also aware that erroneous information can adversely affect patient care or hinder vital research.

The specific issues to be discussed in this article are quality of service, access to information, confidentiality, intellectual freedom, end-user searching, and liability in health sciences libraries. The discussion, however, is applicable to reference services in other types of libraries as well.

QUALITY OF SERVICE

Librarians are, or should be, concerned with quality of service. Ethics is integral to professionalism, and quality is at the heart of professionalism. It infiltrates all aspects of librarianship from bibliographic control to answering informational questions. In a medical library, quality reference service is especially important because responses can influence patient care decisions or alter directions of ongoing research.

Interestingly, quality control is the first standard for reference services developed by a committee of the Oregon Health Sciences Libraries Association (Judkins, 1986). The other standards proposed by this group are appropriateness, accuracy, documentation, timeliness of response, accessibility, confidentiality, and evaluation. The standards, intended as "components of minimally competent reference service," actually reflect ethical concerns about the provision of the reference product. In the process of establishing measurable criteria for performance evaluation, reference librarians at The University of Michigan's Alfred Taubman Medical Library developed a set of reference service standards that included indicators for evaluating these standards (Schwartz & Eakin, 1986). Through the use of an anonymous checklist, the reference librarians participated in peer review evaluations of their colleagues. Efforts of this type within reference departments are aimed at improving quality of reference service but ultimately reflect a concern for professional ethics.

Quality is a vague concept, but arguably it can include accuracy,

relevance, completeness, and timeliness. Shedlock (1988), in defining the quality of medical reference service, indicates that the "concern for quality is generally considered a mark of professionalism" (p. 49). He further indicates that quality can be defined in terms of "personal ideals" (p. 49), and that it is often influenced by the user's perception of how the information is delivered. For example, an accurate answer may not be perceived as such by the user because the librarian is vague concerning the source of the information or is simply not authoritative in delivering it. Alternatively, an inaccurate answer might be accepted because the librarian is very authoritative in delivering it.

ACCESS TO INFORMATION

Access to health sciences libraries is easier today than in the past. Hospitals, historically, have limited the use of their libraries to physicians; some did not admit nurses or other health care personnel to the doctors' library. Although this scenario might still take place in some hospitals, times have changed, and health sciences libraries have opened their doors not only to health care personnel but to patients and the general public as well. Academic health sciences libraries have traditionally been more available to the public than hospital libraries, although some still limit access. More than a decade ago, Jeuell et al. (1977) noted that more than 90 percent of medical school libraries opened their doors to the public.

Service Policies

Access to the collection does not guarantee reference service or even access to information. Health sciences libraries have policies on the provision of reference services. These policies describe what groups will receive reference service, the level of reference service offered, and under what circumstances the service will be provided—for example, by phone or in person. In some institutions, a distinction will be made between users from the institution (primary clientele) and users from outside of the institution (secondary clientele). Primary and secondary clientele may further be divided by category—for example, physicians versus nonphysicians or health care personnel versus patients.

Reference policies generally describe more extensive service to primary clientele, while restricting or, in some cases, denying service to unaffiliated individuals. Rainey (1988) discusses a detailed reference service policy for the provision of drug information by librarians at the Philadelphia College of Pharmacy and Science. This library's policy indicates level of user, and services provided or withheld.

Service to Health Care Professionals

In a health sciences library, a full range of reference services will be provided to the library's primary clientele—that is, the health care professionals of the institution. These services include, but are not limited to, mediated database searching; interlibrary loan; telefacsimile transmission; microcomputer laboratories; CD-ROM databases; end-user search services, either through online accounts or via a locally mounted database; instructional services; and ready reference. The health care professional recognizes the librarian as an expert information provider, leaving little room for the librarian to offer an opinion. However, the ethical concerns of confidentiality and quality, including timeliness and accuracy, are important.

Academic health sciences centers are beginning to implement the concept of Integrated Academic Information Management Systems (IAIMS), as espoused by Matheson (1982), wherein the library is seen as integral to the flow of information within an institution. Access to information not owned by the library is facilitated by telefacsimile transmission, electronic transmission, librarian and end-user access to bibliographic and full-text databases, and local area networks. With these new technologies come the ever present concerns of confidentiality, data security, and the need for continuing education so that the librarian can function in a changing environment.

Service to Patients and the General Public

In health sciences libraries, access to the collection and reference services to patients and the general public will vary according to institutional policy. Most hospital libraries provide information services to patients, although the level may be minimal simply due to staffing constraints. Some hospitals have established consumer health information libraries and make this information available to the general public as well. Academic health sciences libraries may allow public access to the collection but provide minimal or no reference service to the general public.

Interpretation of information is an ethical issue that arises with reference service to the general public. Rainey (1988) points out that the librarian is viewed differently as an information provider by a health care professional than by the general public and cautions against "giving opinions, evaluating the information, or re-commending therapy based on the...information" (pp. 60-61). The lay person tends to view the health sciences librarian as a subject expert who delivers health care information. For this reason, the librarian should refrain from providing interpretation or opinion. Eakin (1980) has differentiated between health information and health education. As an information provider rather than a health educator,

the librarian should disseminate the information "without interpretation, without opinion or counseling, and with no attempt to influence the actions or decision making of the individual" (p. 223).

Librarians may work closely with clinical departments, perhaps functioning as a Clinical Medical Librarian. When providing information to the patient as part of the health care team, the librarian either knows or has access to the patient diagnosis so that the patient's information needs can be defined. However, when dealing with a request for health care information from the general public, the librarian cannot be sure that the individual has the necessary information to ask the appropriate question. The reference interview is important, but no amount of questioning can elicit the proper information when the individual does not know the diagnosis or is unsure of what he or she really wants.

Not all requests from the general public, of course, are related to patient care. Some are for high school or college term papers or just for general interest. Since health sciences libraries may not collect materials for the lay person, it is frequently necessary to refer the user to a physician or, when appropriate, to the public or college library for relevant materials. Hospital and public libraries have joined in formal cooperative efforts to make health care information more available to the general public (Goodchild, 1978; Gartenfeld, 1978). With the increased demand for consumer health information, public and medical libraries have become more aware of the services that each have to offer (Wood & Renford, 1982).

CONFIDENTIALITY
Confidentiality is an ethical issue of concern to all librarians. The ALA code of ethics states that: "Librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired" (American Library Association, 1981, p. 335). According to Stover (1987), the major problems related to confidentiality in libraries are that it conflicts with freedom of information; that the codes are unenforceable, largely undefined, and without penalties; and that they are too broad to be effective in real situations. In recent years, this issue has been spotlighted by the FBI's request for cooperation by librarians for information on library use by "suspicious" individuals. Many states have laws that protect confidentiality of library records, and librarians should familiarize themselves with the laws pertaining to their individual situation.

In a health sciences library, concerns about confidentiality arise frequently. The importance of confidentiality is most obvious,

perhaps, in a clinical situation, where the librarian would have access
to patient care information. For example, Clinical Medical Librarians
(CMLs) have existed for about fifteen years. CMLs make rounds with
the health care team and provide patient-specific information. They
have access to patient records, are privy to physician-patient
confidences, and are subject to the same ethical standards governing
confidentiality as the physician.

Mediated online searching, a routine activity in most health
sciences libraries, creates inherent problems regarding confidentiality.
As Shaver (1985) points out, the patron is required to fill out a form
for the online search, and many libraries keep an actual copy of
the search after it is completed. Online search records, along with
the log book kept for statistics, may inadvertently be accessible to
nonlibrarians and therefore violate the client's right to privacy.
Confidentiality may also be violated inadvertently by leaving
materials to be picked up at an unattended location. Searches (or
other materials such as interlibrary loan items) that are not on a
"reserve shelf" at a reference or information desk, may accidently
be viewed by others. Materials should always be "packaged" to avoid
inadvertent breach of confidentiality, especially if the pickup point
is not attended.

The online search analyst is often confronted with judgmental
decisions regarding confidentiality. What should be done when a
MEDLINE search is requested by a faculty member on the same topic
as a search requested previously by another physician (Wood &
Renford, 1982, p. 84)? To reveal the first requester's name and topic
to the second requester would be a breach of confidentiality, but
if the search analyst has reason to believe that the two individuals
might actually be working together on a project, then the duplicate
search would waste time and money. The search analyst might ask
whether the two users had been in touch with each other.

Shaver (1985) also indicates that the online search analyst should
ask permission of the client to consult with another librarian about
a search formulation. This author disagrees with such a viewpoint.
Physicians do not ask patients for permission to consult with another
physician. Librarians should not be expected to do so, either.
Librarians who are consulted about a search formulation should treat
it in confidence as they would any other request.

In a corporate setting, where clients and searchers are held
accountable for costs, it may not be appropriate to protect the
confidentiality of a search request (Shaver, 1985). It might be argued
that a similar situation exists in hospitals, where cost effectiveness
and cost control are vital. Should hospital librarians run a duplicate
MEDLINE search request when they know that another member of

the patient care team already has the necessary information? Respect for confidentiality should be tempered by the situation.

In a health sciences library, medical malpractice questions are likely to be received, especially as online search requests, either from the prosecuting or defending attorneys (or defending physician). Confidentiality can become a major issue when the reference librarian receives the same request for information from an outside attorney as well as from the institution's own attorney. In one such situation, the librarian was requested to furnish the institution's lawyer with the same information that was provided to the other attorney. In another case, the hospital administrator allowed a lawyer, who was prosecuting a case against the institution, access to the library but then later asked the librarian to provide him with everything that the attorney requested. The librarian should refuse to comply with requests that would violate the confidentiality of another client (Wood & Renford, 1982).

INTELLECTUAL FREEDOM

Intellectual freedom involves the right of individuals to express their opinion without fear of punishment. It represents First Amendment rights of freedom of speech, and it is a right zealously guarded by academia. The intellectual freedom of both the library user and the librarian are issues in the provision of information services. Librarians as individuals have certain ethical or moral values that can come into play in performing their job as librarians. Consciously or unconsciously, personal values, societal values, and the professional obligation of providing objective information are weighed or judged against each other every time a librarian is asked to provide an answer to a reference question or to make a book selection for the collection. Objectivity, individual rights, and censorship are discussed here as components of intellectual freedom.

Objectivity/Bias

Reference librarians in all types of libraries are faced with helping library users find answers to questions that may be controversial or that may reflect values that conflict with those of the librarian. In the process of deciding which sources to consult or what level of service to provide, the opportunity for bias (or lack of objectivity) arises. White (1990) uses the word *even-handedly* (p. 73) rather than *neutrality* when speaking of professional responsibility; *objectivity* is used here to mean "without bias."

In a health sciences library, these "difficult" questions tend to come up more frequently, perhaps, because the subject matter lends itself to issues that involve health care, issues for which there may

be multiple viewpoints and no "right" answer. For example, a reference librarian who is opposed to abortion and involved in the right-to-life effort may be asked by a client for a list of local abortion clinics. Librarians cannot let their viewpoint influence the provision of information to the client. Similar questions that are routine in a medical library might involve topics such as euthanasia, a patient's right to die, a parent's right to withhold treatment for a child, acquired immunodeficiency syndrome (AIDS), homosexuality, reproductive technologies, and fetal research. The reference librarian, in all cases, should avoid bias, approach the topic objectively, and provide the best answer possible. Failure to provide information when the proper source is known could also be construed as censorship.

Crowe and Anthes (1988) raise the idea of judging ethical significance by considering the consequences. They indicate that actions "must be viewed in light of both professional commitments and responsibility to society" (p. 129). This concept is further illustrated by Hauptman's (1976) "experiment" in which librarians who were asked for information about making a bomb provided the information requested to the user. The reference librarian in a health sciences library who is confronted with a distraught patron who requests information on suicide should probably provide the information but might also consider contacting the institution's social service department should the circumstances warrant it.

The Librarian's Rights

Librarians may find themselves in situations outside of work where their own ethical values conflict with stated institutional policies. For example, the librarian who is involved in anti-abortion issues may find that the pro-life group with which he or she is working is planning to picket the hospital where the librarian is employed. The institution has a policy stating that employees who picket the hospital will be fired. The librarian will have to decide which is more important—the job or the principles. However, librarians' rights to participate in such activities, so long as it does not affect their work, must be defended.

Censorship

Librarians have fought censorship through the years, but it continues to rear its nasty head in many shapes, sizes, and forms. Mika and Shuman (1988) indicate that censorship occurs because people, librarians included, have value systems, and it is these values that influence their actions and motives (p. 317). Censorship in libraries is discussed most frequently in relation to selection of materials. Librarians should not allow their own biases to influence

selection, nor should they allow others, through political or other pressures, to censor materials for library purchase.

Another type of censorship that has become prevalent recently is due to severe financial problems that all libraries have been experiencing. The budget has always limited what could be purchased, but the gap between money available and cost of materials is increasing. This is especially evident in the selection of reference tools where the choices of format have become more varied and the costs continue to escalate. Almost all major indexes are now available in print format, online, or on CD-ROM. Health sciences libraries have the choice of acquiring MEDLINE on CD-ROM in seven different versions! CD-ROM databases are expensive. They are usually acquired on a lease-only basis with a discount for print subscribers, thus discouraging cancellation of the print copy. The equipment on which CD-ROM is run is also expensive and requires increased staff time for monitoring. Services such as *Reference Update* and *Current Contents on Disk* offer weekly updates on floppy disks. Libraries simply cannot afford to subscribe to all of these new technologies. Decisions all too frequently must be made based on cost alone, and, despite an obvious need for a resource, acquisition of a new service or technology may either be delayed or totally avoided due to lack of money. Library users are therefore denied access to materials because the library's budget is inadequate. This also could be considered inadvertent censorship. Although librarians have responded with resource sharing, networking, and information referral services, these methods may not be adequate to avoid censorship or guarantee access to information.

Another form of inadvertent censorship has been alluded to earlier in this article. Quality of service is at the heart of ethics and is especially important when dealing with new technologies. Physicians and biomedical researchers rely heavily on the online search analyst to perform MEDLINE searches. Despite the impact of end-user searching, described later, health care personnel continue to request mediated computer searches on MEDLINE and other online databases. The search analyst must conduct a reference interview, formulate the search utilizing Medical Subject Headings (MeSH) or appropriate terminology, and make decisions on terms to exclude or how to narrow a search. As more fully described in an earlier article (Wood & Renford, 1982), "quality, or lack of quality, in computer search services can be considered a form of censorship" (p. 83) and, as discussed later, could involve malpractice. In the past, library users have tended to accept what the computer says as final. However, as health sciences personnel become more computer literate and as more users begin doing their own searching, the limitations

of computer searching may become evident. It is possible to retrieve information from a computer only if the information was input into the computer. The possibility exists for human error (or incompetence) on both ends of the process.

END-USER SEARCHING

Perhaps the biggest influence on reference librarians in the 1980s was the introduction of end-user searching. (End-users are those individuals who do their own searching rather than relying on a search intermediary.) This has resulted in a changed role for the reference librarian. Increasingly, health sciences librarians are functioning as information consultants and educators (Schwartz, 1987). Initially, many librarians experienced conflict when asked to train nonlibrarians to search because they feared that their role as online search analysts would become extinct. It is now obvious that there is room for both search analysts and end-users, but a major ethical question remains: are the end-users really getting what they want? From the beginning, reference librarians were concerned with whether end-users would find what they needed—would they do "good searches" (Wykoff, 1985, p. 57)? With the advent of CD-ROM technology, end-user searching has exploded. Plutchak (1989) describes the "satisfied and inept end user" (p. 45), who is totally happy with the results, but has in fact run a rather poor search with little retrieval. This situation may be more common than might originally have been suspected for two reasons. First, it has been shown that people will accept a response generated by computer in preference to the same result from a reference librarian, and second, people have difficulty admitting their inadequacies—i.e., that perhaps they did not input the correct terms. Users will accept a zero retrieval for a search run on CD-ROM MEDLINE because the "computer said there was nothing," although in fact the results were due to a typographical error or incorrect input.

It could be argued that this situation is not any different from those who search the card catalog or a printed index and do not find what they want. The difference, however, is the technology. Library users who search manually for information and cannot find it, tend to blame themselves. Library users are now looking at "the computer as an information panacea,...the ultimate solution in providing information" (Kibirige, 1988, p. 377). This places more responsibility on the librarian to educate the end-user about database content and how to search databases.

Computerized information sources, whether CD-ROM, OPAC (Online Public Access Catalog), or online bibliographic database, are not always the first choice for finding information. For example,

certain factual information is more easily found in a printed directory. Even if the client comes to the library with the belief that the answer will be found in a computer database, it is wrong to direct the client to the CD-ROM terminal without explaining that the answer could be found faster and easier in a printed directory. The decision to use a print versus an online resource may also be an economic one.

LIABILITY

Although liability is an issue that has concerned information professionals in recent years, there seems to still be some debate as to "whether it is a valid concern" (Pritchard & Quigley, 1989, p. 57). Information professionals, whether librarians or independent information brokers, are beginning to realize that the possibility of being sued for malpractice is real. The lack of formalized standards does not protect the information professional from liability (p. 58). Pritchard and Quigley (1989) go on to define "two types of negligence that can lead to liability for the information professional: parameter negligence—you neglected to consult the correct source [and] omission negligence—you consulted the correct source, but failed to locate the correct answer(s)" (p. 60). Because of the technical nature of the information and the fact that it is frequently intended for patient care, health sciences librarians especially must assess liability risks. Rainey (1988) has commented on the liability concerns of providing drug information. The liability of librarians in providing LATCH (Literature Attached To CHart) service has not yet been determined (Babish & Warner, 1983). Gray (1989) concludes that "health sciences librarians do face potential liability for the negligent provision of information that results in physical injury to others" (p. 36). Although this has yet to be tested in court, librarians should develop disclaimers as part of their responsibility as information professionals (Allen, 1982, p. 43). Librarians and other information professionals must consider the need to take out malpractice insurance.

CONCLUSION

Although some of the circumstances described in this article are unique to health sciences librarians, in many cases the ethical concerns are the same as those shared by other information professionals. Ethics is inextricably linked with professionalism, and with professionalism comes "the willingness to assume responsibility for one's actions" (Hauptman, 1979, p. 199). Librarianship may not be a "profession" in the sense of medicine or law, but the ethical values that librarians hold, whether personal (societal) or professional (stated in a formal

code of ethics), go a long way toward the provision of quality unbiased information.

REFERENCES

Allen, L. S. (1982). Legal and ethical considerations in providing health information. In A. M. Rees (Ed.), *Developing consumer health information services* (pp. 42-48). New York: Bowker.

American Library Association. Committee on Professional Ethics. (1981). Statement on professional ethics 1981. *American Libraries, 12*(June), 335.

American Library Association. Reference and Adult Services Division. Standards Committee. (1979). A commitment to information services: Developmental guidelines. *RQ, 18*(3), 275-278.

Babish, J. M., & Warner. E. R. (1983). LATCH: Initiating a program and addressing legal concerns. *Medical Reference Services Quarterly, 2*(2), 17-30.

California Library Association. Committee on Professional Ethics. (1978). Draft statement of professional responsibility for librarians. *California Librarian, 39*(January), 35-38.

Crawford, H. (1978). In search of an ethic of medical librarianship. *Bulletin of the Medical Library Association, 66*(3), 331-337.

Crowe, L., & Anthes, S. H. (1988). The academic librarian and information technology: Ethical issues. *College & Research Libraries, 49*(20), 123-130.

Eakin, D.; Jackson, S. L.; & Hannigan, G. G. (1980). Consumer health information: Libraries as partners. *Bulletin of the Medical Library Association, 68*(2), 220-229.

Gartenfeld, E. (1978). The community health information network. *Library Journal, 103*(October 1), 1911-1914.

Goodchild, E. Y.; Furman, J. A.; Addison, B. L.; & Umbarger, H. N. (1978). The CHIPS project: A health information network to serve the consumer. *Bulletin of the Medical Library Association, 66*(4), 432-436.

Gray, J. A. (1989). The health sciences librarian's exposure to malpractice liability because of negligent provision of information. *Bulletin of the Medical Library Association, 77*(1), 33-37.

Hauptman, R. (1976). Professionalism or culpability? An experiment in ethics. *Wilson Library Bulletin, 50*(8), 626-627.

Hauptman, R. (1979). Ethical commitment and the professions. *Catholic Library World, 51*(5), 196-199.

Jeuell, C. A.; Francisco, C. B.; & Port, J. S. (1977). Brief survey of public information services at privately-supported medical school libraries: Comparisons with publicly-supported medical school libraries. *Bulletin of the Medical Library Association, 65*(2), 292-294.

Judkins, D. Z.; Hewison, N. S.; MacWilliams, S. E.; Olson-Urlie, C.; & Teich, S. (1986). Standards for reference services in health sciences libraries: The reference product. *Medical Reference Services Quarterly, 5*(3), 35-49.

Kibirige, H. M. (1988). Computer-assisted reference services: What the computer will not do. *RQ, 27*(3), 377-383.

Lewis, R. F. (1970). Readers' services. Part I. Reference. In G. L. Annan & J. W. Felter (Eds.), *Handbook of medical library practice* (3d ed.) (pp. 153-176). Chicago, IL: Medical Library Association.

Matheson, N. W., & Cooper, J. A. D. (1982). Academic information in the academic health sciences center: Roles for the library in information management. *Journal of Medical Education, 57*(10, Part 2), 1-93.

McClure, L. W. (1982). Reference services: Policies and practices. In L. Darling (Ed.), *Handbook of medical library practice* (4th ed.) (Vol. 1, pp. 137-181). Chicago, IL.: Medical Library Association.

Mika, J. J., & Shuman, B. A. (1988). Legal issues affecting libraries and librarians. Employment law, liability & insurance, contracts, and problem patrons. *American Libraries, 19*(4), 314-317.

Murray, J. A. H. (Ed.). (1933). *Oxford English Dictionary, Vol. III* (p. 312). Oxford: Clarendon Press.

Peterson, K. G. (1983). Ethics in academic librarianship: The need for values. *Journal of Academic Librarianship, 9*(3), 132-137.

Plutchak, T. S. (1989). On the satisfied and inept end user. *Medical Reference Services Quarterly, 8*(1), 45-48.

Pritchard, T., & Quigley, M. (1989). The information specialist: A malpractice risk analysis. *Online, 13*(3), 57-62.

Rainey, N. B. (1988). Ethical principles and liability risks in providing drug information. *Medical Reference Services Quarterly, 7*(3), 59-67.

Schwartz, D. G. (1987). New roles for the medical librarian in an information management environment. *Medical Reference Services Quarterly, 6*(4), 27-33.

Schwartz, D. G., & Eakin, D. (1986). Reference service standards, performance criteria, and evaluation. *Journal of Academic Librarianship, 12*(1), 4-8.

Shaver, D. B.; Hewison, N. S.; & Wykoff, L. W. (1985). Ethics for online intermediaries. *Special Libraries, 76* (4), 238-245.

Shedlock, J. (1988). Defining the quality of medical reference service. *Medical Reference Services Quarterly, 7*(1), 49-53.

Stover, M. (1987). Confidentiality and privacy in reference service. *RQ, 27*(2), 240-244.

Webster's third new international dictionary of the English language, Unabridged edition. (1965, c1961). Springfield, MA: Merriam.

White, H. S. (1990). My truths are more moral than your biases. *Library Journal, 115*(1), 72-73.

Wood, M. S., & Renford, B. L. (1982). Ethical aspects of medical reference. In B. Katz & R. A. Fraley (Eds.), *Ethics and reference services* (pp. 75-87). New York: Haworth Press.

Wykoff, L. W. (1985). Teaching patrons to search. *Medical Reference Services Quarterly, 4*(2), 57-61.

Ethics Inside and Out: The Case of *Guidoriccio*

JOHN SWAN

ABSTRACT

THIS IS AN EXAMINATION of problems of oversight and responsibility arising from a case in which librarians are implicated at several levels. Two art historians, principals in a major controversy in which they are challenging the traditional attribution of a great Sienese fresco, discovered what they (and others) deemed to be a pattern of censorship of their point of view via card catalog indexing in an important Florentine research library. This article surveys their attempts to find redress and to gain a hearing for their case, and it attempts an analysis of the major hurdles they faced in the academic and research world, principally the "ethics of collegiality" which presumes against complaining outsiders. The implications of both the alleged misdeed of librarians and the actual lack of response of librarians are explored.

Information becomes entangled with ethics through two obvious paths—by way of what people do with it, and by way of what they do not do with it. For librarians and others whose trade is information itself, this process begins when decisions are made as to how the information is to be dispensed in the first place. Thus, it is very early in the life of a piece of information that questions of action and its consequences gather around it—and for the purposes here we are ignoring many large related dilemmas, such as those involved in the choices that are made about just what information to generate— e.g., the morality of choosing to do the research necessary for the development of a plastic handgun, to name but one recent technological triumph.

That there are ethical connections between information and action is hardly startling news, but this does not establish any similarly obvious ethical dimension for those whose field of operation is the connection itself, the passage of information from its generators to its users. There is a character in a Flannery O'Connor (1971) story whose place in the moral scheme of things could be said to be parallel to that of the middle persons: "[she] had no bad qualities of her own but she was able to use other people's in such a constructive way that she never felt the lack" (p. 272). Neither the generators nor the users, neither the institutions that support us nor the patrons of our wares, fall under our ethical purview. As much as we are dependent upon and responsive to both, the ends to which they put our means do not play a part in the provision of those means. Or do they?

In the case examined here, that question arises in a rather specialized context, but its implications are broad and serious, especially within the world of research and scholarship. Librarians come into the picture first as alleged overt violators of what are presumably shared standards of professional ethics (codified and otherwise), then as professional colleagues within the academic establishment faced with the fallout from this transgression. In both phases of this event, which is still unfolding, we have faced multiple challenges; it will be argued here that, for reasons intimately related to the nature of professional collegiality and our professional identity itself, librarians have failed to meet these challenges.

This inquiry begins with a specific instance of unethical behavior—i.e., the apparent suppression of a controversial point of view through selective indexing of materials by library officials with important connections to the other side of the controversy. The word *apparent* is important here because this writer has not had the opportunity to examine the evidence first hand and is relying heavily on extensive correspondence with one of those whose published arguments were censored, as well as on the experience reported by others who encountered the selective pattern of indexing in the research institution.

It should be made clear that this author does find credible the charges leveled by my correspondent and his coauthor. Both have waged a long, tenacious, scrupulously documented, and, for the most part, thoroughly unrewarded campaign for redress. It is true that they have earned support and not a little sympathy from many along the way, and that is part of the point of this study. Just as this author must admit his own distance from the evidence for the accusation, despite the years of documentation arrayed before him, and his own impotence in terms of direct action, virtually everyone who has found

the evidence compelling has nevertheless found it easier to express sympathy than to find a solution. And further, this is not necessarily a failure of will or personal ethics among those who see the problem but do nothing directly about it. It is a problem that attaches itself with peculiar force to this kind of ethical breach, a problem compounded by questions of responsibility, authority, evidence, and the very nature of the unethical deed itself.

The importance of focusing on this instance of suppression lies not so much in the particular variety thereof. Outside of states controlled overtly by censoring elites and exclusive ideologies, there is little recorded evidence of censorship specifically by indexing because it is usually accomplished much more efficiently long before this stage of the processing of materials. But censorship by index may be a general problem with broad consequences, unreported because it is difficult to detect and often practiced by those who are unaware that they are, in fact, erecting barriers to information in the very process of organizing it (see Intner, 1984). What is more significant is the fact that this apparent censorship occurred within an academic research environment, and the act and the responses to it reveal a number of uncomfortable truths about the nature of the communal trust that is supposed to be the very foundation of scholarship.

That deed and its background are set forth from the point of view of its victims in a paper delivered in 1986 at the Second European Conference of the Art Libraries of IFLA—the International Federation of Library Associations being one of the organizations to which its authors took their case. The elaborate title of the paper (which was published in the proceedings of the conference) is effectively a summary of the situation as they see it: " 'Selective' Card Cataloging (or In-House Screening of Periodical Indexing) of Art History Articles in Authors' Files, and the Potential Effects of this 'Selectivity' on the Bibliographical Entries Relating to Specific Art Historical Problems: A Case Study" (Moran & Mallory, 1986).

In the world of research and scholarship as well as any other, censorship is most likely to occur in a politicized environment. In this case, it is the politics of a major controversy in the world of Italian art, indeed, one which has repeatedly been called "the case of the century" (Watson, 1986). This is not the occasion for a recounting of this much recounted attribution debate, which is also treated elsewhere in this volume (for a convenient overview of the early literature thereof, see Wohl [1984] as well as Moran and Mallory [1986]; for a recent survey from particular points of view of salient portions of the evidence and arguments, see Mallory and Moran's [1986] *Burlington* article, as well as Polzer [1987] and Maginnis [1988]).

However, knowledge of the essentials of the controversy are necessary for an appreciation of the intensity of conflict that led to the "selective" indexing and other instances of (at least apparent) suppression, such as the exclusion of Moran and Mallory from an important conference and their involvement in a letters to the editor fracas within the pages of a major art journal. This writer is, of course, in no position to take a stand in the original debate itself. Nor is that relevant to a brief account of the struggle of Moran and Mallory for what they consider to be a fair hearing within the scholarly establishment.

The RILA Editor, Alice Sedgwick Wohl (1984), is eloquent on the subject of the work of art that is at the center of all this:

> The fresco known as *Guidoriccio da Fogliano at the Siege of Montemassi* in the great council hall of the Palazzo Pubblico in Siena has long been famous both as an artistic masterpiece and as a proud political symbol of the Republic. To the Sienese it means what Michelangelo's *David* means to the Florentines. To art historians it represents a cornerstone of the art of Simone Martini and the origin of the equestrian portrait. Solitary and powerful, baton in hand like a Roman conqueror, the condottiere rides his caparisoned horse along the fresco's frame, against a tawny and desolate landscape. In the background an undulating palisade encloses the scene of the siege....There is an eerie quality to the scene which makes it unforgettable. (p. 10)

Simone Martini, master of what some scholars call the "Sienese proto-Renaissance" and, like Giotto and Duccio, an Art 1 eminence and one of the founding fathers of Western painting, was taken to be the creator of the *Guidoriccio* by unquestioned consensus and multiple-century tradition until the appearance in 1977 of an article by Gordon Moran (1977) challenging that assumption. Basing his argument on a range of considerations, from the lack of mention of the *Guidoriccio* in contemporary documentation of payments to Martini or early descriptions of either Martini or the Palazzo Pubblico, to apparent incongruities and anachronisms in the costume and rank of the equestrian. Moran suggested that if there was originally a portrait of Guidoriccio by Simone Martini on that wall, it had been obliterated when the *capitano generale* was deposed in 1333 and forced to leave town in disgrace. When the redoubtable leader returned to rule again fifteen years later, Simone Martini was already dead. Moran originally argued that the Sienese likely commissioned a memorial portrait of Guidoriccio upon his death in 1352, added to the pre-existing Simone Martini fresco of the castle of Montemassi; later, taking into account a decade of new evidence, Mallory and Moran (1986) suggested that the whole Guidoriccio fresco was probably painted much later than the mid-trecento, perhaps even in the sixteenth century.

The act of questioning the authenticity of one of the most famous

and revered works of one of the most famous and revered artists
of the early Renaissance produced a reaction that still seems to be
growing, over a dozen years and many further developments later.
The most striking of these developments came as a result of the official
Sienese response to the Moran heresy. In Siena, as can be imagined,
the issue has been, and continues to be, far more than a matter of
scholarly dispute. The mayor of Siena took the reasonable step of
appointing a committee of experts to examine the *Guidoriccio*
carefully and seek a resolution to the new controversy.

The resultant labor of studying, cleaning, and restoring the fresco
led to the extremely important discovery and eventual uncovering
in 1980-81 of a heretofore unknown fourteenth-century fresco directly
below the *Guidoriccio*. This work, recognized immediately to be an
outstanding example of trecento painting, depicts a castle and its
palisade, its gates open perhaps to signify capitulation, with two
figures standing at the left, both intentionlly defaced with blue
overpainting, apparently not long after they were painted in the first
place.

The civic leaders of Renaissance Siena had a tradition of
celebrating the city's conquests of important rival fortifications by
commissioning their portrayal on the walls of the Palazzo Pubblico.
Therefore, the identification of the subject matter of the newly
uncovered fresco has become a controversy intimately connected to
that involving the *Guidoricco,* itself traditionally identified as the
memorialization of the siege and conquest of Montemassi in 1328.
Indeed, in his detailed defense of the traditional attribution, Polzer
(1987, p. 67) places great emphasis on the signal importance of
Guidoriccio's triumph at Montemassi over the most famous and feared
of Tuscany's military foes, Castruccio Castracani, as the reason for
the fresco's prime location and its survival without the defacement
posited by Moran and Mallory. The proper naming of the event
portrayed on the other fresco, and the various possible alignments
thereof with recorded commissions of Simone Martini (and others),
have added a whole new dimension of the similar struggle concerning
its famous wall companion.

Throughout the controversy, the Kunsthistorisches Institut in
nearby Florence has played a number of vital roles. As one of the
great centers of scholarship and research in the art of the Italian
Renaissance, it has inevitably served as a major resource for all
concerned, but the institute's members have also been more
particularly involved. Max Seidel, president of its support
organization and member of its governing Kuratorium, was also a
member of the special *Guidoriccio* commission appointed by Siena's
(then) Mayor Mauro Barni. Seidel was co-author of the official report

of the commission, and he has consistently argued for the traditional attribution of the fresco. Members of that supporting organization (Verein zur Forderung des Kunsthistorischen Instituts) also gave the funds necessary to uncover and restore the newly discovered fresco, which Seidel and co-commissioner Luciano Bellosi consider to be a portrayal of the submission of the town of Giuncarico in 1314 and painted by Duccio, another founding father. Moran and Mallory argue that it is, rather, the work of Simone Martini himself, a depiction of the surrender of Arcidosso to Guidoriccio done in 1331. (The commission had also originally identified the site as Arcidosso, but they changed their collective mind—according to Moran [G. Moran to G. Ewald, Kunsthistorisches Institut in Florence, personal communication, June 18, 1986], this was because they belatedly recognized that this position played havoc with the traditional view of the man on horseback as being Guidoriccio.) Each of these views has the expected implications for the identity of the fresco, of course.

Seidel and two other institute officials, Irene Hueck and Hans Belting, were also members of the organizing committee of a special conference devoted to the subject of Simone Martini. This *convegno,* which took place in Siena in March 1985, has a place in this complicated tale, because, according to Moran (personal communication, 1986) and backed by considerable documentation, this committee excluded Moran and Mallory from the speakers' program twice, at first upon their written request for the opportunity to present new evidence disputing the established view of the *Guidoriccio,* then (and more tellingly), after the local government of Siena negotiated to have them placed on the program at the last minute, in response to the local and even national outcry against their exclusion. (In fairness, it should be mentioned here that according to the institute, and specifically according to B. Döll [to G. Moran, personal communication, September 24, 1986, at the behest of Döll and copied to twenty others including this author], head of the Division for Humanities of the Bundesminister für Forschung und Technologie in Bonn, Seidel had no part in preparing the Simone Martini Congress, nor in excluding Moran and Mallory from it—"solely the Italian organizers were responsible for preparing and holding this congress." The West German government funds a number of research centers in foreign countries, among which is the Kunsthistorisches Institut, and thus it became Döll's place to defend the institution and its officials against the accusations of censorship.)

In terms of both scholarly and political issues then, the Kunsthistorisches Institut, or at least key figures associated with it, has a place in this controversy that goes beyond its central function as a vital institutional resource. As an independent scholar and a

resident of Florence, Gordon Moran has long made regular use of this great library for reasons quite unassociated with the controversy. His and Mallory's accusation of censorship by indexing and the article summarizing the case are based on their experience as patrons of the library, not on their role in that debate—although for them as well as for the members of the institute, this background presses rather closely at times.

As Moran explains, the Kunsthistorisches Institut began indexing in the card catalog beyond the level of the monograph in the early seventies, producing card sets for articles from periodicals, conference proceedings, *Festschriften,* and other sources. He quotes Head Librarian Peter Tigler to the effect that this procedure covers "several hundred periodicals" and that "this coverage is far more extensive than that of the standard bibliographic tools such as *RILA, Art Index,* and the *Repertoire d'art et d'archeologie*" (Moran & Mallory, 1986, p. 123). Around 1980, this comprehensive indexing had to be curtailed because of a shortage of help. It was replaced by the practice of "selective" indexing of periodicals according to their "importance"— that is, whether they were "especially rich" in articles on Italian art or were otherwise regarded as significant according to the "special knowledge or interests" of those responsible for the indexing was begun (Moran & Mallory, 1986, p. 124).

The essence of the Moran/Mallory charge is that, starting in 1980, this "selective" indexing took on a particular ideological pattern that affected the treatment of articles dealing with the *Guidoriccio* affair. The year 1980 was also the time that these articles began appearing in larger numbers, reflecting the discovery of the other fresco. Before glancing at the evidence behind the charge, it is appropriate to quote at length from Döll's (1986) defense of the institute, as addressed to Moran, because it does provide useful coverage of the technical processing problems facing its catalogers— and of the nature of the official response:

> With your indication of the delays in the cataloguing of journals, you, quite rightly, pointed to a major emergency impairing the use of these journals, which does exist unfortunately. The Kunsthistorisches Institut has a library of currently approx. 158,000 volumes, among them 1,082 journals which must be indexed. The number of visitors is very high for a research institution of the size of the Kunsthistorisches Institut. Only three scientists and one academically trained librarian are available for acquisition, cataloguing, maintaining and safekeeping the books and for attending to visitors. If this situation is compared with the proven standards existing for art libraries, namely that one librarian should be responsible for a maximum of 20,000 books, the acute shortage of personnel...becomes clear. This shortage is particularly painfully felt in the work-intensive indexing of the journal catalogues; it is the reason for the major backlog from 1980 onwards....Because of the ban—issued by the Federal Government for the purpose of consolidating the budget— on the recruitment of new staff, it has been impossible so far to remedy

this unsatisfactory situation. Yet it is the supreme aim to handle all journals as speedily as possible. While this optimum cannot be reached, one must make do with makeshift measures, which are in the first place determined by internal technical aspects.

This shortage of staff is therefore the only reason why your essays...have not yet been indexed. Your claim that your publications had been deliberately neglected in the indexing of journals is an insinuation which is explicitly rejected once again here. Indeed, no member of the Institute is concerned in their own research work with the Riccio controversy. If this were the case, they would strictly separate their tasks at the Institute from their own scientific work.... (pp. 2-3)

Although they reject much in the official defense here and elsewhere and present considerable evidence of evasion and misrepresentation, Moran and Mallory do not dispute some salient features of the above passage. The financial and staff workload difficulties faced by the institute have, in fact, been very large. They constitute the essence of the defense offered by the institute—that is, by its Director, G. Ewald, and the Head Librarian, Tigler—as well as Döll; the response to the charge of censorious selectivity has been nothing but categorical denial. An addition to the workload defense, also undisputed, is ironically revealing from the point of view of librarians who worry about points of access. In response to Moran's accusations, that his and Mallory's publications were being suppressed, the library instituted the practice of collecting Moran's essays "in dailies and other ephemeral organs" and putting them in a folder under the title of "Miscellanea Moran," claiming "this folder can be used at any time by any visitor to the library" (Döll, 1986, p. 3). Since this folder was apparently unconnected by any cross reference to Simone Martini or the *Guidoriccio* issue, at least between 1984 and early 1986, visitors may have had the right to use it, but they did not have the knowledge necessary to make use of that right.

Indeed, the effectiveness of concealment by subject heading (whether or not it was intentional) was demonstrated in the fate of the February 1984 issue of *News from RILA*, the issue containing Alice Wohl's summary of the controversy (quoted earlier), as well as her useful bibliography on the subject. When the issue arrived in the library, it was put into the "Miscellanea Moran" folder instead of being shelved with other issues of the title. This meant that not only were interested patrons unable to find it, but even an institute librarian failed to retrieve it when asked by visiting scholar Samuel Edgerton (Moran & Mallory, 1986, p. 127). After two years, the issue was finally reunited with other copies of the title, although the Wohl article therein remained unindexed long after that, and the problematic nature of "Miscellanea Moran" continued. It was further dramatized by the fact that, until early 1986, none of the twelve articles

abstracted in the Wohl piece that disagreed with the traditional attribution of the *Guidoriccio* could be found in the Kunsthistorisches Institut's authors' catalog card indexing, although many contemporaneous articles that upheld the Simone Martini identification did receive prompt indexing. To quote (as do Moran and Mallory) Sheila Intner: "Because the function of an index is to bring out ideas and materials from a mass of stuff, searchers rely on it and assume that an item not found in the index, for whatever reason, is missing..." (Intner, 1984, p. 106. Her specific reference is to printed indexes, but it applies to a card index as well).

Without repeating the sometimes grueling detail of the Moran/ Mallory inventory of what articles expressing which points of view were indexed when, suffice it to say that they provide a thorough documentation of the charge that articles of the traditional persuasion received the thorough indexing that it was the institute's policy to provide selected titles, while articles challenging that view—even when they were from journals that heretofore had been indexed— did not. A number of the latter are, of course, by Moran and Mallory themselves but several are not.

The authors offer as evidence the difficulties experienced by other patrons of the institute, and Moran later pointed to the evidence of an article written in December 1987 by Nicole Squires, a California State University student, who went to the Kunsthistorisches Institut to study Simone Martini via its "fabulous collection of periodicals." As she tells it, the card catalog yielded some sixty articles on her subject but very few after 1983. After considerable struggle learning and relearning the library's systems (her first assumption, naturally, was that she was not using them properly), seeking staff help, and finally being told that the recent material she sought was not indexed because of the earlier-mentioned workload problem, she came to the following conclusions:

> Based on the catalogueing (sic)-indexing situation, people from the Kunst went against principles of some teaching in library science and left out, in an inconsistent manner, several crucial articles on Simone Martini having to do with Moran's side of the Guido Riccio controversy, giving the excuse that they were understaffed. If this was really true, then why were all existing articles written by the opposing side (their side) immediately filed in both author and subject indexes! As a result students like myself encounter some difficulties in using materials at the Kunst. Is such difficulty the case only in this particular situation, and thus limited to art history, or do such cases occur elsewhere in academia? (Squires, 1987, p. 11)

Whatever the truth in this particular case, her final question is extremely important and one that makes this incident, a small facet of a large controversy, relevant to all librarians.

Once they had uncovered what they perceived to be a pattern

of censorship by indexing, Moran and Mallory were not reticent about seeking redress, both in person at the institute and by way of correspondence with a great many near and distant connections with the institute and the art world, the library community, intellectual freedom groups, any organization or person who came to their attention who might be able to bring pressure to bear, or at least shed light upon, their case. Gordon Moran is an indefatigable builder of epistolary networks who puts forth his case in long and detailed letters, often copied to many other parties. Sometimes he is rewarded with silence or even hostility (there is considerable potential for both contentiousness and defensiveness in this case, of course), or the kind of weary politeness expressed by Döll toward the end of the letter quoted earlier:

> If a visitor feels he has been treated unfairly, his criticism is heard, not only at the Institute but also in the Ministry. This obligingness ends, however, where the effort is disproportionate to the importance of the matter. Please consider this statement to be a conclusive answer to your numerous questions.... (p. 4)

However, just as his *Guidoriccio* position continues to gain ever wider notice, Moran has also attracted the sympathetic response of many who concern themselves with ethical issues in the worlds of scholarship and librarianship. The fact that he pours such energy with such effectiveness into letter writing (not word processed, which these days is further evidence of an unusually high level of energy) is not merely an observation of a personality quirk. It is thoroughly germane to this discussion, not only because without the major epistolary habit there would be no network and likely no broader case, but also because it bespeaks an "outsider's" style.

As an observer and (very minor) participant in this matter for a number of years, this writer has come to believe that one of the obstacles confronting Moran is the fact that he is an outsider who has become something of a major player in an insider's game. This is not to deny that "gentlemen scholars" and inspired amateurs have contributed mightily to scholarship, certainly in the field of art history, or that the professionals have been capable of acknowledging this in the past and no doubt will continue to do so in the future.

That Gordon Moran is a former stockbroker who has settled in Florence to pursue the life of the art historian is, then, only partly to the point—and his partner in the struggle, Michael Mallory, is, after all, a professional in the field, a bona fide member of the Brooklyn College faculty. More relevant is the fact that being an outsider to the academic establishment, Moran acts like an outsider; that is, he writes long letters expressing and documenting his charge of injustice to a wide range of correspondents without regard to the protocols attendant upon academic hierarchies and turf. He is courteous, even

deferential, but he is also relentless and exhaustive in the support
of his argument, and in effect he calls upon the wider world to bear
witness to his cause. All of this is, it seems, a considerable strain
upon the *politesse* which is everywhere at the center of the academic
style, both personal and institutional, even when academics are at
each other's throats.

This flagrantly subjective point is insisted upon here because
this author believes that there is such a thing as an "ethics of
collegiality" that is at work in this case. It is not unique to academia,
of course; just as the Greeks tended to regard fellow Greeks as somehow
more civilized, more fully human, than the barbarians (which meant,
in a simple and pejorative sense, non-Greek), people have always
parsed the race into insiders and outsiders. But the world of research,
scholarship, and higher education depends, at least in theory, upon
uniquely high standards of mutual trust and openness, combined
with an intricate, discipline-based meritocracy of knowledge, brains,
and curriculum vitae. It is in many respects an open-ended democratic
world in accordance with the dynamics of meritocracy, but once one
is a member of the *collegium*, it becomes very natural to divide the
world into those within and those without.

Thus, for example, when Serge Lang, the Yale mathematician,
attacked the candidacy of Samuel Huntington for membership in
the National Academy of Sciences on the grounds that the influential
Harvard professor had presented a political view (that South Africa
was measurably a "satisfied society" before the "early 1960s") as if
it were objective science, he was perceived as an insider betraying
the insider's code. The fact that his campaign to block the membership
of Huntington has (so far) been successful indicates that that code
is not monolithic, but the fact that he has to resort to a paid
advertisement to get his argument and defense of his action into
print is but one indication of the price paid by one who behaves
like an outsider. In that advertisement, he quotes from a letter to
him by Yale's provost:

> We need to muster all the strength we have to combat the ignorance
> and superstition that prevails without our walls. Our mission as an
> institution for the precious nourishment of ideas and scholars is badly
> bruised when we turn on our own, when we withhold that extra ounce
> of trust and forgiveness. (Lang, 1988, p. 4)

As this example should make clear, the "ethics of collegiality"
is a genuine ethics, not just a Mafia, code for scholars who seek
to hide the misdeeds of their own. The provost, like Döll on behalf
of the Kunsthistorisches Institut, is not seeking a coverup but urging
cooperation. That the result is the same as a coverup is only the
view of those who have taken the position of outsider. There is a
common presumption shared in one case by the provost and, among

others, the Harvard colleagues who rushed to Huntington's defense, and in the indexing case, by officials of the institute and its governing ministry. That is, that their colleagues, as honest and proven insiders, are being attacked unfairly. The related assumption is, naturally, that their assailants are misguided at best, traitors to a higher cause at worst.

The well-known case of the examination of the effects of a proven case of laboratory fraud on the scientific literature by Walter Stewart and Ned Feder (1987) is very revealing in this regard. Their analysis of the 109 papers of Harvard researcher John Darsee (and his forty-seven variously attentive co-authors), exposing an extensive pattern of errors stemming from Darsee's original falsifications, was an insiders' attack concluding that "certain lapses from generally accepted standards of research may be more frequent than is commonly believed" (Stewart & Feder, 1987). This article encountered massive resistance even before finally being accepted for publication (in a form surrounded by hedging commentary and a negative response), and even more hostility thereafter. Many scientists felt that Stewart and Feder were letting down the side, overreacting to an unfortunate but still uncommon incident; there was derogatory comment about their personal careers, and they also encountered difficulties at the National Institutes of Health (NIH), their place of employment (Greenberg, 1988).

It should also be noted that the scientific and scholarly community has responded to recent instances of fraud and allegations of misconduct with considerable worry and self-examination, including the establishment by the NIH of a special office to ferret out misconduct (Mervis, 1989). Additionally, the research community's fear of government interference in the laboratory is genuine and well-founded (Jaschik, 1989), and all agree that trust and collegiality remain essential to the research process. But the fact of fraud and dishonest behavior within this collegial, but very pressured, system has been established, and the fate of those who point this out is still often painful (see also the special section on "whistle-blowing" in *The Scientist* ["Special Section," 1987]).

The ethics of collegiality is not a universal ironclad code that renders all who abide by it capable of concealing what are genuine ethical transgressions, but it is, at the very least, a strong reference point quite independent of issues of guilt or innocence. Denial was sufficient defense for the institute librarians (that and at least some redress, after more than two years, in the form of some cataloging for some of the affected articles). Therefore, absent any independent investigation, the issues of evidence as well as turf came to the fore very early as part of the problem of seeking redress. Moran

approached, among other groups, the American Library Association
(specifically the Office for Intellectual Freedom, through them the
Intellectual Freedom Committee, and the Intellectual Freedom
Round Table [IFRT]), the International Federation of Library
Associations (where they were given a place on the program of the
Second European Conference of Art Libraries, if no other official
support), and the College Art Association.

     Although Moran's correspondence caused not a little discussion
in all of these groups, none of them decided that it was appropriate
to take specific action, either because they thought it was not their
business (especially the American groups), or because of a lack of
clarity (from a distance, anyway) about what the evidence proved
and just what they were to do about it. As is apparent in the Moran/
Mallory charges, the "selective card cataloging" pattern is inextricably
bound up with the larger *Guidoriccio* controversy, and (again, from
a distance) this presents the possibility of motives not only for the
censorship but also for the accusation of the misdeed. In the minds
of people who may have a responsibility for ethics oversight but
still do not know exactly what they are supposed to do anyway, this
presents further hurdles. In the wake of the Stewart/Feder (1987)
Nature article controversy, a number of scientists, including David
Baltimore (not himself accused of actual fraud but involved in a
controversy surrounding published work emanating from his lab),
argue that significant discrepancies that may to outsiders look like
fraud were the result of differences of opinion rather than
misrepresentation. This is always a possibility in cases of heated
controversy—especially (again) from a distance. For Moran and
Mallory, Stewart and Feder, the evidence may appear unmistakable,
but there is a question as to how well some kinds of evidence travel.

     The IFRT Executive Committee did approve a very general
resolution on "Libraries and the Integrity of Research and
Scholarship," inspired in part by the Moran/Mallory experience ("be
it resolved that the membership of the American Library Association
work within and beyond our profession to further cooperation and
vigilance in the affirmation of the highest standards of ethics in
research and in the sharing of knowledge" [Approved January 8,
1989]). This, however, was a very broad statement that did not find
approval beyond the ALA round table. The cases and the issues that
engendered it have resulted in some discussion about the place of
librarians in all of this, however. While that is itself small comfort
to Moran and Mallory or others who seek redress or at least support
from organizations which are supposed to concern themselves with
ethics oversight, it may be a sign that librarians are beginning to
see that their role cannot be limited to that of passive shepherds

of documents and data, even if this means addressing some very difficult questions surrounding their mediator's role.

Librarians have long involved themselves in the exploration of both the theory and practice of ethics, including the ethical aspects of intellectual freedom. The traditional professional commitment to the care and delivery of the information package, rather than to the nature of its contents, usually serves as an important limitation upon the range of that exploration. Professionals have been nervous, rightly, about any claim that they ought to have a share of responsibility for the actual quality of the information delivered beyond their training in and reliance upon review sources and collection development and organization tools. "Vigilance," the word used in the IFRT resolution on ethics quoted earlier, was chosen in an attempt to assert the responsibility of librarians to maximize access to the best information. However, it conjured up, for some, the old vision of the librarian as gatekeeper of the House of Knowledge, censor of that which does not meet a particular standard. This is a genuine danger that requires its own kind of perpetual vigilance, but it does not let librarians off the hook.

Moran and Mallory encountered a situation of a kind that is probably as old as libraries and academic politics, but when they sought an audience for their case, there was no mechanism in place within academia, librarianship, or otherwise adequate to their need— adequate, that is, even to give them a forum with the proper authority and opportunity to judge the evidence, no matter what the outcome. The reasons for this go beyond the specific problem of a lack of effective ethics oversight, of course; the controversy, of which the indexing issue is a part, is large and messy and getting messier. It has even reached into the latest guidebook for Italy-bound tourists, where the *Guidoriccio* is referred to as "attributed" to Simone Martini: "In recent years a nasty squabble has broken out among art historians," it says, with a quick summary of the Moran/Mallory position (Hoefer & Barrett, 1989, p. 262). The nastiness now includes accusations of destruction of evidence in the process of restoration, accusations concerning the suppression of a letter to the editor (of *Burlington Magazine*) that was a response to another bitter attack, and many other signs of a scholarly war with more than its share of excesses. Meanwhile, whether or not there was an original intention to suppress their point of view, the co-authors have gained an ever wider following and not a few adherents—in part, surely, because of the earlier-mentioned "outsider's" persistence.

Whatever their ultimate success, however, librarians are still confronted with the issues of ethics and ethics oversight that Moran and Mallory raised. It may well be that this incident took a shape

from the beginning that prevented an effective response by the library community; still, it behooves us to examine our place, or lack of place, in the process of articulating and enforcing ethical standards in academic and research institutions. On the level of individual responsibility and practice, there are also important lessons to be learned from the frustrations of Moran and Mallory.

In a thoughtful article on the impact of information technology on professional ethics, Lawson Crowe and Susan Anthes (1988) addressed what they regard as an increase in this professional responsibility:

> The academic librarian as information mediator must acquire deeper and broader subject expertise...and prepare for new information storage and retrieval capabilities. In respect to both technique and substantive content, the mediator must be more directive in relationship to the user. The modern academic librarian must be *client-oriented* rather than *medium-oriented*....In offering bibliographic services, and by discriminating among materials acquired, the academic librarian may stand in the midst of contending interests. It is at this confluence of values that ethical conflicts arise. (p. 126)

The authors are not addressing the kind of conflict examined here, and it could be argued that the responsibilities they describe as new should have always been part of the librarian's code of service, with the new technology only providing extra pressure down the paths of greater content mastery and stronger patron orientation. Their essential argument is very relevant here, however.

Academic librarians, even impressively pedigreed inhabitants of major research institutions, usually find themselves at the fringes of the circle of faculty collegiality. In this uncertain position (uncertain in most cases even if librarians do have "faculty status"), they are particularly vulnerable to the push and pull of the insider-outsider condition. Effectiveness and status increase with greater faculty recognition and cooperation, but it remains important to remember that the patrons are outsiders as well as insiders, and professional priorities must take both into account. (A common, if not directly relevant, example is the widespread practice of granting faculty much longer checkout periods than students and then charging overdue fines to students but not faculty; there are many who do not even regard this as an ethical issue, not to mention an unfair practice.)

If (and only if) the Moran/Mallory charges are true, the indexers involved arranged their indexing priorities in favor of the insiders in the *Guidoriccio* controversy. Librarians do receive complaints from faculty members for acquiring books inimical to views of the complainers—a rare occurrence, to be sure (in one of the few personal cases, the faculty member was abjectly apologetic some time after he realized the implications of what he was doing). Librarians are

also sometimes under quite understandable pressure to spend more resources and energy in some areas than in others. This is a fact of life in every institution that must support a particular curriculum rather than the broad world of inquiry, but it becomes an ethical trap if it means supporting one side of a controversy within a given field more than another.

With the resources of modern information technology at hand, a librarian can compensate for virtually any under-representation of significant points of view in the local collection. But this presupposes an awareness that there are other points of view in the first place. As the experience of Nicole Squires (1987), described earlier, indicates, it is not enough to assume that the patron will have that awareness.

The difficult truth is that librarians must be both neutral champions of access to all points of view *and* advocates for the important views that are suppressed or unrepresented. This means that they must worry about the inside as well as the outside of the information package. In most cases the preparation given to become effective information providers is narrow and inadequate for these challenges. What people do or do not do with the information made available may be beyond the ethical purview (in the vast majority of cases, anyway), but there is a responsibility for the quality and comprehensiveness of the information upon which they do or do not act. If the immense fracas that began on an old wall in Siena has no other relevance for librarians, it at least carries the vital lesson that this responsibility does indeed have serious ethical implications. More is expected of librarians than they are in the habit of giving.

REFERENCES

Crowe, L., & Anthes, S. H. (1988). The academic librarian and information technology: Ethical issues. *College & Research Libraries, 49*(2), 123-130.

Greenberg, D. S. (1988). Lab-scam: How science goes bad. *The Washington Post,* Sunday, April 24, D3-D6.

Hoefer, H., & Barrett, K. (Eds.). (1989). *Insight guides: Italy.* Hongkong: APA Publications.

Intner, S. S. (1984). Censorship in indexing. *The Indexer, 14*(2), 105-108.

Jaschik, S. (1989). Congress's interest in ferreting out fraud is misinformed, harmful, say researchers. *The Chronicle of Higher Education,* June 7, A1, A25.

Lang, S. (1988). Academic, journalistic, and political problems (advertisement). *The Chronicle of Higher Education,* February 3, B4.

Maginnis, H. B. J. (1988). The "Guidoriccio" controversy: Notes and observations. *RACAR, Revue d'art Canadienne. Canadian Art Review, 15*(2), 137-144.

Mallory, M., & Moran, G. (1986). New evidence concerning *Guidoriccio. Burlington Magazine, 128,* 250-259.

Mervis, J. (1989). NIH establishes office to probe science misconduct. *The Scientist, 3*(10), 1, 6-7.

Moran, G. (1977). An investigation regarding the equestrian portrait of Guidoriccio da Fogliano in the Siena Palazzo Pubblico. *Paragone, 28*(333), 81-88.

Moran, G., & Mallory, M. (1986). "Selective" card cataloging (or in-house screening

of periodical indexing) of art history articles in authors' files, and the potential effects of this "selectivity" on the bibliographical entries relating to specific art historical problems: A case study. In K. Wynia (Ed.), *Art periodicals: Papers of the 2nd European Conference of the Art Libraries of IFLA* (13-17 October, 1986) (pp. 123-132). Amsterdam: Overleg Kunsthistorische Bibliotheken in Nederland.

O'Connor, F. (1971). Good country people. In *The complete stories of Flannery O'Connor.* New York: Farrar, Straus and Giroux.

Polzer, J. (1987). Simone Martini's *Guidoriccio* fresco: The polemic concerning its origin reviewed, and the Fresco considered as serving the military triumph of a Tuscan commune. *RACAR, Revue d'Art Canadienne. Canadian Art Review, 14*(1-2), 16-69.

Special section: Whistle-blowing. (1987). *The Scientist, 1*(27), 9-12.

Squires, N. (1987). Unpublished paper.

Stewart, W., & Feder, N. (1987). The integrity of the scientific literature. *Nature, 325*(January), 207-214.

Watson, P. (1986). The well-shaken Martini. *The Observer,* (London), February 15, 4.

Wohl, A. S. (1984). In Siena, an old masterpiece challenged, a new one discovered. *News from RILA, 2*(February), 1, 11-13.

Ethical Considerations in Technology Transfer

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ABSTRACT

ISSUES IN TECHNOLOGY TRANSFER are examined from the perspectives
of Kantianism and utilitarianism and in terms of the factors that
must be considered in moral deliberation—i.e., social responsibility;
social utility; and individual, professional, and institutional survival.
In current practice, utilitarianism operates under the guise of
technology needs assessment. This article advances the argument that
ethical deliberation in technology transfer is biased toward the
utilitarian view, that utilitarianism has inherent difficulties in
projecting the consequences of technology transfer, that utilitarian
principles are often sabotaged by political or self-serving goals and
ideologies, and that the perspectives offered by Kant and feminism
are important aspects in establishing what should be a dialectical
process for determining which technologies are appropriate and how
they should be transferred.

INTRODUCTION

Wales seems an unusual place for an American to reflect on ethical
considerations in technology transfer, particularly the transfer of
information technology, and the role of information professionals
in the process. Yet it is the experience of teaching several summers
at the International Graduate Summer School in Aberystwyth that
evoked these reflections. Students, faculty, and professionals from
as many as forty different countries gathered for this cross-cultural
educational experience, now under the auspices of the Department

of Library and Information Studies of the University College of Wales.
(Before its merger with the University College of Wales, the school
was known as the College of Librarianship Wales. The summer
program has been renamed the International Graduate Information
Summer School.) The summer school was designed, in part, precisely
for the purpose of facilitating transfer of information technologies
from developed countries to less developed countries (LDCs).
Information technologies are an integral part of successful technology
transfer and contribute to an LDC's ability to develop and sustain
scientific and technological activities. During these summer
programs, information professionals from various countries
discovered many shared needs and concerns, but the diversity of needs,
the plurality of problems, and cultural differences also became
apparent. This heterogeneity made the issues of technology transfer
and ethical considerations all the more difficult.

Transfer of technology touches on such issues as global
economics, balance of trade deficits, political and social beliefs,
balances of power, allocation of world resources, and environmental
issues. Its rise to prominence as a geopolitical issue stems from
imbalances between advanced or developed countries and under-
developed or lesser developed countries. Graham (1982) reports that
northern or developed countries account for 95 percent of all the
world's research and development while southern countries,
representing 70 percent of the world's population, generate only 4
percent (p. 45). Technology transfer is important for economic
development, but much of the available technology is invested with
proprietary rights so that it cannot be freely transferred.

APPROACHES TO TECHNOLOGY

There are many ways in which technology can be understood.
For this article we will distinguish among three levels of technology:
(1) technology in general; (2) technological practices, and
(3) technological packages. In general, a technology can be
characterized as a group of techniques, either intellectual or
embodied, orchestrated as a totality for solving a particular problem
or set of interrelated problems. The technologies with which
information professionals are familiar can be divided into two kinds:
(1) "intellectual technologies" (Taylor, 1986) such as classification,
cataloging, indexing and abstracting, technologies that perform
"value-added processes in information systems," and (2) technologies
as embodied systems of tools or procedures, such as computer systems
and their use in online public access catalogs. In practice, this
distinction is difficult to maintain because intellectual technologies,
manifest in the mental activities of theoreticians or experienced

professionals, lead to forms of embodiment—e.g., theories of classification lead to systems such as Dewey Decimal, thesauri, authority lists, etc. These embodiments, taken up by professionals, may in turn influence perceptions and intellectual organization.

The intellectual technologies are like Kant's schemas, structures by which experience is organized and which make experience possible. For example, information professionals acquire classification schemes through courses, lectures, exercises, and reading; but once the schemes are acquired, they become devices through which classifiers and catalogers structure their experience of intellectual works, which thereby transform their experience of those works. This may not always be appropriate. Berman (1981) noted that the 1979 *Dewey Decimal Classification* had inadequate coverage of popular music and gay issues and had ambiguous treatment of North American Indians. Classification schemes and subject headings tend to reflect the biases of the general population. Since the dominant classification and subject heading schemes were developed in America, the bias they reflect is an American one. These biases may inhibit the easy applications of such classifications to local issues in a developing country.

In addition to characterizing the technology associated with information work, one should also distinguish, as Pacey (1983) does, between technology and technology practices. Technology practices are individual or generic applications of technologies in a specific context of people and organizations: "technology-practice is thus the *application of scientific and other knowledge to practical tasks by ordered systems that involve people and organizations, living things and machines*" (Pacey's emphasis, p. 6). Technology practice is geared to specific contexts, which entail cultural and organizational constraints. For example, a Dewey Decimal Classification used in a special library may be adapted to meet local needs and objectives. Recommendations for appropriate classification embodied in the Dewey rules may be overridden to suit organizational requirements.

Thus intellectual technologies lead to forms of embodiment (classification schemes) which in turn, through the activities of trained or experienced professionals, lead to specific practices (e.g., classification of a particular text for a particular information-seeking environment). But it should be a dialectical process: problems in particular classifications should lead to reflection on the forms of embodiment and the grounding intellectual technologies. Unfortunately, there are three reasons why this may not occur: (1) practices may pose insoluble problems—e.g., in hierarchical classification schemes, it is often difficult to expand the vocabulary, modify the meaning of a term, or describe complex

concepts (Meadow, 1967, p. 26); (2) practitioners may not communicate difficulties to classification rule makers; and (3) classification schemes have historical inertia and tend to be inflexible.

A technological package, a third approach to technology, can be seen as an uprooted technological practice. A given technology is developed for a particular cultural and historical environment. Upon its success, the developers often attempt to generalize the technology by disengaging it from its original application. Examples include many library automation systems, such as NOTIS, which have been "home grown"—that is, built for a particular university setting; they then become a technological package marketed to other universities and applications. This deracination process lies at the core of the notion of a technological package, which has been adapted from Crowther's (1986) characterization of information technologies:

> closely inter-related sets of hardware, software, ... human resource
> (and skill) requirements and guidelines, . . . which "work" or "function"
> together in a strictly technical sense (e.g., reducible to a highly controlled
> laboratory situation), apart from contextual considerations, in order to
> produce or transform a good, service or standard. The technology becomes
> a *technological package* when it is labelled by a policy symbol and
> subjected to a series of technological utility and economic efficiency
> decisions. (p. 1)

For Crowther, a technological package is the mechanism by which technology is transferred and therefore is the unit around which assessment occurs. It is an important notion because it describes actual phenomena, and understanding its character helps one to understand the complexity, as well as occasional failures, of some transfers. The technological package is "a classic case of a technological solution looking for a problem to solve" (Rogers & Larsen, 1984, p. 269) without regard to the appropriateness of the problem or the context.

ETHICAL FRAMEWORKS

With these distinctions in mind, two familiar philosophical positions can be introduced as frameworks for studying ethical considerations—i.e., Kantianism and utilitarianism. These positions do not of course exhaust the pluralism that exists in current ethical inquiry. Part of the difficulty in discussing applied ethics lies in developing some shared standards, difficult enough in the diversity of American culture and even more problematic in an intercultural context. Yet the positions of Kant and utilitarianism were chosen because, according to Kohlberg (1976), they are dominant and commonly held across cultures. (Kohlberg has claimed that these two positions are stages in a process of moral development that is shared across cultures. He argued that there were six definable stages in the moral development of persons. The stages were divided into three

levels: preconventional, conventional, and post-conventional morality. In the latter two levels, the ones characteristic of mature morality, each stage reflects the utilitarian and Kantian position respectively, but the latter level has a deeper appropriation based on a personal commitment to a sense of justice rather than social determination [conventional morality is based on shared norms and values that sustain groups and societies]. People who progress through these levels or positions do not necessarily know their philosophical names, originators, or advocates. Nevertheless, if Kohlberg is correct, they come to live according to these positions as their ethical development matures. Although there are some difficulties and challenges to Kohlberg's position, for the sake of establishing a springboard, the focus will be on the utilitarian and Kantian aspects of conventional morality [level 2], since they seem to be the guiding ethical views of many cases of technology transfer.) Even if people, transferrers and transferees alike, do not know their names, they practice behavior that can be described in Kantian or utilitarian terms.

THE KANTIAN APPROACH

The Kantian position of the "categorical imperative" appears to be a rationalization for the golden rule: do unto others as you would have them do unto you. One of Kant's (1959) formulations of the categorical imperative is: "Act so that you treat humanity, whether in your own person or in that of another, always as an end and never merely as a means" (p. 47). Kant admonishes us to treat ourselves and other people as ends worthy of respect and never merely as means.

Kant's position was formulated as a personal ethic: in fact ethics for Kant was anthropocentric, dealing with man's relation to himself or other men. The stakeholders in technology transfer, however, can be persons, groups, or institutions of various sorts—i.e., governments, corporations, foundations, nonprofit agencies, scientific committees, or countries. In this article, *institution* will be used as a generic term to cover these various collectivities. To extend the value of the categorical imperative, one must include these institutions as actors, because they are entities with some degree of autonomy, with their own status and rights. Given the view in the United States that corporations have legal status as individual entities, one could simultaneously argue, as we for the moment will assume, that any institution can be accorded the status of moral agent. Philosophically, it is not easy to justify this assumption (especially for Kant where moral worth is traceable to a rational will), for collectivities, like governments and other institutions, exist only in and through individuals, and yet it is clear that governments and institutions make

choices. Their actions and directions represent a will for the institution as a whole. In this sense, institutions have an autonomous life. Assuming the moral agency of institutions, Kant's categorical imperative can be restated: treat all institutions not merely as means, but at the same time as ends in themselves. Just as an information professional, from this Kantian perspective, has no right to regard his employing institution as a mere means to his livelihood, organizations in both developed and developing countries must avoid being mere users of each other.

With these views in mind, one could argue that Kant's categorical imperative gives rise to three factors for ethical considerations in technology transfer: promotion of organization survival, preservation of individuality, and presence of goodwill. These can be compared to the four factors isolated by Rubin (1991) in a paper on "Ethical Issues in Library Personnel Management"—organizational survival, individuality, social utility, and social responsibility. (The notion of principles implies settled rules of action. But these considerations are less rules than constituent elements that contribute to the moral deliberation that leads to a choice and/or action, upon an appeal to some ethical principles, like fairness or justice. Ethical principles imply sets of values or rules that are invoked in the process of weighing these diverse factors.) The factor of organizational survival, derived from Thompson's *Organizations in Action* (1967), originates in the view that a fundamental function of an organization is to perpetuate itself so that the organization survives and prospers. While Thompson derives this consideration by analogy to the moral self-interest of individuals found in the work of Locke and Hobbes, it appears to be associated with the Kantian notion of the autonomy of the will from the version of the categorical imperative quoted earlier: "Act so that you treat humanity, *whether in your own person* or in that of another, always as an end and never merely as a means" (emphasis added, p. 47). If institutions have moral agency, they also are ends, never to be treated merely as means. This implies, as Rubin suggests, that those who run or serve institutions have an obligation to make the organization as efficient as possible for serving organizational ends (otherwise they would be treating organizations as mere means in themselves).

But in the world of information professionals, there is a related consideration—survival of the profession. Each profession is also never merely a means but an end and must be granted rights of survival. One of the origins of ethical conflict is precisely the clash between organizational and professional survival: on occasion, obligations to the profession may override organizational survival or vice versa. For example, if an information professional is asked

to pad the account of a client with inappropriate online searches, this activity may promote institutional survival but at the expense of professional survival. Since this factor applies to organizations and professions, it might be better called the principle of institutional survival.

There is another dimension of survival that must be included in contemporary ethical discussions, that of planetary survival. The advent of technologies with large-scale impacts have changed the character of the ethical arena. These changes have led Jonas (1984) to create new formulations of Kant's categorical imperative: "Do not compromise the conditions for an indefinite continuation of humanity on earth," or "Act so that the effects of your action are compatible with the permanence of genuine human life" (p. 11). Paradoxically, these versions of the imperative move away from Kant's focus on intentional states and move toward the utilitarian mode of thinking, as they necessarily focus on the consequences of an action, and so these versions will be taken up during the discussion of utilitarianism.

Like the factor of institutional survival, the factors related to individuality are founded on the original versions of the categorical imperative. People are individuals in an organization and ends in themselves. Their individuality must be respected, and Rubin argues that they should have as much freedom in the marketplace as practicable. Rubin adds: "Restrictions on employee conduct and expression require a valid rationale. In other words, the Principle of Individuality implies that all rules, regulations and punishments should have a clear rationale, i.e., 'just cause' " (p. 8). This principle can be applied to organizations as well. Organizations should have as much freedom as possible, and restrictions on organizational behavior in the marketplace should have "just cause." For this reason, the principle might be better called the principle of autonomy, since it affirms the autonomy of individuals and organizations in pursuing their goals subject only to constraints based on just cause (e.g., the prevention of environmental pollution).

Some further clarifications of Kant's position can be productive here. At the center of Kant's moral philosophy is the notion of a good will. A good will is an unqualified good, unlike other kinds of goods—for example, wealth, power, or information technologies—which can be abused. A good will is a will that acts for the sake of duty. When an action is performed because of the belief that it is right, it accrues moral worth for the person acting. In Kant's view, it is not because good consequences are achieved that an action is good; rather, an action is good when it was attempted because it was the right thing to do (e.g., the action of providing agricultural

information to a developing country with problems of starvation is good despite the fact that a drought destroyed the crops). Somewhat problematically, Kant disassociates a good will from inclination. Kant believes that an action is hardly moral if we are inclined to do it anyway—e.g., a corporation that gives away computers to universities or developing countries because of tax write-offs or obsolescence of models is performing actions that have no moral worth even if the consequences are good. The reason, according to Kant, is that, although its actions were in accord with moral duty, they were not done for the sake of that duty.

Kant seems to imply that there must be a certain level of consciousness in moral action—i.e., one must be aware that what one is doing is in accord with one's duty. This notion seems to run contrary to the Aristotelian view that moral worth is related to properly acquired moral habits. For example, if a person or institution is in the habit of donating obsolescent models of computers to charitable causes, such actions are morally praiseworthy because they are in accord with good character formation and not because the institutions are conscious of their duty. They are the kind of actions a good person of good character would perform. One would think that Kant would agree, but he seems to insist on a certain level of awareness of duty.

Given that this motivation is the element that supplies moral worth, Kant must determine some objective content for the moral law. He reasons that you should "act only according to that maxim by which you can at the same time will that it should become a universal law" (p. 39). In this version of the categorical imperative, Kant is suggesting that an action is morally acceptable if the doer of that action could wish that the principle that guides it become a universal law. For example, one could not wish that lying become a universal law; if it did, communication of fact would become impossible since not everyone would make the same assumptions on the basis of what they were told.

Kant does not imply that concrete laws of conduct can be deduced directly from the categorical imperative; rather it operates as a criterion for judging the morality of subjective principles of conduct which Kant calls maxims. Suppose that I choose to supply agricultural information for use in a poor rural area where there are no proprietary rights on the information or its use. The maxim of this action is: I will provide technological and scientific information to needy countries or people, where the supply of that information will not infringe on copyright, misuse of employer's resources (e.g., duplicating costs), etc. I ask myself whether I could will that this maxim become a universal law, namely that anybody in a position

such as mine would do the same, and decide that I can so will it. Hence the maxim is morally justified. Interestingly, in terms of this example, there may be some who would feel justified in the misuse of employer's resources and/or in the infringement of copyright, for example, if they deemed that a higher good would be served, namely, the alleviation of famine, disease, or poverty. Kant would have difficulty in endorsing such actions as acceptable moral law, precisely because he sees justice and universality tied together. For him, it is still a matter of stealing, albeit from the rich to the poor, and to wish that it become a universal law would be to advocate actions inconsistent with fundamental notions of morality, namely, justice, fairness, and contracts.

Through the criterion of universalizability, one can determine the admissibility of certain maxims into a proper ethical code. So the maxim, "steal information from vendors or employers, everyone else does," is inconsistent when universalized—i.e., vendors and employers would cease to exist if everyone stole from them. Kant's position is often called a formalism since it only determines the form of the moral law (universalizability) and not its content.

In the context of technology transfer, whether considering a technology, a technology practice, or a technological package, the Kantian approach is embodied by those for whom good will is a valuable and moral asset, supplying a proper motivation for the distribution of scientific and technological information and experience for the promotion of economic development. Although tangible results are hoped for in the transfer process, their failure to occur does not detract from the basic morality of the situation— i.e., that individuals and institutions of whatever variety should operate with good will and treat each other as ends and not merely as means. On the other hand, Kant's view also accords with one's intuitive feeling that if a technological package is foisted on a developing country sheerly on the basis of a profit motive for the developer, that action is morally questionable despite beneficial results.

THE UTILITARIAN PERSPECTIVE

John Stuart Mill (1957) explains the utilitarian principle:

> The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they promote happiness, wrong as they promote the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain and the privation of pleasure. (p. 10)

The utilitarian position focuses on results or consequences, striving, as it does, for the maximum amount of happiness for the most number of people. Mill's position is a modified hedonism; he believes that

most people seek happiness or pleasure as an end, but he attempts
to apply this to the entire social setting. The slogan of the utilitarians,
"the greatest happiness of the greatest number," is directed toward
both a wide and a just distribution of pleasure and its maximization.

It is because the distribution was supposed to be both broad
and just that Mill's views have had wide impact. One interpretation
of Mill argues that it implies that people should enjoy rights to
the basic necessities of life—i.e., adequate food, housing, a job, and
favorable working conditions. In fact, politicians, social activists,
judges, and decision makers of all varieties have adopted his beliefs
in the creation of social programs, legislation, and plans for economic
development. The attempt to bring about the general happiness
represents their method of implementing utilitarian principles. Smart
sees behind utilitarianism the "motive of generalized benevolence"
(in DeMarco, 1986, p. 26), and one can see this motive behind the
use of technology transfer for economic development and for
supporting the "modernization cycle," a process in which developing
countries undertake technologies to improve the general conditions
of their societies.

One may understand the dynamics, benefits, and difficulties of
utilitarianism by employing an example. Take the case where the
personnel of an agricultural library in a developing country are
deciding whether to automate its library system. Such a system would
supply many benefits—e.g., improved agricultural production
through the availability of knowledge of crops, techniques for
enhancing crop culture, and avoiding or inhibiting crop diseases and
pests; increased income for farmers; and increased prosperity and
health because of adequate or increased harvests. But not only would
it supply benefits, but also the benefits would be superior—i.e., the
easy availability of agricultural information, increased speed of access
to such information, the elimination of much irrelevant information,
and elimination of the work required to duplicate research results
of the information. From these benefits, certain deficits must be
subtracted—i.e., reliance on externally created technologies, depletion
of financial resources and increased indebtedness to developed
countries, difficulty in getting skilled human resources to run and
maintain the operation, increased educational requirements for
creating such human resources with reliance on developed countries
or companies for training, increased educational requirements for
users needed to overcome language and technophobic barriers, higher
unemployment due to technological replacement of the large numbers
of personnel typically employed in a manual system, difficulties in
fostering the need for information on the part of the end-users,
difficulties in enhancing the literacy standards so that end-users can

use the information, the consequences of misused or misapplied technologies (e.g., use of inappropriate pesticides or incorrect dosages), the consequences of inappropriate technologies (e.g., use of dangerous pesticides), increased "brain drain" by loss of bright students who emigrate to developed countries. These benefits and deficits must be added up within individuals and across individuals to arrive at a general sum. This sum is to include those consequences that are associated not only with the present, but also those associated with the immediate and remote future. A long-range ecological disaster would ultimately devalue a high level of current general happiness. Furthermore, the availability of the information and its use for increased agricultural production should not unduly favor one segment of the population (e.g., rich landowners) at the expense of another (e.g., poor local farmers). For utilitarians and other consequentialists, an action is moral if it promotes the long-range general happiness for the most people and/or if it inhibits the general amount of displeasure.

This example illustrates a number of critical features of utilitarianism. These include: (1) a distinction among pleasures in terms of quality; (2) the additive nature of benefits and deficits; (3) that there is a temporal factor that must be considered in calculating the general happiness; (4) that the general happiness is a good to every individual; and (5) that there should be a just distribution of the benefits. Let us move on to a delineation of the problems associated with such a view.

Not all forms of utilitarianism (e.g., the theories of Bentham) have argued for qualitative distinctions among pleasures, but it was a view that Mill (1957) supported and demonstrated in his famous assertion that it "is better to be a human being dissatisfied than a pig satisfied" (p. 14). In certain areas it seems to be justified: increased agricultural production due to increased knowledge and experience is superior to local agricultural production bound to sheer "grunt work" because of inappropriate technologies (e.g., failure to rotate crops). In other contexts, it can be hazardous to associate labels of inferiority or superiority with physical or mental pleasures (e.g., is sex inferior to book reading?), because these pleasures are variously good at diverse times and are not a matter of inferiority or superiority. Inferiority as a label is often employed only to indicate abuse or fixation on certain kinds of pleasure, typically physical.

Not all "grunt work" farming may be bad. Given some good information about appropriate techniques, such production may be environmentally safer and instill large amounts of self-esteem for the farmers. Part of the problem for Mill is that he wants to make qualitative distinctions based on pleasure. If one makes qualitative

distinctions among pleasures, it is not on the basis of some difference in pleasure that these are made but according to other values. The superiority of informed agricultural production versus grunt work production is not simply a matter of pleasure (it is true that less physical effort may be involved and there may be increased production, but these are quantitative measures) but of other values— i.e., freedom from ignorance, increased knowledge, better control of and relationship to nature, more leisure time.

Mill attempts to establish these differences in quality on the basis of a competent judge. He argues that if one of two pleasures is preferred by people who are competently acquainted with both, "even though knowing it to be attended with a greater amount of discontent, and [who] would not resign it for any quantity of the other pleasure," the preferred pleasure is superior in quality (p. 12). Mill's description has to do with weighing quantitative and qualitative pleasures within the individual, but our example generalizes to social dimensions. Determining and weighing qualitative and quantitative pleasures in the aggregate has always been a difficult problem, especially in matters bearing upon the public sector. In matters of the public interest, who are to be regarded as the competent judges: politicians, scientists, or pollsters (reflecting a consensus of the general population)? In matters of technology transfer it is more difficult to decide since the experts presumably must be competent to assess a technology from the viewpoints of both the donor and receiving cultures. The problem is aggravated if the technology is newly applied, because there is little knowledge of the potential or actual consequences. Even the methods of technology assessments are geared to the donor culture, and they may be inappropriate for the receiving culture. If the experts are attached to the donor culture, they may have a serious lack of understanding of the receiving culture—i.e., its needs and traditions. If they are in the receiving culture, they may not be able to fully assess the effects of the technology in itself and more so in its application to their own culture.

As an alternative judge, one might resort to appealing to a consensus by major players or the public in a sort of "participatory technology"—e.g., if the public is given sufficient informaion, it will come to a consensus about what technology it will need or reject. Brooks (1973) indicates the problems with this view:

> This seems an unrealistic hope. What is more likely to happen with greater participation, as traditionally visualized, is that any adversely affected group or interest can exercise a veto power over a technological enterprise, almost regardless of other affected interests or values. Unfortunately, all policy, including that relative to technology, requires a measure of both consistency and continuity among objectives, which is difficult to reconcile with participatory democracy in the decision process. (p. 255)

Nonetheless, this is precisely the strategy recommended by Noar (1982) with respect to the social responsibility of multinational corporations to operate in a "socially desirable manner." What is socially desirable is to be determined on the basis of whether activities will be seen to bring about welfare improvements in the countries in which the companies exist. "Periodic public opinion polls, or more informal methods in the less developed countries, are seen to provide the necessary inputs for the overall corporate guidelines for action, which in turn will influence strategic corporate decisions" (p. 219). To reiterate Brooks, this seems naive, since it is not clear that those polled could really understand or predict the consequences or nonconsequences of a corporate course of action.

   Implied in the discussion so far is that pleasures (whether qualitative or quantitative) are additive in some way, and that these pleasures and pains can be computed into a sort of aggregate happiness. But this calculus of pleasures must be examined. In some instances, two pleasures can enhance the individual pleasures. Using the example of the agricultural library, there would be greater happiness if both the citations were available online and the source documents were immediately available than if there were source documents alone (with few or faulty access points in a manual system) or online references alone, with months needed to obtain the source documents, if they were at all available. In other instances, two pleasures may be in conflict, as, for example, trying to promote full employment while simultaneously trying to automate the agricultural library in a country with a large population and little local technological resources or expertise. On other occasions, a pleasure may even be enhanced with the addition of a pain, as when the successful implementation of an automated system is enhanced by the number and degree of difficulties overcome, such as low availability of capital, language barriers, unstable governments, low prestige of information professionals, lack of available trained personnel, and poor existing information infrastructures (Eres, 1981, p. 99). In simple comparisons, one often can make a judgment, but when one combines all these factors, it is difficult to estimate overall results. For example, in the plans to automate the agricultural library, one would have to take into account the unhappiness of all those who remained unemployed and their offspring—i.e., the unhappiness of the government in reduced tax revenues because of reduced employment; all the happiness of the patrons due to the quick easy efficient access to the materials of the library; their unhappiness when the equipment breaks down; and the unhappiness caused by reliance on external suppliers and the cost of acquiring, maintaining, and repairing the equipment.

There is also a temporal element in the computation, since the consequences to be considered are not simply the current ones but those in the future as well. At the extreme, one must take into account the effects of a technology transfer on the survival and quality of life on planet earth in the distant future. As noted earlier, Jonas (1984) believes that Kant's ethics are inadequate to deal with contemporary situations. Previously, man's actions had little effect on the self-sustaining character of nature or on the ability of the planet to sustain life. Now actions undertaken by whatever individual or institution, be it corporation, government, or social agency, can have grave consequences for life on the planet. In the new ethics, increased knowledge is vital to proper moral decision making especially where actions involve or promote these serious consequences. Hence, Jonas (1984) reformulates Kant's imperative: "Act so that the effects of your action are compatible with the permanence of genuine human life"; or "Act so that the effects of your action are not destructive of the future possibility of such life" (p. 11). Although these formulations remind us to avoid ecological disaster, they make two shifts from the original Kantian perspective. First, they heighten the role of knowledge. For Kant, the knowledge required for ethical decision making was not that of a scientist or expert, but "of a kind readily available to a man of good will" (p. 5), a man of common sense. The impact of one's actions did not have consequences except for the foreseeable future. Current moral action requires "predictive knowledge," but paradoxically, as Jonas points out, such knowledge is unavailable since man lacks experience in the long-range effects of certain actions upon the life of the planet. So a dilemma appears: on the one hand, the need for knowledge of consequences as a prerequisite for performing utilitarian calculation, and on the other, the inadequacy of predictive knowledge. This is especially perplexing for developing countries for two reasons: (1) they are more vulnerable to a lack of knowledge of consequences (both in terms of the technology and of its application to their environment); and (2) technologies, such as the use of certain pesticides that are no longer tolerated in developed countries, are often foisted on them by unscrupulous businessmen. Even though these technologies may be recognized as harmful, they are often tolerated because they are cheap and because they offset other large-scale problems such as severe shortages in food supply.

Thus the utilitarian computation of the consequences of technology transfer is complicated by many additive and temporal factors. When a decision maker opts for the importation of a technology such as computer hardware and software for automation, he must consider the current and future benefits of all affected

persons—e.g., the benefits to be derived from the avoidance of hunger, poverty, disease, and ignorance; economic growth and development; stimulation of research and productivity; and increased stature in the international community. From this aggregate he must subtract the cost of the technology and the resultant dependency it fosters; those adverse consequences resulting from misapplied technology as in the improper use of pesticides; environmental costs including the depletion of natural resources, pollution, and long-range (and often unknown) adverse consequences including those that may affect life on the planet; costs of science policy development and implementation; costs of the failure of anticipated results; and the erosion of cultural identity. If the moral quality of a choice for a transfer of technology depends on its consequences (as the teleological dimension of utilitarianism suggests), there will be a long wait to determine the verdict of such a choice.

Furthermore, there is an uneasy relationship between the individual's happiness and general happiness in utilitarianism. Mill suggests that since each person's happiness is a good to that person, the general happiness is a good to everybody. Taken at face value, this is the fallacy of division, arguing that a property associated with the whole must be associated with the parts. One could imagine that with our agricultural library, some individuals may very well be unhappy, despite an increase in the general well-being of the society. Farmers who were excluded from use of the library because of economic, educational, or other barriers, and thus excluded from implementing the information contained therein through appropriate technologies, would discover the falling value of their current production efforts, making them unable to earn a living and sustain a family. On a positive side, economic growth in a country as a general good does tend to facilitate economic growth throughout a society. But such growth may disproportionately favor some constituents at the expense of others.

This suggests another problem: utilitarianism aims for a just distribution of those goods. Given the greatest happiness principle, a corresponding principle of justice to which utilitarians should appeal is that the allocation of resources should be such that there will be the most happiness for the most number of people. In the case of a developing country, funding decisions for technology transfers would address the more fundamental problems of a society— i.e., poverty, starvation, disease. Funds might go to a medical facility first before they would go to the agricutlural library. Or would they? Which are the more fundamental problems? Would a best maximization principle imply a single obvious, well-defined course

of action or set of priorities, when there are conflicting goods or conflicting competing avenues for combating sundry evils?

For example, in the agricultural library, conflicts are bound to arise between organizational demands and social responsibilities. As noted earlier, Rubin (1990) has suggested difficulties in balancing the factors of social responsibility, social utility, and institutional survival (p. 6). In the context of library personnel management, factors related to social utility are concerned with promoting the greater good of society within the context of the organization's goals. Personnel managers must maximize resources to promote the public good. For the agricultural library, the budget would have to be allocated so that it would best fulfill its mission—i.e., to provide agricultural information to those sectors of the society most in need of it. In this manner, it would fulfill both the goals of social utility and institutional survival.

But social responsibility is concerned with advancing the larger goals of a developing country. In this respect, the library may be inclined to hire more staff than it needs (to enhance national full employment demands) and to hire less qualified but native citizens (to inhibit economic dependence on external countries); it may concern itself more closely with the problems of the impoverished and ignorant through such things as literacy and outreach programs (as opposed to serving the needs of the wealthy and privileged); may acquiesce in cutting budgets (so that critical problems in other areas of the economy may be addressed); may defer automation (to increase employment and to avoid dependence on external technologies). These choices would aim for a harmonious society in which all or most people would enjoy basic rights to food, shelter, clothing, education, etc.

Such a concern for social responsibility, however, would often stand in tension with institutional survival since losses entailed by actions promoting social responsibility would infringe on a library's economic well-being. Promotion of organizational survival fosters an organization that is efficient and economical. The agricultural library fulfills its goals by minimizing staff requirements, by hiring only the best-educated and most highly skilled workers, by purchasing only the most reliable technology, and so on. In this respect, the unhappiness of some individuals (e.g., those who fail to gain employment or other benefits from the system) would be overriden in favor of the greater social good. In addition, poor personnel practices would also deflate the profession's standing, a matter of special concern in developing countries where the value and prestige of trained professionals is not well established. Thus professional survival would also be threatened. And the promotion of the library's

social utility function—to provide agricultural information—may also be impaired by expending resources on programs or actions promoting social responsibility. The choice of a technology, including information technology, is bound to many competing demands and to many uncertain results. Yet the utilitarian calculus demands— whatever the choices—a projection of results.

REINTERPRETING MILL IN CONTEMPORARY TERMS

Such choices based on calculations of the general happiness have been undertaken. The apparatus of utilitarianism has taken on several guises in contemporary life. In the context of technology transfer, it is actualized under the rubric of technology needs assessment, a preliminary analysis of an LDC's needs and capabilities, so that appropriate technologies can be imported for economic development, and a trajectory for successful technology transfer may be established. Hetman (1973) reformulates the utilitarian principle in contemporary economic terms: "a mass society devoted to maximizing economic growth and the average expectancy of material well-being" (p. 258), accomplished by a technology that "has to be put at the service of the economy" (p. 257). Such technology incorporation is part of the "modernization cycle" for developing countries so that they can effectively deal with their local problems and can learn to compete in the world market or to participate in the "New International Economic Order." Hetman's assessment entails three parts: technological utility, social relevance, and political acceptability. With respect to the first part, a reason for introducing a technology is to gain some sizable advantage with respect to existing technologies. In order to determine this, the available technologies and their variants must be explored as a set of options. With respect to the second issue, each option must be subjected to a test of social relevance that includes assessment of direct economic costs and benefits and all other identifiable effects and impacts (on the environment, society, individuals, and values). Following an assessment of social relevance with each option, political acceptability must be determined—e.g., it might be the case that the preferred options, though socially relevant or technologically useful, may not be politically acceptable. This acceptability:

> must be ascertained through a multi-constituency procedure where impacts on affected parties are examined and evaluated in terms commensurate with those expressing overall social relevance. Depending on the importance given to values of various social and political groups, several socio-political alternatives can be formulated. The final step is the choice of an acceptable alternative which appears most suitable in a given socio-political context. (Hetman, 1973, pp. 268-69)

In terms of information technologies, this process is further

complicated because traditional cost benefit analysis may not apply
to the ultimate product of such technologies—i.e., information or
knowledge. Even though one hears of the "economics of in-
formation," the phrase is misleading since traditional economics,
based on supply and demand, cannot be readily applied to
information. As Eres (1981) notes: "Knowledge is cumulative and
generally unquantifiable. The process of acquiring knowledge is
complex. An article read today might trigger research in 20 years"
(p. 98). One cannot predict the long-range effects of the acquisition
of information. Although there is a commodity sense to information,
it is derived from the containers of information—i.e., a specific
physical unit such as a document, book, microfiche, online citation,
or text. But information is not properly quantifiable, and one could
argue that the commodity sense is incidental to the real meaning
of the term. Information, as Fox (1982) points out, is not a count
noun but is related to the "propositional content" of a text or texts,
what the texts affirm or deny. If information is a unit in this sense,
it is elusive since any unitization occurs ultimately through the
meaning that the information creates in the information seeker's
mind, where different parts, sources, and elements of texts are bound.
For example, an information seeker's understanding of technology
may have been acquired through a variety of texts, references, and
sources, and the unit of comprehension must be traced back to all
these sources. Even when we associate information with a particular
text or journal, one cannot readily determine the effects of its absence
from a collection (Kent, 1974, p. 303). How can we estimate how
the absence of a text or the absence of online or on-disc searching
prolonged or wasted the work of other researchers? Although we
do know that such absences have important effects, calculating the
consequences of their absence is close to impossible. Brooks (1973)
claims the same is true of technology: "The problems of assessing
the absence of a technology can be much more difficult than assessing
any particular proposed technology" (p. 249).

Setting apart for the moment the difficulties of quantitatively
assessing the consequences of information or information
technologies, the iterative process suggested by Hetman earlier is only
to determine whether to undertake a certain technology, but utilitarian
principles demand some computation through the whole process,
including actual consequences. Unfortunately, a technology chosen
for transfer is not necessarily created, implemented, maintained, or
used in harmony with the objectives for which it was originally
assessed. And the secondary effects may have more impact than the
original direct intended effects. Dede (1981) asserts:

  Research in the field of technology assessment has shown that the

> unintended, second order effects of a technological innovation on society
> are frequently more influential, long-term than its direct and deliberate
> effects. For example, in many crowded areas one can travel by car no
> faster than by horse—the greater speed of the automobile has been lost
> through congestion—but automotive pollution and petroleum
> availability remain as major societal concerns. (p. 204)

According to Crowther (1986), technology transfer is constructive when the following conditions are supported: the capacity to determine a country's major socioeconomic problems and to translate them into a coherent set of technological requirements; the marshaling of the population to innovate, implement, and deal with the effects of the innovation; simplified presentation and ample diffusion of information regarding the technological options; an analysis of hardware and software requirements and costing of these items; and an awareness of the ideological or social value content to technologies and technical decisions (p. 2). Unfortunately, Crowther's experience with information services in Latin American countries indicates that these conditions are countervailed, and the information technologies adopted by the services "enhances the personal value and not necessarily the national development value of the information" (p. 3).

Not only are intended consequences often sabotaged, the long-range general happiness in the form of basic developmental needs is sacrificed for immediate goods. For example, Akin M. Makinde (in Murphy et al., 1986), explains the imbalance of happiness caused by the oil found in Nigeria:

> As long as the oil revenues lasted, Nigerians lavished their foreign
> exchange on innovations that were completely unrelated to their basic
> developmental needs. In fact, agriculture, the major source of foreign
> exchange, was abandoned as the population gravitated to big cities to
> enjoy the products of technology....The desire to enjoy foreign
> technological products has led to a wide gulf between the rich and the
> poor, with contractors of technological products and government officials
> becoming millionaires overnight. In fact, it is now estimated that a few
> individuals in Nigeria have more money than the national treasury! (pp.
> 182-83)

The considerations that we have looked at so far are concerned with technological practices and consequences and with technology transfers in the form of technological packages, inappropriately uprooted, and applied or implemented practices. But leaving the discussion at this point would seem to imply that the problem lies only in the practice or in the package or in its implementation but not in the technology itself or in the marketplace of the available technologies.

Consider that there is an information problem in an LDC looking for a technological solution. Given this kind of problem, there is a belief in a free marketplace of available information technologies,

similar to the notion of the free marketplace of ideas. There exists a marketplace of goods and services of all available information technologies. From this marketplace any developing country can freely choose any technology in terms of the problem under consideration. Given that the technologies adequately address the needs or problems of the developing country, these technologies are supposedly of equal value. But just as in the free marketplace of ideas, one cannot assume that competition has pruned the market to the best or the most appropriate: some technologies may dominate, occlude, or exclude more efficient ones. One merely has to think of the domination of IBM in setting standards for the computer market, especially in the personal computer market, even in the face of its confused strategies and some poorly conceived products. In information technologies, Library of Congress and Dewey classifications have commanded the classification market, and the commercial bibliographic retrieval systems have established Boolean, deductive systems as the standard. In cataloging, OCLC has dominated the market, and although it has not captured the market, it sets standards with which other catalogers must contend.

There are many reasons for this uneven marketplace—e.g., historical events, economics, and consequences of past choices. Given the need for economies of scale, the range of economically feasible designs for a technology is limited. With respect to the use of information technology in an educational setting, Dede (1981) remarks: "In brief the educational quality of the device (or instructional unit) and the profit margin of the manufacturer will be inversely related" (p. 206). Furthermore, he asserts: "Market forces, if the sole criterion...,will dictate that the educational hardware and software produced be designed for the needs of the largest and richest body of consumers: the middle and upper class majority culture" (p. 211). Given the availability of such software and hardware, it is not hard to understand the emergence of technological packages (e.g., computer hardware and software) that are then foisted into inappropriate settings or used for inappropriate problems.

And it is easy to foresee the motives of information technology salespersons in their assessing and addressing the needs of developing countries. If one were to adopt a more cynical attitude, one could argue that these motives are suspect. Mowshowitz (1984) calls computer literacy a "euphemism for consumer training. It should take only a moment's reflection to realize who stands to gain the most by promoting computer literacy. Is it the free choice of a neutral technology that is bringing computers into the schools?" In view of the developing countries' drive to enter the modernization cycle, can one really speak of the free choice of neutral, equally available

technologies? That is to say, not only are the available technologies
unequal, the prevailing belief that technologies are neutral is
mistaken (Mowshowitz, 1984; Froehlich, 1990). Every technology is
undertaken with a technological practice in mind and is bound to
a set of values for which it was undertaken. Technological packaging
attempts to hide these value-laden roots, but proper needs assessment
must uncover these values to ensure their appropriateness and utility
for the problems to be solved.

Crowther (1988) remarks that technological development opposes
the modernization cycle, since the cycle focuses on the technology
rather than the context and purpose for its use:

> The modernization cycle is inherently contradictory to technological
> development. It is the proper function of the technology itself rather
> than human or natural environmental stress, that is monitored and
> corrected; technology assessment in this cycle explicitly emphasizes
> technological utility and economic efficiency rather than social relevance
> or political consequences, and commercial criteria override the
> consideration of basic needs. (p. 8)

The choices from the marketplace are uneven and so put constraints
on the fulfilling of objectives. And decision makers, in facing the
available choices, are not necessarily guided by utilitarian principles
and needs assessment.

In the context of technology transfer, there are necessary unhappy
choices—e.g., when budgets and resources are limited, some members
will be serviced before others. Mechanisms to develop and facilitate
agricultural or medical information transfer may be given higher
priority than educational information or vice versa. As noted earlier,
the content of the greater good or the maximized happiness or
minimized displeasure is not achieved through utilitarian principles
or through an abstract notion of justice, but by setting priorities
and solving problems in turn. Taylor (1985), in an essay on "The
Diversity of Goods," suggests that this is precisely an area where
utilitarianism founders—that it assumes homogeneity of goods where
actually only conflicting heterogeneity exists (p. 244). Each
stakeholder comes to the deliberation process of determining the
greater good with different traditions and different priorities. Such
differences are often amplified by the differences between developed
countries and LDCs and within LDCs by competing segments of
the society with diverse cultural backgrounds. Thus there is a diversity
of competing goods (not clear goods opposing clear evils) or, more
often, a diversity of competing evils (which area of the economy
to address first—poverty, ignorance, disease?) for which utilitarianism
supplies no governing principles for choices. Although it can be
agreed that there is a greater good or a greater happiness, what the

greater good is and how it should be actualized is fraught with difficult
choices that are ultimately political. According to Brooks (1973):

> Although the consequences of various technological choices may be
> clarified by analysis, there is no objective or scientific basis on which
> final choices can be made. The choices themselves are political, depending
> on a complex interplay or bargaining process among conflicting
> economic, political and ideological interests and values. The chips in
> this bargaining game involve not only immediate choices at issue, but
> also unrelated perceptions and interests. For example, many people who
> opposed supersonic transport in the United States did so because it was
> a convenient symbol for uncontrolled technology, rather than because
> of its specific environmental impact or economic viability. (p. 251)

Similarly, in addition to such good reasons for technology transfer
as increasing the general welfare, there may be a series of reasons
based on less desirable motives—e.g., prestige value of owning
computer technology, centralization of power at the expense of
democratic values, and vested interests. In the case of information
technologies in particular, Katz (1988) sees politics as the driver of
the diffusion of such technologies (pp. 47-78).

The ideals of utilitarianism—i.e., its "generalized benevolence"—
tend to be vulnerable to corruption because of the number and variety
of stakeholders in the decision-making and implementation process
and their diverse interpretations of what the general happiness is
and how to best realize it, interpretations often colored by simple
self-serving interests. Again the problematic relation of individual
and collective happiness and the importance of motivations based
on good will is seen here. The ethical can be confounded or clarified
by the political, but the former seems to be more often the case since
stakeholders, whether experts or members of a participatory
technology, have such diverse perceptions and motivations.

In sum, if we look at the application of utilitarian principles
to issues of technology transfer in developing countries, we find that
technology needs assessment is confounded on many fronts—e.g.,
in lack of predictive knowledge for determining a set of effects; in
difficulties in ensuring that the intended effects are achieved; in
establishing priorities on reasonable grounds (either by experts or
participants); in balancing competing demands of various factors or
from differing interpretations of the greatest good and how it may
be achieved; in creating a fair distribution of goods; in uncovering
the implicit values of technologies and technological packages; and
in the constraints of available technologies.

DIALECTIC OF THE KANTIAN AND UTILITARIAN THEMES

The difficulties surrounding the actualization of utilitarian
principles, and the confusion surrounding the determination of
results, do not invalidate utilitarianism as a moral perspective or

obviate the need for some mechanism of needs assessment (however flawed). It only underscores the difficulty of making choices among conflicting or competing goods and evils, ensuring intended effects, and making overall assessments. Attempts to define moral choices pale in the face of poverty, starvation, disease, and ignorance: how can citizens of an LDC hope to enjoy an ethical life if their basic needs are severely compromised? The Mother Theresas and social activists of the world have long recognized the fundamental necessity of providing for basic needs.

Part of the problem of contemporary culture, as suggested by Jonas (1984), is that we are forced to endorse the utilitarian view, and the calculus of happiness takes the upper hand. Ellul (1980) asserts that technological morality has two characteristics: "(1) it is behavioral (in other words, only correct practice, not intentions nor motivations, counts); and (2) it rules out the problematics of traditional morality (the morality of ambiguity is unacceptable in a technological world)" (p. 244). For Ellul, all moral evaluation, including that required in technology transfer, is forced into the utilitarian framework. Utilitarianism is, of course, not wrong per se, but its domination as a sole moral perspective and its sacrifice of the ethical to the political is problematic. It offends the intuitive notion that morality should be related to good intentions and good will.

One could argue the other side of the case as well: proper motivation and good will are not the only basis for moral evaluation. Good motivations that fail to produce beneficial results will not serve the severe problems that confront LDCs. Although the calculus of utilitarianism or needs assessment is difficult to perform, so too are Kant's motives elusive: proper motivation and good will can be faked, they are not readily discernible, and our perceptions may be unreliable. This invisibility of real motives is probably the source, at least in part, of the ambiguity of "traditional morality," the ground of its unacceptability to "technological morality." Motives are neither verifiable nor quantifiable. Furthermore, technology transfer that promotes a genuine good cannot be morally dismissed because the motivation is not pure. The point is that each perspective offers a partial truth, and both perspectives can be engaged as two poles of a dialectical clarification process that can be used to evaluate the moral dimensions of technology transfer.

This article has examined only two ethical perspectives based, in part, on the work of Kohlberg (1976); there are other perspectives and other variations of Kant's and Mill's views that are not represented here. In addition, one must acknowledge that Kohlberg's work has been criticized, and if the dialectical reasoning that we are advocating

is based on problematic research, one should recognize these difficulties and the alternatives they raise. An alternative perspective is offered by Gilligan (1982). She suggests that the moral development of women is different from that of men. In her view, Kant and Mill advocate an "ethic of rights," Kant in terms of the rights and autonomy of moral agencies, and utilitarianism in terms of a complex dialectic balancing of the rights of all parties in a transfer process. Women, in Gilligan's view, are more concerned with preserving human relationships and hence are advocates of an "ethic of care" or an "ethic of responsibility." Those attached to an ethic of rights are concerned with the abstract rules of justice (whether Kantian or utilitarian), notions of social contract, and the rights of moral agents, whether individual or institutional (Held, 1988, p. 12). A feminist approach calls for a reasoning that is more narrative and contextual, noncontractual, and focused on others, so that caring relationships become the basis for ethical behavior. Gilligan's (1987, p. 25) work indicates that both such methods of moral reasoning occur among men and women, that reasoning in the manner of an ethic of care occurs more frequently in women (and less frequently in men), and that, among men and women who are socially similar, there are fewer differences. What accounts for these differences is unclear, but Gilligan and others have argued that it is tied to differing ego development in men and women. For men, masculine ego development is based on individuation and separation from the mother; for women, feminine ego development is based on attachment (Chodorow, 1978; Gilligan, 1982). Most feminists do not wish to propose that a different basis for morality be constructed on these observations. They are only concerned that the feminist view not be discredited, that any male gender bias not be perpetuated in moral theory, that concerns traditionally characteristic of women (e.g., concern for children) not be dismissed from moral reflection, and that the feminist view be integrated into a more comprehensive moral theory (Held, 1988, p. 13).

If one grants the legitimacy of this critique, does it significantly change the dialectical perspective proposed earlier for matters of technology transfer? It is not clear that the feminist perspective prescribes any different set of moral principles; what it may call for is a different approach to problems of technology transfer, a different weighing of factors and elements (derived from context), and a recognition of the legitimacy of certain topics that have been omitted from many discussions of ethical theory—e.g., care for each and every country and care for those as yet unable to frame their needs.

If one integrates the feminist viewpoint, one must balance an ethic of rights with an ethic of care. In the ethic of rights, one must

balance competing claims and rights of stakeholders in a complex
dialectical process, weighing contrasting factors and the competing
claims of individuals and institutions, recognizing the factors of social
utility and social responsibility, and respecting the autonomy of
individuals and institutions, including organizations and countries.
On the other side, an ethic of care underscores a common history
and a sense of an advancing smallness of the planet. Paradoxically,
it may accentuate certain features of both Kant and Mill. It extends
the Kantian motive of good will beyond the rights and autonomy
of individuals to care for the human family and planet as such, and
to the unconditional acceptance of the rights of all persons and
institutions. It also extends the utilitarian emphasis on generalized
benevolence to a sense that the whole planet and the human family
is a system of interconnected parts so that any exploitation of
individuals, groups, societies, or countries will have an impact on
the whole and return to haunt both the exploiters and the exploited.
It does not change the nature of the problems of technology transfer
nor the nature of principles to which one might appeal (e.g., fairness
to all parties); it only changes the perspective from one of separation
(balancing rights and principles) to one of connection and
contextualization. An ethic of care could not be blind to specific
individuals and context, and therefore it would advocate a view of
fairness in contrast to that suggested by Rawls's (1957) technique
of a "veil of ignorance." In his method, stakeholders could decide
on the fairest allocation of resources or rights if each of the
stakeholders would assume, for the duration of the decision-making
process, that none of them could know what their post-decision status
was to be until after the decision was reached and a course of action
was implemented. For example, in the case of the agricultural library
and its decision to automate, the stakeholders would assume that
they would make choices not knowing whether, after the choice was
made and implemented, they were the minister of agriculture from
the developed country, the head librarian, the vendor from the
developed country, a wealthy farmer, an illiterate farmer, a user, a
consumer, or a staff member. In this way, Rawls thinks that
stakeholders would be more inclined to make rulings that were fairer
to each party since each stakeholder, under the veil of ignorance,
would not know where he or she would be at the end of the process.
But the feminist position would argue that the veil of ignorance
may be itself a problem because the context cannot be ignored, and
a genuine fairness may acknowledge differences among the specific
stakeholders. For example, fairness may mean that one ignore the
demands of the wealthy farmers (perhaps even penalizing those who
previously abused the available systems) or the administrators and

heed more fully the demands of those who suffered more past inequities (illiterate farmers, those members who have the most barriers to technology usage). In general, feminists do not demand that this perspective dominate, only that this voice be respected in the deliberation process.

Even if Kohlberg's theory is incomplete and feminism adds new principles (and not just perspectives), one can still regard moral deliberation in technology transfer as enhanced through a dialectical process in which the coexisting poles of Kantianism, and utilitarianism, "masculinism" (if that is how one may characterize the history of philosophy, as having been dominated by male thinkers), and feminism are used for framing ethical issues and coming to closure on them.

In conclusion, issues in technology transfer are not simple, and, although ethical considerations may amplify their complexity, such considerations are essential for evaluating the appropriateness and consequences of certain technologies and their transfer, since they can clarify issues and raise important challenges. There is an implicit ideology bound to the information age, an ideology that is self serving and full of dubious values and that may work against the quality of life in LDCs and on the planet. Part of this ideology is the belief that all problems can be solved through some form of technology, that technologies are morally neutral, and that technology is an unqualified good. One of the functions of ethics is to critique this prevailing ideology. Dahlgren (in Slack, 1987, p. 27) calls for a conscious ideology to counter this tacit yet dominant ideology. Ellul (1980) observes that one option is the practice of an ethic of nonpower as a resistance to the domination of technology in our culture. This option, infrequently recognized, but often necessary, states that appropriate technology may mean the absence or the minimization of technology, the refusal to implement technology or the simplification of technology, even those information technologies that at first blush may seem to solve a myriad of problems. Could it be suggested, as Dosa (1985) does, that many authors "overestimate the role of information technology and present it as a panacea to all project-related problems . . ." (p. 146) in providing technical assistance for development? Sometimes appropriate technology may mean engaging one's own resources and simplifying and refusing high-tech solutions to problems. Only by doing so might we inhibit the spread of ill effects of technology to LDCs and preserve a viable planet for all countries, both developed and developing.

REFERENCES

Aristotle. (1952). *Nichomachean ethics* (W. D. Ross, Trans.). New York: Bobbs-Merrill Company, Inc.

Berman, S. (1981). DDC: 19 An indictment. In *The joy of cataloging: Essays, letters, reviews, and other explosions*. Phoenix, AZ: Oryx Press.

Brooks, H. (1973). The state of the art: Technology assessment as a process. *International Social Science Journal, 25*(3), 247-255.

Chodorow, N. (1978). *The reproduction of mothering: Psychoanalysis and the sociology of gender*. Berkeley, CA: University of California Press.

Crowther, W. W. (1988). The education and training of information specialists to facilitate constructive technology transfer to and among developing countries. In M. L. Dosa & T. J. Froehlich (Eds.), *Education and training for technology workshop, Montreal, 8-11 September 1986* (pp. 200-13). The Hague: International Federation for Information and Documentation.

Dede, C. (1981). Educational, social and ethical implications of technological innovation. *Programmed Learning and Educational Technology, 18*(4), 204-213.

DeMarco, J., & Fox, R. M. (1986). *New directions in ethics: The challenge of applied ethics*. London: Routledge & Kegan Paul.

Dosa, M. L. (1985). Information transfer as technical assistance for development. *Journal of the American Society for Information Science, 36*(3), 146-152.

Ellul, J. (1980). The power of technique and the ethics of non-power. In K. Woodward (Ed.), *The myths of information: Technology and postindustrial culture*. Madison, WI: Coda Press.

Eres, B. K. (1981). Transfer of information technology to less developed countries: A systems approach. *Journal of the American Society for Information Science, 32*(2), 97-102.

Fox, C. J. (1983). *Information and misinformation: An investigation of the notions of information, and misinformation, informing and misinforming*. Westport, CT: Greenwood Press.

Froehlich, T. J. (1990). Ethics, ideologies, and practices of information technology and systems. In D. Henderson (Ed.), *Information in the year 2000: From research to applications* (Proceedings of the 53d annual meeting of the American Society for Information Science, 4-8 November 1990, Toronto, Canada). Medford, NJ: Learned Information, Inc.

Gilligan, C. (1982). *In a different voice: Psychological theory and women's development*. Cambridge, MA: Harvard University Press.

Gilligan, C. (1987). Moral orientation and moral development. In E. F. Kittay & D. T. Meyers (Eds.), *Women and moral theory*. Totowa, NJ: Rowman and Littlefield.

Graham, E. M. (1982). The terms of transfer of technology to the developing nations: A survey of major issues. *North/south technology transfer: The adjustment ahead*. Paris: OECD.

Held, V. (1988). Report on feminist moral theory. *Newsletter on Feminism and Philosophy*, (April), 11-13.

Hetman, F. (1973). Steps in technology assessment. *International Social Science Journal, 25*(3), 257-272.

Jonas, H. (1984). *The imperative of responsibility: In search of an ethics for the technological age*. Chicago, IL: University of Chicago Press.

Kant, I. (1959). *Foundations of the metaphysics of morals and what is enlightenment?* (L. B. White, Trans.). New York: The Liberal Arts Press.

Katz, R. L. (1988). *The information society: An international perspective*. New York: Praeger.

Kent, A. (1974). Unsolvable problems. In A. Debons (Ed.), *Information science: Search for identity*. New York: Marcel Dekker.

Kohlberg, L. (1976). Moral stages and moralization: The cognitive-developmental approach. In T. Lickona (Ed.), *Moral development and behavior: Theory, research and social issues* (pp. 31-53). New York: Holt, Rinehart and Winston.

Meadow, C. (1967). *An analysis of information systems: A programmer's introduction to information retrieval*. New York: John Wiley & Sons.

Mill, J. S. (1957). *Utilitarianism* (O. Priest, Ed.). New York: The Liberal Arts Press, Inc.

Mowshowitz, A. (1976). *The conquest of will: Information processing in human affairs*. Reading, MA: Addison-Wesley.

Mowshowitz, A. (1984). Computers and the myth of neutrality. *SIGCSE Bulletin,*
    16(1) Appendix C.
Murphy, J. W.; Mickunas, A.; & Pilotta, J. J. (1986). *The underside of high-tech:*
    Technology and the deformation of human sensibilities. Westport, CT: Greenwood
    Press.
Noar, J. (1982). A new approach to multinational social responsibility. *Journal of*
    Business Ethics, 1, 219-225.
Pacey, A. (1983). *The culture of technology.* Cambridge, MA: MIT Press.
Rawls, J. (1957). Justice as fairness. *Journal of Philosophy, 54,* 653-662.
Rogers, E., & Larsen, J. (1984). *Silicon valley fever.* New York: Basic Books.
Rubin, R. (1991). Ethical issues in library personnel management. *Journal of Library*
    Administration, 14, 1-16.
Slack, J. D., & Fejes, F. (Eds.). (1987). *The ideology of the information age.* Norwood,
    NJ: Ablex Publishing Corporation.
Taylor, C. (1985). *Philosophy and the human sciences: Philosophical papers 2.*
    Cambridge, MA: Cambridge University Press.
Taylor, R. (1986). *Value-added processes in information systems.* Norwood, NJ: Ablex
    Publishing Co.
Thompson, J. D. (1967). *Organizations in action: Social science bases of administrative*
    theory. New York: McGraw-Hill.
Woodward, K. (1980). *The myths of information: Technology and postindustrial*
    culture. Madison, WI: Coda Press.

Ethical Considerations in Representation
Or, Did Dui Do It?

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ABSTRACT
THE SEVERAL ROLES THAT contemporary American librarians may
play in cooperative organizations and library associations often places
them in situations in which their principal employer stands to gain,
or lose, from actions they may take in their role in such organizations
or associations. An examination of the potential conflicts that may
arise from such roles suggests the need for those involved to give
careful attention to appropriate ethical considerations even though
there may be no question of direct personal benefit. After a general
description of the extent and nature of the multiple roles that
librarians now play, the ethical questions that arise from such
situations, and a detailed examination of several actual cases, a few
general suggestions for at least minimizing the appearance of conflict
are discussed.

INTRODUCTION

In contemporary American society, there is an increasing
awareness of ethical issues—unquestionably heightened by various
recent national political scandals—and the extent to which those
issues require careful thought among all professionals, even
librarians. Although the American Library Association (ALA)
promulgated in 1981 a revised Code of Ethics to which all professional
librarians are supposed to subscribe, librarians are not immune to
the temptations that beset them when faced with a situation in which
professional employment may open the way, directly or indirectly,

to personal gain. Until recently, it appeared as though, in most cases, there was little cause for concern, perhaps in large part because librarians as a class are honest, primarily because library budgets were comparatively small, and libraries were not a part of the general commercial fabric of society. Various factors, including relative prosperity and the widespread application of technology by libraries, have changed that and increased librarians' vulnerability.

From time to time, and with what appears to be some noticeable increase in frequency, situations arise in which librarians are clearly guilty of using their professional position for private gain. Such situations, which often involve some kind of embezzlement, inevitably attract considerable professional and public attention since they appear to be, and are, so clearly out of character. In these cases, the dividing line is clear cut, violations are easily identified, and sanctions are readily applied. Still, either because of our essential professional honesty or simply limited opportunities, such conflicts of interest are a rarity among librarians.

There is an increasingly more common situation that often ultimately presents librarians with a very real potential conflict of interest in a professional, if not a personal, sense. That situation raises substantial questions about loyalty, conflicting institutional and organizational interests, and how those involved can act in a professional manner to adequately protect the rights of all parties. This is not a recent development—although here again the application of technology by libraries has helped dramatize the situation—but one that has existed, for the most part largely unnoticed, for many years.

Most librarians are employed and paid by a particular institution that assumes, and may even spell out in employment contracts or other official documents, that the librarian's principal responsibilities are to represent the best interests of the institution at all times, to see that the needs of the institution and its library are met, and to make sure that the library receives the goods and services it requires to operate effectively under the most favorable conditions. As a body of professionals with a strong commitment to cooperation as a primary means of achieving the goals of individual libraries and librarianship as a whole, librarians have consciously created a wide variety of formal associations, organizations, programs, and other activities that are designed to enhance library service. The growth, development, and proper functioning of those cooperative efforts is largely based on the premise that the governance and direction, and sometimes even the management, of those efforts is best controlled by librarians from the participating institutions. That approach has been adopted both as a cost-effective method of operation and as

a means of ensuring that the control and direction of such efforts will remain in the hands of those who understand the importance of cooperative activities and, significantly, those whose libraries stand to gain the most from such efforts.

A substantial number of American librarians now serve on the governing bodies and/or committees of regional, state, multistate, and national network organizations. They also serve on the governing bodies and/or committees of regional, state, multistate, and national professional associations that often play a direct role in the planning and development of cooperative activities. They may also serve on committees or review panels that assist state library agencies or federal agencies in the awarding of substantial grants for a wide variety of library programs. There are relatively few librarians involved in the administration and management of libraries in the United States who do not, in some fashion or another, also play a broader role in the profession and, especially, in cooperative activities that are directly linked to their own success or failure as well as to the growth and development of the library in which they work.

Most of those librarians—even if asked—undoubtedly would not think that their participation in such activities, especially if that participation is clearly on behalf of their own institution, raises any ethical questions for two reasons. First is the fact that in almost every case there is no question of personal gain. Second is the fact that in almost every case there appears, on the surface, to be no conflict between the goals and objectives of their own institution and those of the activity, association, organization, or program in which they are participating on behalf of their institution. Indeed most such participation is clearly intended to help facilitate the development of programs and/or access to services that will benefit the individual's institution. Both of these reasons require careful analysis.

In most cases, there is, in fact, no question of any direct personal payment to the individual librarian, but there may often be perquisites such as the payment of travel expenses; time due to the parent institution may be directed to a cooperative effort; there is always prestige to be gained; consulting opportunities may present themselves; and participation in cooperative efforts may lead to new job opportunities including, in many cases, ones with an association or organization. Increasingly, as for example in the case of the OCLC Board of Trustees, individuals may receive direct payment for their service to a cooperative body.

It is by no means always clear that the goals and objectives of the individual library and those of a cooperative association or organization are identical. In another context, the National Collegiate

Athletic Association (NCAA) has certainly demonstrated that. Each
has its own mission. Each seeks to strengthen itself. It may not always
be appropriate to use the time and resources of an institution to
support an individual librarian's work on behalf of a larger
cooperative effort. Even when goals and objectives may be identical,
and even when a librarian's primary employer may fully support
a librarian's participation in such an effort, there remains the distinct
possibility that such participation will allow him or her to help
direct the goals and programs of the cooperative effort to meet the
needs and interests of his or her own library.

Simple answers no longer suffice in these complex situations
especially at a time when there is an increased emphasis on
accountability and ethics in all parts of contemporary society. Actions
and decisions that, at first glance, may seem simple and
straightforward are too often fraught with difficulty. A substantial
number of situations arising from the common practice among
librarians of assuming multiple professional roles present substantial
ethical questions that require careful attention. We can no longer
simply assume—if we ever could—that librarians are all professionals
of good will whose actions are automatically honest and above board.
Even if we as individuals assume or know that they are, others may
question their integrity. Librarians are, at the very least, obligated
to make every effort to minimize situations that appear to allow them
to take advantage of their own institution to work for other bodies,
allow their own institution directly or indirectly to benefit from the
work for such bodies, or—in rare cases—place them in the position
of appearing to support the goals and objectives of other bodies that
may not be in the best interest of their own institution.

Did Dui Do It?

These are by no means new issues for librarians. They are ones
that have existed since at least 1876. The subtitle of this essay—*Did
Dui Do It?*—is not entirely facetious. It is meant to suggest that just
as Melvil Dewey can be credited with many of the positive aspects
of the growth of librarianship in the United States in the late
nineteenth and early twentieth centuries, he also can be credited with
having been among the first to find himself in the kind of situations
in which diverse institutional and professional—and sometimes even
personal—loyalties may create substantial conflicts of interest for
librarians. Throughout his professional career, Dewey played many
roles simultaneously. While employed primarily as secretary of the
American Library Association, he continued, of course, to develop
and market the Dewey Decimal Classification to libraries as a private
enterprise. He developed, as an outgrowth of the Supplies Committee

of the American Library Association, the Library Bureau as an independent commercial firm producing and selling equipment and supplies to libraries. While librarian at Columbia University, he established and operated—apparently without official sanction and with the admission of women students under circumstances that ultimately brought him into direct conflict with the Board of Trustees of Columbia University—the School of Library Economy. He presumably saw that school as meeting a broad professional need that he assumed was in the best interests of librarianship even though it was not necessarily in accord with what the trustees saw as the best interests of Columbia University. Ultimately Dewey was forced out of an active career in librarianship because of his leading role in the Lake Placid Club which discriminated in its membership. There is little evidence to suggest that Dewey ever considered any of those situations to raise ethical questions that he, or others, needed to be concerned about. Dewey's lasting legacy to librarianship in this regard may be his lack of concern about such issues. That lack of concern is no longer appropriate. As additional examples will make clear, librarians need to pay serious attention to developing appropriate standards of behavior in situations that arise when they undertake multiple roles.

CASE STUDIES

In order to clarify the extent to which what may appear to be innocuous situations are, in fact, fraught with potential danger, it is important to examine in detail a number of typical cases that demonstrate, in both particular and general terms, the issues that one faces when he or she engages in an expanded professional role. It is important to demonstrate that these are indeed real day-to-day occurrences and not simply hypothetical situations. The discussion of these cases is intended only to illustrate the situations that frequently do arise and the questions that may be raised. It is not intended to suggest, in any fashion, that individual librarians— including this author—have not thought about the ethical implications of their actions, have in any way acted improperly, have acted for personal gain, or have acted solely in the best interests, or at times to the detriment, of their home institution. The discussion is intended only to be illustrative of situations that do occur with increasing regularity. It is by no means exhaustive. It should alert all librarians to the real necessity of examining carefully their behavior, and that of others, in situations in which they play multiple roles. It should alert librarians in particular to the need to act with due consideration not only for known motives and the reality of a

situation, but also for how others may regard those motives and the appearances of a situation.

A COPYRIGHT CASE

Frequently, as the first example demonstrates, librarians may have several different roles that create special challenges for them. In the mid-1980s, at a time when Nancy Marshall was an associate director at the University of Wisconsin at Madison Library, she was also chair of the American Library Association's Copyright Committee and a member of the OCLC Board of Trustees. As a library administrator and chair of ALA's Copyright Committee, Marshall presumably had a primary interest—since those two institutions shared common goals in this respect—in the maintenance of an interpretation of the Federal Copyright Law that allowed for the broadest possible latitude in the application of the fair use doctrine, always allowing, of course, for the fact that both of those institutions are publishers and, as publishers, might have interests to protect that would argue against, in some respects, a liberal interpretation of the fair use doctrine. More significant is the fact that, at that time, OCLC was seeking to copyright its bibliographic database in an action that brought widespread protest from many OCLC members and many library associations and organizations. It was widely felt that the question of ownership of the bibliographic records in the OCLC database was by no means clear and that OCLC's attempt to secure copyright in its name was not in the best interests of its members either as individual libraries or as members of a multistate network. As a member of the OCLC Board of Trustees, Marshall was publicly supporting that action—although presumably she might have been speaking against it in board meetings—and at a time when she was charged as chair of ALA's Copyright Committee with relaying information to the Legislation Committee "on the various aspects of the copyright law that are unsettled or on which there is a general lack of understanding among librarians." She was also doing so when, for example, the attorney general of Wisconsin was actively arguing against OCLC's proposed action. In that situation, Marshall was presumably faced with a complex problem in respect to reconciling her understanding and interpretation of the Federal Copyright Law with the differing interests and positions of the University of Wisconsin, the American Library Association, and OCLC as she simultaneously served and represented those three institutions.

OCLC

Since its founding in the late 1960s, OCLC has either created or contributed to a considerable number of complex situations, such

as that encountered by Marshall, in which librarians involved in its governance have been faced with difficult ethical decisions as they sought to meet the needs of OCLC while simultaneously representing the best interests of their libraries. Begun as a conscious effort to build a cooperative program that would offer a full range of automated services to libraries in Ohio, and supported financially primarily by its member libraries in Ohio with added support from the state, OCLC soon found itself with a highly successful cataloging system built around a shared bibliographic database to which libraries outside of Ohio wished to gain access. That left the Ohio membership, and in particular the original board of trustees, with a decision as to whether to adhere to their original plan of developing additional services built around that database for the Ohio members or to aggressively market its successful product to libraries outside Ohio. To what extent that issue was ever discussed in ethical terms is not clear, but it seems evident that even at that point, and certainly in hindsight, there was a discrepancy between what might have been in the best interests of the member libraries, and their investment and ongoing support of OCLC, and the best interests of OCLC as an independent organization. It could not have been an easy decision involving, as it must have, a myriad of financial, operational, legal, and systems considerations. That the final decision was in the best interest of OCLC is evident from its growth and development since that time. That the final decision may not have been in the best interests of the member libraries is evident from the current effort by academic libraries in Ohio to once again form a cooperative organization to develop a full-scale integrated library system for its members. That action clearly replicates the early goals of OCLC and suggests that the Ohio members of OCLC might have been better served had the earlier decision been to maintain OCLC as an Ohio based system. Whose interests did the then OCLC Board of Trustees and Ohio member libraries serve in making that decision?

The rapid growth and development of OCLC in the early 1970s placed heavy demands on the time of those librarians in Ohio who served on that board of trustees. That presumably placed them in a position, to one degree or another, that might have raised questions about their use of institutional time on behalf of OCLC, especially as its focus shifted to the development of a national program, and whether that use of their time was in the best interests of their own institutions. At OCLC and subsequently at other multistate networks, several members of the board of trustees went on to accept full-time positions with OCLC for which they were qualified primarily on the basis of the expertise that they had developed as members of the board and on the time and effort that they had volunteered to

OCLC. Such job movement represents, in general terms, the kind of "revolving door" situation that now raises serious ethical questions when an individual moves from a governmental position to employment with a private firm with which he or she had previously been dealing. It should perhaps raise the same kinds of questions for librarians.

NETWORK ACTIVITIES

The rapid development of networks in the early 1970s placed many librarians in the position of direct participation in the decision-making processes for those networks with relatively little experience and/or training in such matters. That was especially true in regard to decisions involving the marketing of OCLC services and the pricing of those and other network services. As they sought to balance the welfare of their own institution with the welfare of a multistate network as a whole, as well as with the welfare of all of its existing and/or potential members, those involved in network governance had to deal with complex issues with little guidance. As a member (1969-1979) and officer (vice chairman 1972-1973, chairman 1973-1975, controller 1977-1978, and president 1978-1979) of the NELINET Executive Committee and later the NELINET Board of Trustees, this author can, in this case, offer comments and observations based on direct active participation in the process. There were at least three major issues, typical of the issues faced by other networks at the same time, on which choices had to be made by those making the decisions that, at least in retrospect, raised serious ethical questions. I cannot recall that the NELINET Board ever specifically addressed the ethical implications of those situations, but, in each case, we certainly agonized over questions of equity throughout the process. In each instance the underlying question, as seen in retrospect, was whether we were acting in the best interest of our institutions or of the network as a whole. In each case it was evident at the time, and continues to be evident, that the individual librarians involved in the decision-making process at NELINET were motivated, for better or for worse, to act in the best interests of the network as a whole, and of all of its members, largely on the assumption that the long-term growth and development of NELINET was ultimately in the best interests of their institutions. That was often done without regard for, and frequently in direct conflict with, what would have clearly been in the best short-term interests of their institutions.

The first such issue at NELINET dealt with the possible recovery of the initial financial investment that the founding members of the network had made in establishing the organization. The possibility of recovering some of that investment by a charge-back to new

members was discussed but ultimately, as true in most other networks faced with this issue, the decision was made not to attempt to recover those costs despite the fact that to do so might have been of direct financial benefit to the libraries of those making the decision.

A second such issue at NELINET, and also in other networks, dealt with the apportionment of telecommunications costs and, in particular, whether or not telecommunications charges should be established with or without regard to the geographic location of the participating libraries. For individual libraries centrally located in respect to the network site, a decision to base telecommunication charges in direct relationship to geographic location would have been to their economic advantage; for libraries less favorably located, that same decision would have resulted in substantially higher charges that might have even prohibited them from participating in the network. Largely for reasons having to do with the felt need to promote the widest possible membership in the network from within all of New England, NELINET, like most other networks, elected to make telecommunications charges distance independent. Several librarians whose institutions stood to benefit, and in some cases substantially, from a different decision readily supported that action.

Far more complex, both because in most cases it had less direct influence on the growth and development of the network and because there were numerous possible gradations in the scale of charges, were the decisions—plural because as network charges were reviewed annually, this factor was examined carefully several times—as to how to apportion costs, including telecommunications, among libraries on the basis of size. Charging member libraries, for example, for telecommunications on a per terminal or a per institution basis was one option that was frequently reviewed. The decisions in this area, at least within NELINET, should have raised serious ethical questions perhaps largely because of the way in which they were most typically addressed. As the NELINET Executive Committee struggled with this issue, the process began with the development of the total operating budget required to support NELINET's programs and services for the coming fiscal year. That, in turn, led to a discussion of how best to apportion charges to produce the level of income needed to support the requisite budget. Most often the NELINET staff produced several detailed algorithms describing how charges might be assessed on the basis of various factors always including, in particular, the size of the participating libraries. There was always a serious effort to arrive at a balanced decision that would, in general, allow the network to accommodate and support membership by smaller libraries. Unlike the distance-related telecommunications issue, it was never an outright yes or no decision. It was always

a question of fine tuning to arrive at an appropriate point on a continuum that would balance the needs of smaller and larger libraries. In that respect, the members of the executive committee were faced with a continuing ethical challenge as they sought to arrive at a decision that directly affected their budgets and the needs and interests of their institutions as well as the budget and the needs and interests of NELINET.

The underlying concept of encompassing the needs of the individual library within the needs of the larger organization—on the grounds that the long-term growth of the larger institution is always in the best interests of the individual library—is how network decisions may have most often been rationalized, but whether or not, in fact, that principle has guided individual votes and particular decisions is by no means certain. The possibility of votes and decisions being arrived at primarily on the basis of self-interest always exists.

The issue of network governance rapidly became extremely complicated in the late 1970s as more and more network organizations came into existence and as OCLC changed its governance structure. In that process, many participating librarians found themselves involved in a multitude of roles that made it difficult, if not impossible, to keep a sense of balance or proportion. It soon became possible for an individual librarian, who began with and maintained a basic responsibility for the effective oversight of his or her own libraries' finances and operations, to serve simultaneously on the board of a multistate network, the OCLC Users Council (on which this author served from 1978-1981), and/or the OCLC Board of Trustees and, indeed, to be an officer in two or more of those network organizations at the same time. The somewhat later development, in the early 1980s, of a variety of smaller regional shared automated systems within individual states, almost all of which have also typically developed a shared governance structure of some kind, has only served to expand such opportunities.

The most difficult issues regularly faced by individual librarians in such situations, whether or not they fully recognize the ethical implications involved in the decision-making process, have to do not with the immediate question at hand but with the broader question of which set of interests they represent in their involvement in the decision-making process in various organizations. Neither the assumption that there is a common set of goals and objectives—witness the questions involved in the effort to copyright the OCLC database— nor the assumption that the goals of the "higher" level organization always take precedence—witness the fact that an institution employing an individual librarian generally does so with the explicit understanding that the person's primary responsibility is to represent

the needs of that institution—are adequate guides to action. Each issue is likely to be somewhat different, especially in respect to the convergence or identity of interests, and each individual is likely to respond in a somewhat different way.

HARD CASES

As complex as the issues of representation in network governance may be, they are by no means the most difficult ethical situations that have arisen from the growth and development of networks in the past two decades. They are, at least, issues in which it is presumed that individuals have acted in the best interest of one or more of the parties that they represent. At worst they involve issues in which it might be suggested that an individual had sought to influence a network decision to the direct economic benefit of his or her library to the detriment of other participating libraries. The development of networks, however, has also created situations in which it is possible for individuals to use a network's services to the advantage of his or her library without disadvantaging other members or the network as a whole—and indeed perhaps even substantially benefiting them—but in ways that raise serious ethical questions.

The recent case, which attracted widespread national attention for its ethical implications, in which individuals in the Department of Defense (DoD) used the Pentagon library's membership in FEDLINK to expedite nonlibrary related consulting contracts, in apparent violation of DoD's procurement regulations, is the most noteworthy example. A considerable portion of FEDLINK's budget, including overhead costs that supported the overall operation of the network and reduced the costs to other participating libraries, came from such contracts. That inappropriate use of a library network, despite the fact that it benefitted the network and its members, represented a kind of obvious unethical behavior that was quickly stopped by the Librarian of Congress when he was made aware of it. This is perhaps the only clear cut case of unethical library network organizational behavior that has yet come to light.

But what of another far more common example, which has become a standard practice in many networks and that benefits both the network and its member libraries? In the initial development of financial policies in most of the OCLC affiliated networks, a decision was made, primarily for operational reasons, to offer participating libraries the opportunity to pay for OCLC and other services on an annual-in-advance basis with an appropriate discount for prepayment. Those pricing policies generally have remained in effect even though OCLC's pricing policies have made it just as economical for a network to pay OCLC on a monthly-after-the-fact

basis. By offering a discounted price for these services, payment for
which may represent a substantial portion of a library's operational
budget, the networks have become, in effect, bankers. This policy
decision has allowed individual libraries to augment their budget
in a way that is not available to it within its own institution by
depositing funds in a network account where these funds can earn
interest for the network before being expended for OCLC or other
external services. The library then shares in that interest income both
through reduced costs and through the ability of the network to
develop a reserve fund that may be used to generate additional income
that in turn may keep price increases down, support network growth
and development, or fund the establishment of new services. That
appears to be a reasonable network policy decision and a sensible
library operational decision that benefits both parties. Since most
libraries are a part of another institution and do not have direct
control over their own funds, that policy decision—especially to the
extent that individual librarians may be involved in the establishment
or application of that policy at the network level—and its application
within an individual library raises serious ethical considerations. If
reviewed carefully by auditors and/or other institutional officials,
that approach to the funding of networks and the payment for network
services might well be called into question. Investment policies are
typically handled at the institutional level, or, in the case of many
publicly supported institutions, at a governmental level. An
individual library is not generally free to take funds allocated to it
for operational purposes and place these funds in a bank account
to earn interest for the library—not the institution—during the year.
By utilizing the network's payment-in-advance policy, which it may
have helped establish, the library is gaining an economic advantage
in what may be a questionable fashion at the expense of its own
institution or of the governmental body that provides the institution's
financial resources. This is now a commonly accepted practice that
appears to be a perfectly reasonable way for a library, in accordance
with its internal goals and objectives, to make the most effective
use of its resources. It may well be a questionable practice when
viewed from the broader perspective of institutional policies,
procedures, and goals. It certainly raises serious ethical questions
in respect to the extent to which individual librarians involved in
the development and application of network policies may be able
to manipulate those policies to their advantage—and to the advantage
of the network and other member libraries—at the expense of their
own institution or the governmental body that supports it.

THE CONNLINET COUNCIL

A story in *The Chronicle of Philanthropy* (January 10, 1989, pp. 11-12) reported on the conflict of interest issues raised by the relatively common practice of allowing the staff and board members of a foundation awarding grants to serve on the boards of nonprofit organizations that may be seeking grants from that foundation. The issues raised are serious and substantial. While the particular issues may not be directly applicable to libraries, there are certainly a number of analogous instances in librarianship that raise similar questions. There are many situations in which librarians, representing individual institutions, serve on a policy-making body, and/or a grant-awarding body, that places them in a position to influence the development of policies and/or the awarding of grants—even if they may abstain from voting when the issue directly involves their own library—that directly or indirectly benefit their own library.

The work of the Connlinet Council, established by the Connecticut State Library Board in the mid-1980s pursuant to state law, is an example of how complex these matters can become and of the serious ethical issues that may develop. The Connlinet Council was responsible for the development of policies and plans relating to the establishment of automated library services in Connecticut, the drafting and preliminary approval of regulations governing the awarding of state automation grants, and the review of applications for those grants in order to make recommendations to the State Library Board. As a member (1984-1988) and officer (chairman 1985-1988) of the Connlinet Council, this author once again had first hand experience in working through what turned out to be a series of issues in which the council faced ethical considerations. In contrast to the earlier experience in NELINET where ethical considerations largely remained in the background and were seldom raised directly, the Connlinet Council frequently discussed ethical considerations directly and at some length. Policy statements governing potential conflict of interest situations not covered by state law were drafted and, although ultimately never fully adopted, served as the basis for individual actions particularly in respect to participation in the discussion and review of grant applications.

By the time the Connlinet Council was established, libraries in Connecticut had already had considerable experience with a wide range of automated programs and services. In addition to substantial participation in NELINET and OCLC, there were five well-established shared automated systems in operation and extensive independent use of various kinds of library automation. The passage of the state law authorizing automation grants and the establishment of the Connlinet Council was the direct result of extensive work

involving a variety of individuals and libraries, including the Connecticut State Library, over a period of years. Appointments to the Connlinet Council were, as one might have expected, made with careful attention to the deliberate inclusion of individuals with considerable experience in the application of automation to library services in the state with a particular emphasis on those who had been involved in shared systems and other cooperative programs. From the start, the majority of members of the Connlinet Council were individuals who had at least dual, frequently triple, and sometimes quadruple interests in the outcome of the council's work. Individual librarians, for example, most typically represented libraries that actively participated in one of six Cooperating Library Service Units (CLSUs) as well as in one of the five shared automated systems. In addition, staff members of one or more of the CLSUs and/or shared automated systems served on the Connlinet Council throughout its existence. At all times, the membership of the Connlinet Council consisted predominantly of individuals who had a direct institutional and/or organizational interest in the growth and development of automation in Connecticut not only from the perspective of the information welfare of the citizens of the state as a whole—a fact that was never questioned—but from the perspective of their individual libraries as well as various cooperative associations and organizations.

In the initial formulation of policy by Connlinet, for example, a decision was made—based primarily on the language of the authorizing legislation that was a direct outgrowth of earlier library planning efforts—to concentrate on support for automated programs and services of a cooperative nature and to exclude, or minimize, support for stand-alone automated systems in individual libraries. That policy decision effectively precluded support to several large public libraries in Connecticut that had stand-alone systems and that were not represented on the council. That decision, which was formally accepted by the State Library Board, governed the work of the Connlinet Council. It was presumably in the best long-term interests of the citizens of Connecticut and of the state government in respect to the sharing of library resources. It was also clearly in the best interests of those libraries and organizations whose representatives constituted most of the Connlinet Council.

Over several years, as the Connlinet Council reviewed and recommended substantial automation grants, the grant review process itself presented interesting dilemmas for virtually every member of the council at one time or another. The simple question, for example, of what information it was, or was not, appropriate for members of the council whose institutions were applying for a grant to share

with other members in the discussion of grant applications—a
discussion that always took place, as required under Connecticut's
Freedom of Information Act, in an announced public meeting,
although others seldom attended those meetings—was frequently a
matter of concern especially if the application was not clear or some
adjustment in the amount of awards was called for.

Abstention from voting on grant applications was, of course,
the accepted practice when it involved a member's own library or
organization or any library that participated in a member's
organization. In addition, librarians representing libraries served by
a shared system typically abstained from voting on *any* grant
application that involved the shared system, including the funding
of new members, since their library might gain some direct or indirect
benefit from the awarding of a grant. There were few grant
applications in which there were not several abstentions; in fact, the
broad application of potential conflict of interest rules might have
required, in some cases, a majority of the members to abstain. The
process called only for the Connlinet Council to review grant
applications and to make recommendations to the State Library Board
(whose membership was always less directly involved in library
programs), which had ultimate responsibility for awarding the grants.
The State Library Board never questioned the council's recom-
mendations, and there were no formal appeals to the State Library
Board involving any of those recommendations.

Throughout the course of its work, the Connlinet Council
regularly and frequently discussed various ethical questions especially
as they involved potential conflicts of interest raised by the application
of its policies and procedures. All of its members made a serious
and conscientious effort to be guided primarily by the overall needs
and interests of sound statewide automation planning. Yet, because
of the intricate existing pattern of library automation and network
services in Connecticut, it was virtually impossible to ascertain the
extent to which any individual involved in the Connlinet Council
could easily determine whom he or she might have represented at
a particular point in time or on a particular issue. Nor was it possible
to determine the extent to which the goals of a particular policy
or program were truly shared goals of broad benefit to all libraries
and all citizens as against the extent to which they were more limited
goals of benefit only to a particular library, network, shared system,
or other segment of the library community. Today, only a few years
later, it would be even more difficult to develop policies and plans
for broad-based shared network services in Connecticut without the
active involvement of a wide spectrum of individuals who already
have one or more sets of vested interests.

Suggestions

The general description of some of the ethical issues generated by the multiple roles that so many librarians assume as they represent their libraries in cooperative activities, along with the specific examples presented earlier, serves to illustrate the complex situations that we face. That description and those examples should help heighten awareness among librarians of the extent to which the multiple roles that we all so frequently now play do raise serious ethical challenges. As is so often the case, an awareness of those issues, and a willingness to take them into account in our actions, is an important first step. There may, indeed, be relatively few additional specific steps that librarians can take to make certain that they act in an ethical fashion when confronted with situations in which the various roles that they assume raise questions of potential conflicts of interest.

There are, however, a few suggestions based on or derived in large measure from the examples cited earlier, that can be offered. Together these suggestions may form the beginnings of a code of practices to augment ALA's Code of Ethics, which fails to address these issues. It also seems clear that the ALA Council's Committee on Professional Ethics should be encouraged to develop a revision of that code that speaks directly to the ethical considerations raised when librarians serve on representative bodies. It also seems reasonable to suggest that individual networks, shared systems, and other cooperative activities, committees, and organizations should develop their own formal statements of ethical behavior to describe their expectations of the way in which representatives from member libraries should conduct themselves.

The primary responsibility for these matters continues to reside, as it always has, with the individual librarian. As professionals, it is up to us to abide by high standards of behavior and to avoid situations and/or actions in which personal integrity may be called into question.

Librarians should accept, as a general principle, the idea that our primary loyalty and obligation is to the library or institution by which we are employed. Librarians should comply fully with the policies and regulations of the library and institution especially in respect to those governing such matters as the use of time or payment for external services. We should assist in the development of, understand, and accept the mission statements of the library and institution and their goals and objectives. In serving on other bodies, librarians should recognize that we are doing so as a representative of our own library and institution and should make every effort to be certain that there is no conflict between the mission and the goals

and objectives of that body and those of our library or institution. The decision to serve in some capacity with an external organization or association should be reached only after there is a clear understanding that such service is in harmony, and not in conflict, with our primary employment and assignment. Where there is an obvious conflict, we should not serve or at least be prepared to explain to all concerned, the nature of any potential conflict of interest. In some cases it may be desirable to review the possible conflict beforehand with an immediate supervisor.

Clearly librarians should abstain from voting, or otherwise taking any direct action, on any matter before an association or organization on which they serve when it is evident that either they or the library or institution for which they work may benefit, directly or indirectly, from that vote or other action. Librarians should, in every case, be careful, at the very least, to make certain that all involved are fully aware of the various groups and interests that they may represent.

The generally accepted principle of making a decision that serves the greater good or the "higher" organization, which is especially prevalent in cooperative associations and organizations, needs to be carefully thought through. Potential conflict between the needs of a cooperative body and the needs of its members' libraries should be identified and discussed thoroughly to determine appropriate courses of action. Librarians should be careful not to use their role in an external association or organization to help shape policies or procedures that can be seen as enabling themselves or others to somehow circumvent established institutional policies and procedures to the benefit of their library. Nor should they use their role in such a group to shape policies and procedures that can be seen as providing direct or indirect benefit to them or to their library. We should, again, be certain that all involved know and understand how a decision in which we are participating may affect the library.

Since the issues are so complex, and since there is a lack of clear guidelines to govern current practices, it is, above all, the free and frank discussion of these issues that is critical. All who are involved must understand these issues and act thoughtfully and responsibly in offering guidance and direction to themselves and others. That we have come a long way toward a better understanding of these issues is amply demonstrated by the sharp contrast in the work of the NELINET Board in the 1970s and the Connlinet Council in the 1980s. Although both faced what were, in fact, serious ethical considerations as they dealt with important policy decisions, there was little or no direct discussion of those considerations in NELINET, but there was lengthy and protracted discussion in Connlinet. We still have, however, a long way to go especially in more clearly

articulating the issues and in developing formal statements to guide
our behavior rather than continuing to rely on individual librarians
to exercise sound judgment.

"Which Hat Are You Wearing Today?" Ethical Challenges in Dual Employment

SUSAN N. BJØRNER

ABSTRACT
SUBSTANTIAL NUMBERS OF LIBRARIANS today are taking on free-lance activities in addition to their employment, and information entrepreneurs struggling to develop their independent businesses often find it necessary to supplement their income with library employment. The part-time employee/part-time business person can face a variety of conflict-of-interest situations. This essay establishes a framework for personal decision making for individuals confronted with questions of conflict of interest, through the examination of codes of ethics pertinent to the information professions, organizational relationships, and sample institutional rules and guidelines.

INTRODUCTION
Substantial numbers of librarians today are taking on free-lance activities in addition to their employment, and information entrepreneurs struggling to develop their independent businesses often find it necessary to supplement their income with library employment. The part-time employee/part-time business person can face a variety of conflict of interest situations. What guidance is there for the individual facing these challenges?

This discussion focuses on the individual librarian who has participated in a professional program in a school of library and/or information studies, who is employed within a traditional library/information center, and who is simultaneously extending the work life beyond the walls of a particular library to some degree of self-employment in a field involving the provision of information or

the performance of information-related activities. Such activities may involve information brokering, document delivery, information analysis, indexing, writing, editing, publishing, consulting, training, or a combination of these or other activities. The outside pursuits are remunerated by payment to the individual or to an independent organization in which the librarian is the sole proprietor, a partner, or a principal of managerial/executive rank. It is assumed that the time and financial resources devoted to the outside activity are sufficient in quantity to qualify it as an activity of considerable importance to the individual librarian's current and/or future career. In other words, this article is about individuals who have two employers of equal value. It is concerned with the possibility of ethical conflicts between the two aspects of the individual's professional engagement when he or she is involved in similar activities within those two concerns. The discussion is directed to librarians who are in such a dual employment situation and to their employers.

GROWING NUMBERS OF ENTREPRENEURIAL LIBRARIANS

Professional organization statistics show that a number of librarians are interested in entrepreneurial activities, whether instead of or in addition to, traditional library employment. ILERT, the Independent Librarians' Exchange Round Table of the American Library Association (ALA), has grown to more than 225 members in the few years since its founding as a discussion group (American Library Association, 1988). According to its member brochure, ILERT includes the following groups among its constituency: free-lance librarians, information brokers, entrepreneur librarians, library association staff, indexers/abstractors, consultants, information managers, records managers, storytellers, vendors, publishers, trainers, database managers, and information systems analysts. Its members may be engaged in these activities full-time or part-time, but they uniformly consider themselves in some regard involved in the library profession, as their membership in ILERT presupposes membership in ALA.

The Special Libraries Association has a Consultants Section of 821 members within its Library Management Division (Special Libraries Association, 1989, p. 5). A large number of those members list their current membership mailing address at a corporate or academic library.

The Association of Independent Information Professionals (AIIP), founded in 1987, has 150 members, 80 percent of whom acknowledge librarianship as part of their professional preparation (Association of Independent Information Professionals, 1989). Many

AIIP members include libraries and/or librarians among their current client base, and some define their services to include "library support."

ETHICAL CONFLICTS?

Are there ethical challenges for those individuals who combine, in various degrees and ways, traditional employment and independent entrepreneurial activities? Consider the following scenarios:

- Nancy and Patricia have worked for eight years to institute and develop a fee-based information service for industrial clients as a joint project between the library and school of business within the university. Although the service is successful in attracting clients, a general financial retrenchment cuts the personnel budget from 2 to 1.5 FTE. Patricia, whose hours were reduced, cannot continue to serve the same number of clients within her shortened work time as she once did. However, the clients keep on coming. Why not set up an independent business on her own at home with the purpose of serving those clients who would otherwise now be turned away?

- As an independent contractor, Owen is nearing the end of a year-long project—the writing of a technical manual. The word processing software on which the manual was developed was made available by the company with whom Owen contracted for the duration of the project. Now Owen, in his capacity as librarian, is getting ready to take on a big writing assignment within his library. He wants to use the software which, by now, he knows as well as the back of his hand, but it takes three months to get a purchase request through the library bureaucracy. Should he "borrow" a copy until the library copy comes through?

- As consultant to a publisher, Joan has been asked to attend a national conference and take a turn in the publisher's booth in the exhibit hall. She would normally be attending the same conference as part of her library employment. Neither her library employer nor her publisher will reimburse the total costs of registration, travel, meals, and lodging for the conference, but through thoughtful maneuvering, Joan has managed to coordinate a system that should satisfy her library, her publisher, her conscience, and the IRS. What affiliation should she list on her registration badge?

Clearly, the environments in which these individuals work, and the variety of situations to which they are exposed, do not allow for easy solutions to their ethical dilemmas. Indeed, since ethics goes beyond the rules and legalities of any given environment, what is a problem for one individual may not be so for another. But regardless

of the environment, there exists the potential for problems when a library employee is also a business owner.

Horner (1984) has described the situation of straddling the two worlds of children's librarian and free-lance storyteller and pinpointed the essential issue involved. "It is very important for the free lancer to maintain a clear boundary between the institutional job and the independent business" (p. 285). She speaks of potential problems in combining her independent storytelling with her work in a public library in terms of fatigue, scheduling, public misconceptions of services and charges, and staff reactions to her high visibility.

In discussions with librarians who combine employment with free-lance or other independent information work, and in reflection on this author's personal situation during the past five years, it was found that the issues described by Horner are common to many situations of dual professional interest, regardless of where the librarian is employed and which activities are the focus of his or her independent and library interest. Problems associated with the situation of "dual loyalty" most frequently are characterized by an inability to maintain strict boundaries between the two pursuits. Independent business people usually have learned to keep good track of their time and business expenditures for the purpose of charging back to individual clients and therefore should be able to make equal distinctions between their employment environment and their business operation. But is the movement from the employment day to the business day as simple as removing one hat and replacing it with another? Even if the individual is conscientious about separating the aspects of his or her work, the demands of good service, the advantages of modern office technology, the flexibility of current work schedules, and human nature can all conspire to keep those hats in perpetual motion.

● If an individual puts extra hours into a rush job for the independent business, how much energy is left for the hours required by that individual as a staff member? If he stays late at the library to cover the reference desk during a staff illness, what happens to the three hours of independent work he was planning to do that night?

● What happens when an outside client telephones the independent at the library—even after a request has been made to delay those calls to an appropriate time? Is it fair to call a client from the library if the call is charged to the business?

● Is it inappropriate to consult a business reference directory in the library's collection for an independent client while doing reference desk duty for the library?

● Of course it is wrong to steal supplies from an employer to supply

one's own business, but sometimes pencils or paper clips inadvertently end up in the wrong desk; does this extend to computer disks, ribbons, or paper? Does one desk benefit more than the other?

- Is it wrong to check business electronic mail after hours at the employer's location, since the business password will be used?
- Should one make phone calls to committee members in professional associations from the employer's or the business phone?

These situations illustrate examples of mingling business and library time and resources, both physical and mental. But some of the toughest problems occur when there is the potential for stealing clients or mixing services, or when the business client fails to distinguish between the employee's organization and the independent's organization.

- If an information broker works in a fee-based library unit which serves internal and external clients at differential rates and he performs a search at work for his own client, should he pay the library's internal or external rates?
- How hard will an independent storyteller push her library employer to expand its storytelling service beyond children to adults if she derives much of her independent business from the adult market?
- Does the mention of a current library affiliation in the independent's sales brochure create inappropriate expectations on the part of potential clients? How is this different from listing past affiliations on a resume?

The purpose of this essay is not to list a multitude of instances in which there could be a possible conflict of interest. There are far too many situations to discuss in one setting, although many have been mentioned elsewhere (Dragich, 1989; Hauptman, 1988; Mintz, 1985; Stevens, 1986). Nor is it to posit definitive answers to what is right or wrong in a particular situation. It is rare that a single answer will satisfy all circumstances.

This is an age of shifting societal expectations and conflicting values. Individual actions, when confronted with questions akin to those cited earlier, will inevitably be influenced by a person's own ethical framework and the pragmatics of the situation. This discussion attempts to answer the question "When an individual faces an ethical challenge, where can he or she look for assistance in analyzing that challenge?" It describes three areas that can provide direction in formulating a personal framework for ethical decision making in the situation of dual professional loyalties: (1) professional codes of

ethics; (2) the organizational environment; and (3) institutional rules and guidelines.

PROFESSIONAL CODES OF ETHICS

The establishment of a code of ethics is one of the characteristics normally identified with the qualification of an occupation as a profession (Carey, 1966). Thus, professional societies may adopt codes of ethics for their members in order to legitimize their claims as professions. Codes of ethics serve other purposes as well. Frankel (1989, pp. 111-12) has described eight functions of professional codes: (1) they serve as enabling documents, pointing the direction for professionals to take when they encounter novel problems in their practice; (2) they serve as a source of public evaluation, letting the public know what they can expect from members of the profession; (3) they perform professional socialization by helping to foster member pride in the profession and strengthening professional identity; (4) they can enhance the profession's reputation and public trust; (5) they may preserve entrenched professional biases; (6) they may function as a deterrent to unethical behavior by providing for sanctions and/or by requiring professionals to report unethical behavior of colleagues; (7) they may provide a support system to bolster the profession against unreasonable demands on its skills by outsiders; and (8) they may serve as a forum for adjudication of disputes among members or between members and outsiders.

For whatever purposes a code is drafted, its adoption by a professional society signifies to society at large its most significant values. Frankel goes on to identify three types of codes: aspirational, educational, and regulatory.

An aspirational code states ideals which professionals should use to guide their practice. An educational code provides extensive commentary and interpretation to demonstrate how its provisions can be helpful in deciding ethical issues in practice. A regulatory code includes detailed rules to govern conduct and attempts to enforce those rules through monitoring and sanctions.

None of the codes included in the following discussion are regulatory in nature. To some degree, they each touch on educational issues, but, for the most part, they are aspirational codes. As such, they espouse ideals for behavior in the professional groups for which they are written and are open to interpretation by individual practitioners in relation to specific situations. Since the fundamental situation under examination crosses over the boundary of a single professional group, it obviously becomes incumbent upon the information professional operating as both a librarian and an

independent to consider the aspirational goals of both professional groups.

The ALA Code

As a librarian, one might look at the Statement of Professional Ethics reprinted on the back of the American Library Association membership card (American Library Association, 1982, p. 595). The final provision within a code which otherwise espouses justifiably high minded ideals of quality of service, resistance to censorship, protection of the rights of privacy, and adherence to principles of due process and equality of opportunity speaks rather prohibitively, however, to the scenarios mentioned earlier in this discussion. "Librarians must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the employing institution."

There are, perhaps, those who would take a narrow look at the above statement and conclude that any situation in which a librarian expected financial reimbursement outside of regular employment would be one to be avoided, and, that therefore, librarians ought not to be in business for themselves, or at least not if they are simultaneously employees of libraries. Those in business for themselves, however, commonly report that they perform information services beyond and outside of those generally offered by libraries, which must tailor their service offerings to what their funding agency is willing and able to pay. These individuals, then, are not gaining financial benefits at the expense of general library users; they are serving people who the library cannot satisfy under its current budget and charging directly for that service. As such, they may foreshadow a growing demand for a particular service.

Adopted in 1981, the statement in the ALA code does not explicitly recognize the growing employment of librarians in alternative environments and consequently may be narrowly interpreted. The most distressing implication in the code statement is the admonishment to *avoid* difficult situations; certainly what is wanted is *responsible* and *ethical management* of such situations.

An aid in the development of responsible and ethical management of such conflict situations is given in Section V of the code: "Librarians must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of an institution or professional body" (American Library Association, 1982, p. 595). This statement, if carried beyond the intended purpose of drawing a visible line between personal and institutional philosophies and attitudes, to the drawing of a visible line between actions undertaken as an employee and actions undertaken in an independent professional

capacity, can serve as a positive guideline for those in dual employment.

AIIP Code of Ethics

Members of the Association of Independent Information Professionals adopted a code of ethical business practice in 1989 at their third national conference and annual meeting. It is reprinted here in its entirety:

> An independent information professional is an information entrepreneur who has demonstrated continuing expertise in the art of finding and organizing information. The independent information professional is unaffiliated with any institution, and provides information services to more than one client. Information professionals serve as objective intermediaries between the client and the information world.
>   They bear the following responsibilities:
>
> 1. To uphold the profession's reputation for honesty, competence, and confidentiality.
> 2. To give clients the most current and accurate information possible.
> 3. To help a client understand the sources of information used, and the degree of reliability which can be expected of them.
> 4. To accept only those projects which are legal and are not detrimental to our profession.
> 5. To respect client confidentiality.
> 6. To honor intellectual property rights, and to explain to clients what their obligations may be.
> 7. To maintain a professional relationship with libraries, and comply with all their rules of access.
> 8. To assume responsibility for employees' compliance with this code.

This code reflects the engagement of association members in for-profit information enterprises and speaks to the majority of members who focus their businesses on providing research services to several clients. It should be noted that the code was written by a young organization which is striving to interpret a new profession to the public. It is difficult to write and agree on a code when an organization is composed of members from a variety of backgrounds (Shaver, 1988, pp. 103, 106). Nevertheless, a preponderance of members, but by no means all, have been employed at one time or another within libraries. Several provisions (2, 3, 5, and 6) formulate and state ethical principles that are markedly similar to the aspirations of reference librarians while provision 7 explicitly acknowledges links to libraries.

The code attempts to explain the multiple client base of independent information professionals. "The independent information professional is unaffiliated with any institution, and provides information services to more than one client." In the opinion of this writer, a more apt wording would be: "The independent information professional is not affiliated with any single institution

and provides information services to multiple clients." Affiliation can take various forms; what is being said here is that the independent information professional accepts sole responsibility for her professional information service activities rather than sharing that responsibility with an employing institution.

The practice of serving multiple clients as independent information professionals can serve as a model for action in some dual employment situations. This code specifically mentions confidentiality as a characteristic that needs to be maintained in the multiple-client environment. The requirement of honesty is treated generally, but the concept of honesty, in a multiple-client environment, may have some very specific applications. Consider the scenario involving sharing of software mentioned earlier; the temptation to share software among several clients—library or otherwise—abounds in the multiple-client environment due to the heavy investment of individual time in learning to use complex software tools productively.

Code of the American Society for Information Science

The ASIS Code of Ethics for Information Professionals, under development during the period in which this article was being written (Barnes, personal communication, October 31, 1989) looks at the problem of information professionals engaged in a variety of activities and offers a framework for individuals to reflect on their ethical responsibilities in whatever capacity they are serving within the information profession. The American Society for Information Science recognizes the broad base of the "information profession." Its members share professional orientations with librarians, engineers, and researchers, among others, across employment areas in government, the commercial arena, and academia. The framework proposed, delineates four areas of responsibility: to individual persons, to the sponsor, to society, and to the profession. It is the notion of responsibility to the sponsor that provides help to the entrepreneurial librarian operating in a multiclient environment:

The contribution of the information professional is most often made through the offices of a sponsor—i.e., a client or employer. As such, the sponsor acquires certain special information rights, which there is an obligation to respect.

● Information professionals should maintain confidentiality of information belonging to the sponsor and should strictly observe nondisclosure agreements.
● Information professionals should avoid conflict of interest situations involving multiple sponsors.

- Information professionals should refuse assignments or contracts of a questionable nature and should inform sponsors of the objectionable nature of such an assignment or contract.
- Information professionals should, within the limits of their other obligations, strive to serve the sponsor's interests faithfully.

This code specifically acknowledges conflict of interest as a problem with multiple sponsors, and it particularly notes that a sponsor may be an employer or a client. However, its admonition to "avoid conflict of interest situations involving multiple sponsors" does not prohibit or advise against the situation of having multiple sponsors. Such a prohibition would be out of character considering the funding patterns of academic research in which many ASIS members are engaged. Rather, it uses the preamble to alert the information professional to the possibility of conflict of interest in those situations and urges the individual to attend to that possibility.

Moreover, the ASIS code absolutely denies any intent to be a regulatory code with sanctions against those who violate its provisions. By implication, it places its environment in Frankel's (1989) aspirational and educational spheres and explicitly sets as its purpose "to articulate the distinctive goals and ideals of the information profession, to guide the activities of its members, and to direct their thoughts into reflection on the ethical aspects of the profession" (Barnes, personal communication, October 31, 1989).

The double-hatted individual, involved in information activities in both the independent and employment arenas, may look to the foregoing codes of professional conduct as illustrative of the values prevalent from varying viewpoints within the information profession. That individual may further reflect on the ideals aspired to in the code statements and develop a framework from which to consider personal challenges within the specific situation in which he or she operates.

ORGANIZATIONAL ENVIRONMENT

In addition to considering the ethical aspirations espoused by librarians and by independent information professionals in their codes of ethics, individuals who share a professional life across two spheres should look toward the cultural environment within which their organizations operate—both the institutions in which they are employed and the organization by means of which they perform their independent activities. The potential conflict seems to be greatest when the independent organization provides the same type of service in which the principal is engaged in his library job. An example of this situation is the business of providing direct research services. An employed reference librarian also operates an information

brokerage outside of the library. The commonality between these two environments is that a single person is providing information service to distinct clients in exchange for some form of remuneration. It may be helpful to consider who is the employer of the service provider, who is the client, and who pays for the service.

Gray (1988) has delineated the position of information intermediaries in three types of organizations for the purposes of examining personal liability in information distribution. His discussion focuses on "those who assist users in identifying and accessing reliable sources of information for the users' own purposes or who themselves identify and access reliable sources on behalf of others and communicate the results to them" (p. 72). He distinguishes "at least three categories of 'information intermediaries': reference librarians, special librarians, and free-lance, independent, information brokers/specialists/researchers" (p. 72).

Gray's *reference librarian* is employed by an institution such as a public library, academic institution, government agency, or other such facility. The client of the reference librarian is the public or eligible users determined by the employer; the "client" receives the service at no cost (pp. 72-73). The cost of the service is paid by the employing institution.

Special librarians, according to Gray, are employed by organizations as "in-house librarians." The organization's employees are the "clients" and the employer pays for the service (pp. 72-73). Thus, in both the reference and special librarian environments, there is a marked separation between the agency paying for the service and the user receiving the service. Although the interactions of the service provider with various service receivers are probably individual, personal, and frequent, interactions with the funding agency may well be as infrequent and impersonal as a monthly direct-deposit paycheck.

Gray's *information broker* is a self-employed independent contractor whose clients are self-selecting and who pay directly for the service for which they contract. "The information broker is an independent contractor who does for a fee for his or her client what the special librarian does for pay and fringe benefits for his or her employer, while there is no exchange of consideration between the reference librarian and the patron. Although all three professionals provide...the same...services...the relationship to their respective users is different....The distinction is crucial because the *nature of the relationship* determines the *legal* result regarding personal liability" [emphasis added] (p. 73). The nature of the relationship may also be presumed to influence the ethical responsibilities of reference

librarian/special librarian/information broker even beyond the
specific situation of liability. Surely the librarian/information
entrepreneur has responsibilities to his respective users, in both
capacities, and to his respective employers, including himself as
business owner.

Although helpful in clarifying the relationships of individual
information providers, their clients, and their employers in traditional
library and information broker environments, Gray's definitions do
not explicitly take into consideration fee-based information services
within special, academic, and public library settings. He goes on,
however, to acknowledge the change in relationships created when
academic and public libraries establish policies allowing them to
"provide specialized information services to specialized users on a
contract basis for a fee" (p. 80).

Warner (1989) has examined the issue of libraries charging fees
for service and reports that special libraries charge fees in three ways:
(1) charging back internally within the organization, (2) charging
out to customers who are already clients of the parent organization,
and (3) selling information services and products directly to not
otherwise affiliated customers (p. 275). Presumably the first charge
model classifies the librarian service provider within Gray's *special
librarian* category, with the consequent separation of service funder
and service receiver. The third model classifies the *organization* (but
not the librarian) in the *information broker* category, with the service
provider being an employee of the information broker/special library.

The second charge model, according to Warner, is "occurring
increasingly in virtually all kinds of special libraries" and she names
law firms; advertising agencies; research and development labs;
medical centers; planning agencies; engineering design, and
accounting firms as participating in the practice (p. 276). The second
charge model—information fees charged out to the firm's clients by
the library/information center—may easily lead to alterations in the
employer/client/service provider relationship by promoting direct
contact between the client and service provider, with the possibility
of removing the employer to an even more remote location.

Gray categorized reference librarians, special librarians, and
information brokers for the purpose of disputing the notion that
"the person who provides the information is liable for harm caused
by it" (p. 71) in the consideration of malpractice liability, and, among
other conclusions, he determined that the individual reference
librarian or special librarian could not be held legally liable for
malpractice. This author concurs with his analysis but suggests that
when the legal framework is broadened to an ethical framework,
the matter of relationships among the various parties and the

consequences of those relationships becomes more difficult. When a distant relationship prevails between the service funder and the service provider, while a close relationship prevails between service provider and clients, the possibility of client poaching from library to independent organization can be tempting for the service provider *and for the client,* who reasonably may envision direct service from the independent competitor as faster, cheaper, more flexible, and equal in quality to the service provided through the library. Should the funder/provider relationship turn negative for any reason, severe tests of that delicate balance may be expected.

Maintaining a distinct separation between the type of service provided in the employment situation and that provided in the business position can be expected to minimize the likelihood of conflicts of interest. When a strict separation cannot be maintained, however, it may be helpful to review the structure of the relationships and consequent responsibilities among funder, provider, and client in the two organizational environments in which the service provider operates.

INSTITUTIONAL RULES AND GUIDELINES

Increasing national sensitivity to problems of conflict of interest and ethics in business and government have prompted some institutions to address the issue with statements of policy and/or rules. Employees of such institutions must be cognizant of the policies so stated, for those statements may carry the force of regulation. Examination of such policies even by unaffected individuals, however, can be helpful in delineating issues and suggesting actions for dealing with ethical problems.

The MIT Personnel Policy Manual (1989) includes the following statement in its Policy on Conflict of Interest:

> It is the policy of the Institute that its officers, faculty, staff, and others acting on its behalf have the obligation to avoid ethical, legal, financial, or other conflicts of interest and to ensure that their activities and interests do not conflict with their obligations to the Institute or its welfare. Essential to effective administration and adherence to this policy are: a) disclosure to designated Institute officers of outside activities and interests, including financial interests, which might give rise to conflicts, and b) ready availability of advice and consultation to individuals and to Institute Department Heads on any situation. (Section 3.5, p. 1)

Accordingly, staff within the organization are asked each May, in a one-page form, to summarize their outside professional activities and interests by listing activities in which they have engaged throughout the previous year, whether compensated or not, in consulting, teaching, board memberships, professional society committees, and the like. Specific information called for includes name of company or organization, nature of the work relationship,

number of days engaged per year, and a statement of whether
compensation was paid (but not how much). In addition, staff are
asked to disclose any company or organization in which they have
substantial financial interest or managerial responsibility, and any
full- or part-time appointments held outside the institute. Finally,
there is space to answer the question: "Considering the Institute policy
on conflict of interest, in your view, have any of the relationships
reported above the potential or appearance of a conflict of interest?
If so, please describe." The forms are reviewed annually by the
appropriate department head.

This administrative procedure is good for several reasons. First,
it requires the employee to review activities on a periodic basis. An
annual review encourages comparison with activities listed on the
prior annual form and makes it easy for the employee to spot new
directions or increases in activity that may not be noticed as they
actually occur. Thus, it promotes an annual employee assessment
of time spent in outside activity, types of activity, and compensation
received from outside interests (although the amount is not
disclosed)—all in light of their possible effect on the employing
institution.

Second, the annual review relieves the administration of the
responsibility of approving every instance of outside involvement
on a case by case basis throughout the year. This procedure would
be needlessly time consuming and diverting.

Third, the procedure is affirmative rather than prohibitive. The
form does not specify types of actions that are not permitted and
the report is requested only after an activity is completed or at least
begun. Thus, the procedure in and of itself does not inhibit outside
professional activity.

Fourth, the procedure assumes the responsibility of the
professional employee in making judgments regarding the conflict
potential of a specific activity. The honesty and integrity of the
individual is presumed, and no penalties are threatened.

Fifth, it is allowed that the *appearance* of a conflict may exist
without there actually being a conflict. There is the opportunity
to explain an apparent conflict, advising the employee and the
department head of the situation in the event of a question.

Sixth, fiscal privacy is preserved. There is no need to reveal on
the form the amount or type of compensation received in a transaction.

Finally, the review by the department head keeps the nature and
extent of outside professional relationships a matter between
employee and ultimate supervisor. While encouraging confidentiality,
the procedure also encourages consultation between those two

individuals on questionable matters. Such consultation can go a long way in preventing irresolvable conflicts from developing.

Supplemental to the annual review of outside activities is a system of established resources to give advice and consultation to individuals seeking an opinion at the time actions are questioned. This review policy begins but need not end with the department head. The policy statement acknowledges that "there are situations sufficiently complex that judgments may differ as to whether there is or may be a conflict of interest" and therefore suggests an appeal policy should a subordinate differ with a supervisor on a potential activity. The specification of this part of the policy encourages consultation before the fact and therefore may minimize the occurrence of problem areas on the annual form.

The MIT Personnel Policy Manual specifically addresses the problem that can occur when an opinion is expressed by individuals in their outside affiliation capacity that is mistakenly inferred as an official statement or endorsement by the institute. The manual warns against the use of institute stationery in these instances as a safeguard against the wrong interpretation and additionally advises the use of an office address without corporate name in personal professional correspondence. In addition to discussing situations in which unintentional misrepresentation might occur, the policy admonishes that "the Institute should not allow its name to be associated with business enterprises, when the obvious intent is to provide undue prestige to the business" and mandates that "all proposals for the use of the name of M.I.T. in advertising and commercial publicity...be submitted to the Director of the News Office" (Section 3.9.3).

Obviously, awareness of an employing institution's rules and policies on conflict of interest is of prime importance to any employee. An employee actively engaged in extramural business activities is advised to seek out applicable policies in advance of any problem. Not all institutions will have policies that are as permissive as the one examined earlier; some institutions may not have policies at all. When none exists, it is advisable to observe actual practice and determine any general applicability to the particular situation.

CONCLUSION

It is inappropriate to generalize about libraries' attitudes toward the employment of professionals who also provide information services independently outside the institution. In reading and inquiring about this issue for the purpose of this discussion, this author encountered institutions that seemed blissfully unaware of any possible conflict of interest, even though they had employees

so engaged. Individuals were also encountered who assumed that an employee with loyalty to an outside business interest could not possibly honor traditional library ethics and consequently would not hire someone in that capacity.

Libraries that are not fearful or contemptuous of employing independent information professionals stand to gain good value for their personnel investment. Independent practitioners can bring experience and insights from their outside activities back to the library at no expense to the employer. Professional development opportunities pursued for the outside concern can frequently have positive spillover value. Independents circulate in a broader environment when they are outside the library and, to the extent that their library affiliation is acknowledged, they can act as a positive marketing agent for the library (Horner, 1984, pp. 289-90).

The first safeguard against conflict of interest between the two responsibilities is for both the entrepreneurial library employee and the employing library to recognize the possibility of conflict. The next step is for both parties to affirm a positive attitude toward potential conflict situations. The employee has the responsibility to be aware of circumstances that present a potential or appearance of conflict and to bear the demands of business life in such a way as to minimize their impact on the employer. The employer needs to make clear its expectations regarding the impact of its employee's outside activities. Both employer and employee need to keep channels of communication open for discussion of possible conflict issues on a regular and as needed basis.

It is the librarian, though, who bears the major responsibility in managing conflict of interest between dual professional commitments. The librarian is the only party who has detailed knowledge of the service goals and clientele served by both the independent business and the library. The librarian must develop a work schedule and style that maintains a separation between the two venues of activity. Normally the librarian will be the first to suspect a potential conflict as it occurs. Clear-cut solutions will seldom present themselves. The following self-dialogue may be helpful in finding an ethical course of action in specific situations when negotiating between multiple clients and two employers:

Who is sponsoring this work?
Who is benefiting from it?
Could any of my affiliations be damaged by this practice? How?
If I did this, would I be guilty of mismanaging the time, resources,
    or other assets of one client for the benefit of another?

Would I be embarrassed to see this described in the headlines of the *Wall Street Journal? Library Hotline?* (McGonagle paraphrased in Berkman [1989]).

If there is still doubt, share the decision making with your affiliations.

ACKNOWLEDGMENTS

REFERENCES

American Library Association. (1982). Librarians' code of ethics. *American Libraries, 13*(9), 595.

American Library Association. (1988). *Independent librarians exchange round table: 1988 directory of personal members.* Chicago, IL: ALA.

Association of Independent Information Professionals. (1989). Unpublished informal survey of members undertaken at the 3rd Annual Meeting and National Conference, May 4-6, 1989, Lowell, Massachusetts.

Berkman, R. (1989). Ethical issues in information-finding activities. *The Information Advisor, 1*(February), 1-6.

Carey, J. L., & Doherty, W. O. (1966). *Ethical standards of the accounting profession.* New York: American Institute of Certified Public Accountants.

Dragich, M. J. (1989). Information malpractice: Some thoughts on the potential liability of information professionals. *Information Technology and Libraries, 8*(3), 265-272.

Frankel, M. S. (1989). Professional codes: Why, how and with what impact? *Journal of Business Ethics, 8*(2, 3), 109-115.

Gray, J. A. (1988). Personal malpractice liability of reference librarians and information brokers. *Journal of Library Administration, 9*(2), 71-82.

Hauptman, R. (1988). *Ethical challenges in librarianship.* Phoenix, AZ: Oryx Press.

Horner, B. (1984). A foot in each world: Maintaining a full-time library position while developing a free-lance business. *Library Trends, 32*(3), 283-290.

Mintz, A. P. (1985). Information practice and malpractice. *Library Journal, 110*(15), 38-43.

Massachusetts Institute of Technology. (1989). *MIT personnel policy manual.* Cambridge, MA: MIT.

Shaver, D. (1988). Ethics revisited: Are we making progress? In *The information profession: Facing future challenges* (pp. 103, 106). Washington, DC: Special Libraries Association.

Special Libraries Association. (1989). *Who's who in special libraries 1989-90.* Washington, DC: SLA.

Stevens, N. D. (1986). The new ethics. *Library Hi Tech, 4*(4), 49-51.

Warner, A. S. (1989). Special libraries and fees. *Special Libraries, 80*(4), 275-279.

Some Ethical Considerations Regarding Scholarly Communication

GORDON MORAN AND MICHAEL MALLORY

ABSTRACT

THIS ARTICLE DISCUSSES academic intolerance, peer review suppression, and resulting de facto academic library censorship. Included are some ethical considerations regarding scholarly communication (and scholarly excommunication), academic librarianship, and academic whistle-blowing. One of higher education's most deeply rooted ethical tenets is a commitment to the search for truth. However, the truth is often upsetting (to say the least) to powerful academic leaders, as the history of science, for example, has made obvious. Intolerance toward, and suppression of, truthful ideas of a scholarly nature, can lead to de facto academic library censorship, even though academic librarians may not be aware that they are involved. Historically, peer review authorities in academia have been the enemies in intellectual matters of academic whistle-blowers. Ethical conflicts arise when reliance and deference in regard to peer review authorities lead to suppression of ideas, unwittingly or otherwise, by academic librarians. To the extent that true ideas are suppressed and censored throughout the scholarly communication system, that system might also accurately be called a system of scholarly excommunication. Without compromising their neutrality, academic librarians, by giving access to ideas and information on all sides of academic questions and controversies, can serve as illuminators of the truth for scholars seeking the truth. A proposal is made for the institution of intellectual freedom (IF) committees and groups within academic libraries and academic

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library associations in order to help these librarians detect academic and peer review suppression. The very existence of such IF groups might have a salutary effect on the quality of peer review in academia.

INTRODUCTION

There is a recent trend to regard academic libraries not only as separate entities serving specific institutions of higher education but also as mere links—and even subordinate links at that—within a larger system known as scholarly communication. This article is an introductory discussion of some of the ethical considerations and conflicts that might accompany the so-called information explosion and the enormous technological advances in the transmission of information among scholars.

ACADEMIC ETHICS AND ACADEMIC LIBRARY ETHICS

Following the upheavals on many campuses during the late 1960s and early 1970s, some recent literature on higher education has attempted to reaffirm, with ringing rhetoric, the principle that the search for the truth is the foundation of academic ethics. For example, Nolte (1983) asserts that the "first requirement of the academic ethic is the obligation of methodically striving for the truth" (p. 161). Likewise, in a discussion of "The Academic Ethics," Rüegg (1986) maintains that "the absolute commandment of respect for the truth is fundamental to the exercise of scientific and scholarly professions" (p. 408).

If the search for the truth in any given academic discipline is a basis or foundation of academic ethics, it would follow that a tenet of academic library ethics would be the attempt to provide the user/scholar with access to material containing the truth and to provide such access in the most effective manner possible. Along this line, Meador and Buthod (1982) cite the following from the American Library Association's (ALA) guidelines regarding reference service: "Information provided the user in response to an inquiry must be the most accurate possible" (p. 144). This common bond for scholars and librarians in regard to truth is expressed by Altick (1974) (a well-known English professor), in his work entitled "Librarianship and the Pursuit of Truth." Altick refers to himself as "a pursuer of truth" and to his audience of librarians as "the dedicated custodians of truth" (p. 4) and also as "curators and disseminators of truth" (p. 16). He also lumps himself and librarians together as "devoted and in some instances veteran pursuers, preservers, and disseminators of truth" (p. 5).

COMPUTER VIRUSES AND ACADEMIC LIBRARY VIRUSES

Scholars pursue the truth, and academic librarians collect, store, and disseminate the truth. Unfortunately, this description is not a complete one. The pursuit of truth is often a task that proves to be elusive, ambiguous, and very complicated. For one reason or another, scholars at times end up publishing false information, believing it to be true. Also, in the classroom, some false information is taught as if it were true. As a result, falsehoods, masquerading as truths, find their way onto academic library shelves and into library catalogs.

Altick (1974) believes that "most error" has its origins "in haste or misunderstanding" (p. 14). But whatever the cause of error, the resulting falsehoods that are masquerading as truths in academic libraries create obstacles to scholars who are searching for the truth. Some recent newspaper headlines have noted sensational cases of so-called "computer viruses" in which information systems have been changed by the suppression/destruction and alteration of intended information and by the insertion in its place of unwanted information. If the search for the truth is the basic tenet of academic ethics, and if providing scholars with access to the truth is a consequential tenet of academic library ethics, the *intended* scholarly material in the academic library would be that which contains the truth. It would follow, in such a case, that the presence of falsehood masquerading as truth in an academic library would amount to a form of academic library virus. And the greater the degree of such falsehood, the more severe the virus.

Although the cases of computer viruses that have made the headlines have apparently been, for the most part, carefully programmed events designed to have specific effects, academic library viruses of the sort just described are ongoing phenomena that are constantly changing as knowledge itself changes. In fact, Altick (1974) observes that "the progress of knowledge consists in large part of proving received statements faulty, exploding myths, reordering the sequence of events..." (p. 15). A possible cure for academic library viruses would include the library's own selection of material that corrects the errors and exposes the falsehoods. Presumably this selected material would already be included within the library's holdings. (As will be discussed, such selection does not mean that material that contains errors and falsehoods should be "weeded," although in some cases, as in medical libraries, "retractions" are sometimes issued which amount to a form of weeding.)

So far, so good. Academic librarians help correct error, explode myths, and reorder sequences by selecting the latest scholarly research results that set the scholarly record straight. However, often scholars

themselves do not agree with each other on given subjects, and academic debates and controversies develop, sometimes becoming bitter and long drawn out affairs. In addition, the subject matter of such controversies is sometimes very highly specialized and technical, for which the librarian might not have very much expertise. How can the librarian judge what is true and what is false? And where would librarians ordinarily find the time to do thorough research for such questions? Must the academic librarian look on helplessly as library viruses exist and possibly spread?

ACADEMIC CONTROVERSY

In cases of controversial issues, library ethics oblige librarians to make accessible all sides of a question. Davis (1982) proposes the following: "[I]t is our duty to provide more information...by promoting discussion and insuring that the widest range of information and ideas possible are available" (p. 40). The academic librarian, by remaining neutral, can stay above the fray and does not need to take sides in order to provide scholars with access to the truth. As a collector of information, rather than an arbiter and judge in academic controversies, the librarian provides the scholar with material on all sides of a controversy. Once again there might be reason to say, "So far, so good." If the librarian does not know the precise cure for an academic virus, he or she at least provides the medicine that allows the scholar to come up with a possible cure.

PEER REVIEW AND SCHOLARLY COMMUNICATION

It is, however, at this point that some real problems begin, and these are conflicts that no amount of rhetoric can hide or gloss over. In more general terms, Altick (1974) describes such conflicts as follows: "In effect, there is a sort of conflict between the persistence of the old and the demands of the new" (p. 13). More specifically, there are well-documented controversies among scholars about whether the truth should be accepted as truth and be disseminated and made widely known. There is also conflict, real and theoretical, between scholars and librarians, and among librarians themselves, about whether or not academic librarians should let the truth be known. Specific conflicts of such a nature often take place within the academic process known as peer review. These conflicts have a relationship, directly or indirectly, to academic library ethics. (For the purposes of this article, the term *peer review* is not considered only in its narrow definition of referee reports, but also in its broader definition of how scholars evaluate each others' works. In this broader definition, a published book review is as much a part of peer review as an

unpublished referee's rejection—carried out in secrecy—of a scholar's manuscript.)

As long as secrecy remains a cherished practice of so-called peer review authorities, accurate and reliable in-depth studies of peer review seem impossible. An attempt to make such a study would appear to be the equivalent of examining how successful or unsuccessful the operations of the CIA and KGB are without having access to the classified material relating to the actual operations of these organizations. Moreover, it seems that some recent examinations of peer review, such as those of the American Association for the Advancement of Science (AAAS) in 1987-1988, the Institute of Medicine in 1987-1989, and the American Medical Association (AMA) in 1989 have been marred by conflict-of-interest situations of their own (a study that includes some analysis of these situations is underway and is planned as part of a larger discussion of academic ethics).

At any rate, it should seem obvious to everyone interested in, and concerned about, academic librarianship that peer review suppression can have a negative and stifling effect upon the academic librarian's attempts at "insuring that the widest range of information and ideas possible are available." To what extent does peer review suppression/censorship take place in academia, if at all, and if it does take place, what should academic librarians do when examples of it are brought to their attention?

Some scholars have written negatively about peer review in general terms. For instance, Leslie (1989) observes: "Almost everyone who has ever submitted anything to a journal has a horror story or two to tell" (p. 125). Armstrong (1982) is also highly critical: "Recent research shows that journal reviewing practices are neither objective nor fair.... Is 'peer review' simply a nice term for censorship? ....Major innovations tend to refute current wisdom. From the evidence above, we would suspect very innovative articles to have difficulty gaining acceptance from major journals, particularly if they came from low status sources and they challenged commonly held ideas.... Peer review is not as fair as it appears. Nor is it helpful to scientific achievements" (pp. 62-63, 65, 67). And Cude (1987) suggests that, "scholarly tolerance for innovation—for one reason, if not another— is actually rather low" (p. 51).

Recently, the Office of Scholarly Communication of the American Council of Learned Societies (ACLS) conducted a survey of more than 5,000 scholars. A very large number (71 percent) of those surveyed replied. Morton and Price (1989) describe the results:

> About three out of four respondents think the editorial peer review system is biased.... About 40 percent think bias is so prevalent in their discipline that it merits reform.... The question is, therefore, not whether bias exists in the peer review system, but whether it is prevalent and whether it

systematically interferes with the free exchange of information and ideas
by discriminating against particular subjects, opinions, and classes of
authors.... The survey shows that suspicions of bias appear to be held
by scholars in all types of universities and among all the disciplines
sampled.... The unease is pervasive, not an occasional outcropping of
discontent. (pp. 7-9)

(There seems to be something of a self-fulfilling prophecy to these
results, for soon after they were released and made known, the Office
of Scholarly Communication was closed down and its scholarly
journal, *Scholarly Communication*, was discontinued.) Cude
(personal communication, April 15, 1988) comments further about
what he perceives as the breadth and depth of peer review suppression:

In the name of collegiality, students are victimized, considerable
intellectual resources are being squandered, and the general public is
deliberately misled. Worse yet, the free pursuit of knowledge is itself
threatened: useful information is altered or nullified, valuable arguments
are suppressed, and highly-respected institutions are manipulated to serve
meanly personal ends. We cannot convincingly pretend this sort of thing
isn't occurring on a dismaying scale, and we only harm ourselves
professionally by refusing to address the difficulties openly and
vigorously.

More than a century ago, many women were killed by childbirth
fever soon after giving birth. According to Céline (1975), the death
rate at various times around 1846-47 ranged from about 18 percent
in Paris, 26 percent in Berlin, 32 percent in Turin, to about 40 percent
in Vienna (p. 57). A doctor named Semmelweis discovered the cause
of many of these deaths and also devised the means to prevent them.
But his discoveries were vehemently rejected by the peer review
authorities of the day on an international level. He was fired from
his job at the university, apparently as a direct result of the
embarrassment that his discoveries caused among the peer review
authorities. Many years and deaths later, it was finally recognized
that Semmelweis was right, and long after his death a monument
was dedicated to him in Budapest. Céline describes the opposition
to Semmelweis's discoveries by peer review authorities as intellectually
blind, mendacious, stupid, and evil (p. 74). How many women suffered
and died because of the nonscholarly suppressive reactions of these
peer review authorities?

Suarez and Lemoine (1986) discuss a somewhat similar case of
academic and intellectual suppression, namely, the opposition of peer
review authorities to the findings of Beauperthuy that yellow fever
was spread by means of insectile transmission. Based on their account,
it seems obvious that Beauperthuy hit a raw nerve among some of
the medical research leaders of the day. Although Beauperthuy
managed to publish some of his findings, they were apparently
ignored during his lifetime and then attacked vigorously after his

death in 1871. Moreover, it seems that there is, in this case, a documented example of how such intellectual suppression on the part of peer review authorities can lead directly to de facto academic library censorship inasmuch as the 1895 bibliography of the medical school at the University of Caracas, according to Suarez and Lemoine, did not mention Beauperthuy nor his works. Around 1900, the United States Yellow Fever Commission validated Beauperthuy's findings. But how many people suffered and died in this case because peer review authorities of the day suppressed an innovative scholarly idea? Suarez and Lemoine describe their lengthy article as "an example of how the processes of academic resistance to new findings evolve" (pp. 383-410).

It is not necessary, however, to look back a century or so for examples of peer review suppression. In the by now infamous *Cell-Baltimore* case, Walter Stewart and Ned Feder, scientists at the National Institutes of Health (NIH), wrote (personal communication, May 20, 1987) that senior officials at NIH had forbidden them to submit a rebuttal article to a scholarly journal. In a letter sent by Moran on June 9, 1987, the Director of NIH, James Wyngaarden was asked: "If scientists either within or outside NIH uncover inaccurate material in research supported by NIH funds, or if such scientists come up with hypotheses which contest the results of such research,...would NIH in any way stifle the publication of such opposing views?" In a letter of September 25, 1987, written on behalf of the director by another NIH official, Mary Miers, the following answer is tendered: "I cannot envison a situation in which NIH would seek to suppress a rebuttal article...." Yet Miers had received a copy of an NIH memorandum to Feder and Stewart on December 12, 1986 and signed by another NIH official, J. E. Rall, in which the following is written: "I am withholding approval of your manuscript for publication...." Moreover, in a letter of April 2, 1987, the same Rall wrote Baltimore, whose article was being rebutted by the Feder-Stewart piece: "Meanwhile, I have told Feder and Stewart that their manuscript cannot be submitted to a journal...." Rall also wrote to Moran on December 15, 1986: "It is clearly not NIH policy to discourage or indeed otherwise suppress publication of discussions and corrections of errors...." Apparently it took about a year, and help from the American Civil Liberties Union (ACLU), to have this decision reversed. The article by Feder and Stewart was then finally submitted to several journals but was rejected by them. A Congressional investigation ensued, which turned out to be very embarrassing for the NIH leadership (Greenberg, 1988, pp. 1-6).

Recently, three scientists, Sprague (1987), Hollis (1987), and Jacobstein (1987), related how retaliation was launched against them

when they uncovered information of a scientific nature that upset academic authorities. At the University of Pittsburgh, Breuning engaged in erroneous research and was later charged with fraud (Greenberg, 1988, p. 5). After exposing Breuning's error, Sprague describes how his own research funding was "deferred" and "stopped for four months" (p. 12). Hollis (1987) recounts how "superiors" at Case Western Reserve University "made it clear" to him that he "would pay dearly" for his discoveries that had so upset academic authorities (p. 11). Jacobstein (1987) comments that his "own experience [at Cornell University] suggests that it is nearly impossible to get a fair investigation of the facts..." when a scholar comes up with unsettling findings (p. 11). Additionally, Martin (1989) has recently reported on three cases of suppression by peer review authorities in Australia. He describes the reactions against scholars who uncovered information that was upsetting to academic authorities: "Many colleagues who tried to present the allegations encountered difficulties. Jim Rossiter received hundreds of threatening phone calls after he persisted with his allegations in the Briggs case. The careers of Vardy and French at Foundation 41 suffered when they raised the issue of McBride's fraud" (p. 101).

In the wake of the Breuning scandal at the University of Pittsburgh, another scholar is apparently having a difficult time after he attempted to publish a "dissenting" article. Despite all the rhetoric about academic freedom that flows in speeches on campuses and throughout the literature of higher education, it seems that Cantekin's submission of a dissenting point of view to a journal was regarded by some academic authorities as "unauthorized" and, as such, was considered "improper and a source of grave academic concern." Randal (1989) comments on some peer review aspects of the case:

> At the same time, the university's actions have come under fire. At last fall's congressional hearing, for example, Weiss said of medical school officials, "They have now achieved what they want to do. They have shut up Dr. Cantekin. They've stopped him from doing any research, and he can't publish his information because they have intimidated the journals as to what they can or cannot print." (p. 9)

Peer review suppression occurs in reference works as well. One possible effect of such suppression is that scholarly errors are perpetuated. In turn, a consequential effect is that reference librarians and scholars might end up getting hoodwinked. Altick (1974) comments on this situation: "Unless the persons responsible for new editions of standard works are tenaciously abreast of developments in scholarship, there is always the danger that statements once accepted as truth, but now discredited, will persist without amendment" (p. 15). The *Lexicon of the Middle Ages* claims that: "Its primary aim is *absolutely reliable information*...." Further, its

promotional literature (or literature with information for scholars, whichever the case may be), clearly states: "In the case of controversial problems and theories the *Lexicon* also gives the protagonists of opposing positions a chance to express their views...." A controversy that has been called "the case of the century" has been going on for several years in studies of art of the Middle Ages. Over fifty specific issues have been raised by the present authors in the debate as evidence that the highly cherished and traditional views on the subject are clamorously wrong (as might be expected—in view of the examples of peer review suppression cited earlier—it has been difficult to get these fifty or so issues published in the so-called core literature). A request was made to some of the editorial leaders of the *Lexicon* to allow the protagonists to express their views in the journal's pages. Along with the request was included a reminder of the editors' claim that all sides of a controversy could be found in the pages. Nevertheless, the request was flatly denied, in large part on the basis that the journal does not have room for dissenting views on the subject and also on the basis that the knowledge of one of the editors indicates that the traditional view is the prevailing view in the scholarly literature (documentation and discussion for this case is scheduled for publication in a future issue of *The Reference Librarian*).

SCHOLARLY CONTROVERSIES AND SELECTION OF MATERIAL FOR ACADEMIC LIBRARIES

By their very nature, scholarly controversies are often situations in which scholars disagree about what the truth is in a given subject or study. Sometimes the disagreements are narrowly defined by fine points that are comprehensible to, and considered significant by, a relatively small group of specialists. But other controversies, illustrated by the Semmelweis and Beauperthuy cases among others, involve wide disagreements about issues that are in fact matters of life and death.

It would seem that the very existence of scholarly controversies have created some ethical problems for academic libaries regarding the selection of materials for their collections. In general terms, it would seem logical that selection would be based on what the scholars at the university (college, research center) need and want, and also on an intrinsic priority of material that contains the truth over material that contains falsehoods masquerading as truths (if such distinctions can be detected at the time). But what if some scholars do not want the truth to be known regarding a specific subject? Such a situation is implicit in at least some, if not many, scholarly controversies, and it is also implicit in some of the peer review suppression cases cited earlier. And what should the academic

librarian select if some of these scholars who do not want some specific truths to be known have powerful positions in the university?

It seems that there are two likely responses to the question of what should be selected for the academic library in the case of controversies: either all sides of the question or only the information that the peer review authorities sanction. Davis (1982, p. 40) regards access to all sides of a question as a librarian's duty. Sanford Berman (personal communication to I. Hueck of the Kunsthistorisches Institut, Firenze, Italy, September 12, 1986) goes even further in his description of how the Guido Riccio controversy in art history should be handled by art research libraries specializing in Italian art:

> *Good* library procedure would dictate—with respect to a major intellectual and academic dispute like that surrounding Guido Riccio— that extra measures to be taken to IDENTIFY AND MAKE AVAILABLE THE ENTIRE SPECTRUM OF VIEWPOINTS AND DOCU- MENTATION....Beyond that, given the unquestionable interest in this particular matter, a proactive, truly helpful and alert librarian would also prepare—and possibly duplicate for broad distribution—a special bibliography on the case. Such a resource-list should be posted prominently in the library and updated frequently. In addition, it should be published in an appropriate art journal, in order that all interested scholars, historians, and others have the opportunity to fully and dispassionately investigate the dispute and reach their own, informed conclusions.

Berman also writes that he is "frankly appalled and disgusted—as a professional librarian committed to basic tenets of intellectual and academic freedom—by the transparent censorship conducted at the Institut Library..." (see the article by John Swan in this issue of *Library Trends*).

Sowards (personal communication, February 23, 1989) also believes that the goal of an academic library collection "is to present the fullest possible range of opinion and information," and he states there are two ways to attain this, "first, to tap the judgements of the recognized experts within a field as aids to selection, and second, to make a place for dissenters in the collection...." On the other hand, Osburn (1989) is of the opinion that academic librarians should follow, and carry out by means of selection, the wishes of the so-called peer review authorities. In any case, it would seem that the two responses are in conflict on ethical grounds.

PEER REVIEW AUTHORITIES AND ACADEMIC WHISTLE-BLOWERS

Peer review authorities are generally regarded as members of the academic community who have the power to decide what gets published in the university presses (and other major scholarly publishing houses), what appears in the prestigious scholarly

journals, who receives grants for research, and who receives professional promotion. To some extent, they are also the authors of the texts that comprise the so-called core literature in their fields and also that comprise some of the ideas and material taught in classrooms. They are also often editors, authors, and members of advisory boards of specialized reference works in their academic disciplines. In short, peer review authorities are regarded as being the leading experts in their fields.

Academic whistle-blowers are commonly perceived as scholars who feel they have made discoveries, or come up with findings, that contradict and contest scholarly ideas, facts, and information that have been accepted as true, valid, and reliable. As scholars seeking the truth, whistle-blowers can feel obligated to make these new ideas known within the scholarly communication system (in this sense, Semmelweis and Beauperthuy were classic examples of academic whistle-blowers). It is obvious that the discoveries and findings of the whistle-blower might well contest some deeply ingrained and highly cherished traditional beliefs in academia, and also contradict— and prove wrong—some of the pet theories and ideas of the peer review authorities. Such a situation can obviously create tension and animosity to say the least. It seems natural that an adversarial situation might develop, with the peer review authorities possessing the power to suppress the new ideas insofar as the core literature is concerned. Peer review suppression can be vicious and determined, as illustrated by some of the cases cited earlier. Such suppression can also include the use of intimidation and retaliation as well as censorship of the ideas themselves. In a text entitled *Academia, Journalism and Politics* (in press), Lang writes:

> There are strong forces which inhibit criticism, from within or without. One of these forces is "collegiality"....There are other forces of intimidation, of various kinds....Some influential academics are giving priority to protecting their tribe; they close ranks behind each other...and they obstruct, in so far as they can, criticisms of "their own"....There are pressures to shut people up: social pressures, use of bylaws, use of the pecking order, intimidation, etc....

A recent example of censorship was that on January 29, 1990, the editor of a scholarly publication wrote the present authors: "I hope that I can tell you one day what happened to me, after I have published your article" (for the time being, it might be better not to reveal the identity of this person lest more retaliation take place). Some time ago, the managing editor of *Viator* (the scholarly journal of the Center for Medieval and Renaissance Studies at UCLA), actually returned material to a scholar without even opening the envelope (the unopened envelope was enclosed by the managing editor inside a larger envelope and then sent back to the scholar).

ACADEMIC LIBRARIAN REACTIONS
TO ACADEMIC SUPPRESSION

What should academic librarians do in the face of academic suppression once the suppression is pointed out to them? As an ethical matter, potential answers to the question can create conflicts regarding the concepts of academic freedom and patrons who the academic library "serves" within the university, college, or research center. On the other hand, students and their families pay tuition and other fees to attend a university and to "get an education." There is no question that the library should serve them. If students go to a library in search of information, it is natural for them to assume that librarians are trying to help them find information that is true, reliable, and accurate (at least in nations that purport to have open democratic societies and governments). At the same time, faculty members enjoy academic freedom, which allows them to choose the subject matter for their courses.

Suppose, in a hypothetical situation, that a faculty member requests that the librarian set up a reserve shelf for a course. Then, while the course is in progress, the library receives a gift of a book, or an off-print that contests and disproves some of the material that the faculty member has chosen for the reserve shelf. In this case, should the librarian provide the students access to this relevant information? Or does the concept of academic freedom take precedence even to the extent that contested and possibly untrue information be allowed to reign in the library as well as in the classroom? Does academic freedom in a case such as this impede the academic librarian from giving students access to information and ideas of the widest range relating to all sides of an academic question?

It seems that similar ethical conflicts exist currently on a broader scale in relation to scholarly communication. On the one hand, the ethical principle that librarians should give access to the widest range of ideas and information would indicate that librarians should react negatively to academic suppression and censorship the way librarians react negatively with rhetorical word and zealous deed to censorship proposed (or actually instituted) by government leaders or agencies or by religious leaders (e.g., the Moral Majority). And, to be sure, who is in the position of power to, in a large part, effect suppression and censorship of academic material if not the peer review authorities?

The government has also been known to try to suppress "sensitive" scientific information. Nonetheless, Charles Osburn (1989) apparently firmly opposes having academic librarians make a place for academic whistle-blowers if peer review authorities do not include these whistle-blowers in the so-called core literature. Apparently speaking for some academic librarians, he writes, "we have discovered

our place in what is now called the scholarly communication system....The relative importance of a given output of scholarly communication is determined through its acceptance or rejection by the peer review authority in each field" (pp. 277, 281). Osburn also refers to an overloaded information system that contains "noise" (p. 285). If "noise" in this case refers in any way to the ideas that peer review authorities reject, perhaps the question can be raised about whether the "noise" created by Semmelweis and Beauperthuy drowned out, from academic librarian ears, the cries of pain and suffering of the victims of childbirth fever and yellow fever.

Osburn was questioned about his views, specifically those regarding whether or not errors made by peer review authorities should be corrected. In his reply (personal communication, October 31, 1989), he stated that errors should be corrected, but only by the peer review authorities themselves. Therefore, it would seem that, according to Osburn, if peer review authorities do not correct their own errors, or if their peer review colleagues do not correct their errors for them, the academic librarian should let the erroneous material (masquerading as truth) stand, even if more accurate (and therefore more truthful) material on the same subject arrives in the library but via nonpeer review authority channels. In his letter, he writes:

> For an item of communication to be entered into the formal system, it is reviewed first by disciplinary peers....The library does not and should not lead the system of scholarly communication....I believe that the flaws of the system should be corrected directly. Changing the role of the library in the scholarly communication system will not accomplish that at all: moreover, such actions would merely serve as another, larger corruption, rendering the system of scholarly communication incomprehensible and very incoherent.

In essence, Osburn states that since academic librarians cannot collect everything and therefore must be selective, their selections should be based on what the peer review authorities deem most important and significant. This view certainly has some useful and practical aspects to it, since the authorities usually have more expertise on specific subjects than librarians do. On the other hand, it is difficult to understand how, if an academic librarian at the University of Vienna a century or so ago had placed Semmelweis's findings on the shelves and in the bibliographies, or if academic librarians at Paris and Caracas had provided access to Beauperthuy's works, such actions could be part of "another larger corruption, rendering the system of scholarly communication incomprehensible and very incoherent." Nor is it easy to understand how Osburn's views apply to an academic librarian who has recently requested a large amount

of nonpeer review material relating to the Guido Riccio controversy for the library collection.

A defect in Osburn's proposed scholarly communication system might be that it does not sufficiently acknowledge that the history of science and other fields, to a large degree, constitute a history of academic whistle-blowing. Schneider (1989) writes: "If the knowledge expounded by recognized scholars to their students should prove to be of dubious reliability, then their authority is open to question. Thus, scientific progress and changing theories are natural enemies of authoritarian tradition" (p. 137). Schneider's observations place in sharp relief what is perhaps the biggest flaw in Osburn's "system," namely, that he is proposing that academic librarians select materials more on the basis of authority than on the truth that the material contains. Insofar as librarians follow the advice of authorities to make selection in the first place, Osburn's views have merit. But when he insists that academic librarians should exclude the works of academic whistle-blowers from their collections until the authorities themselves allow such works into the core literature on the subject, then Osburn's system seems more appropriate for totalitarianism. Along this line of reasoning, Swan and Peattie (1989) write: "access to the broadest range of ideas and information is conducive to the practice of democracy. This means that denying such access is an action that should be sharply questioned" (p. 120).

Religious authorities punished Galileo and other scientists whose ideas did not jibe with authoritative doctrine, and they went on to suppress their ideas. What academic peer review authorities did to Semmelweis, Beauperthuy, and other whistle-blowers might be considered an academic's form of similar punishment and suppression. And if academic librarians carry out the peer review authorities' suppression on library shelves and bibliographies, then it seems that Osburn's system might be more accurately defined as a "system of scholarly excommunication," with "out-of-cite, out-of-mind" procedures that suppress ideas that are "excommunicated" in terms of the peer review authority dogma.

ACADEMIC LIBRARIANS AND ACADEMIC WHISTLE-BLOWERS

Without giving up their neutrality, academic librarians can consider both whistle-blowers and peer review authorities as their allies. Academic authorities are allies by providing expertise as a guide for selection. Whistle-blowers are natural allies to the extent that they provide material that makes corrections and provides new ideas that the authorities overlooked or tried to suppress.

In any case, the attitude of the academic librarian toward the

whistle-blower reflects to a large extent the librarian's attitude toward truth and censorship. Oboler (1982) takes a firm stand against censorship: "Among the many important tasks to be performed by the librarian—by the professon of librarianship—not the least is that of perpetual, unceasing awareness of and combat against censorship on every level, of every type, whenever and wherever it occurs" (p. 99). He does not seem to be the kind of person who would censor the works of Semmelweis, Beauperthuy, or other academic whistleblowers. Not all academic librarians take so strong a stand, however. In requests for information that dealt with gifts that contained material upsetting to authorities in academia, Margreet Wijnstroom (at that time the secretary general of IFLA) wrote: "I would suggest you let the matter rest, and in any case cease to bother the members of my Executive Board and my staff with matters beyond their control" (personal communication, December 10, 1986).

ACADEMIC LIBRARIES, LIBRARIANS, LIBRARY ASSOCIATIONS, AND INTELLECTUAL FREEDOM COMMITTEES: A PROPOSAL

If a government official (Meese for one and Joseph McCarthy for another) issues a call for a clean-up against pornography, immoral literature, or subversive material, there is a natural feeling among librarians that they are being asked to do things that run counter to their professional ethics, as a sampling of the rhetoric against the Meese Report at ALA meetings confirms. Although there was effective suppression during the so-called McCarthy era, nowadays intellectual freedom groups and associations at various professional levels can be quick in cranking up their rhetoric and activity to protest such suppressive moves as part of the librarian's anti-censorship ethic. Rightly so, at least for librarians who believe in fighting censorship "on every level, of every type, whenever and wherever it occurs." On the other hand, it seems that if peer review authorities suppress material that purports to correct error in the core literature, some academic librarians apparently regard the suppressed material as "noise" that does not belong in the library in the first place. Swan (personal communication, December 12, 1989) writes, "it may be significant that the ACRL has no Division IFC, and there is nothing explicitly related to ethics or intellectual freedom in its goals." This situation seems to indicate that there might be something amiss, or misdirected, about the word *intellectual*, as used by some librarians or in the use of the term "intellectual freedom." In other words, there are IF groups set up and established for various library associations at various levels, but apparently not specifically for academic library groups. Smut peddlers can turn to specific IF library

groups for assistance when their wares are censored, but what special committees can scholars turn to when their discoveries, findings, and ideas are censored?

A proposal for academic library groups to establish IF committees is not necessarily a question of trying to second guess the peer review authorities about what the truth of the subject matter is in specific cases. Rather, it is more a question of whether academic librarians are really committed to providing accurate information, to fighting censorship, to "insuring that the widest range of information and ideas possible are available." It also involves the question of whether or not academic librarians will look the other way when bona fide scholars, after a long time of routinely using a library, are suddenly denied permission to study there solely because the scholars published articles of which peer review authorities do not approve. (If a person were denied permission to use a library based on race, religious, or sexual preferences, what would the IF reactions of various anticensorship librarians be?) IF groups for academic library committees would be a part of the academic librarian's effort to help scholars attempt to determine what the truth is in their given studies. Neither would there be a need for academic librarians to suddenly become experts and specialists in academic disciplines, nor would it mean that peer review rejections are the equivalent of censorship.

In some cases, if not many, librarians themselves can detect academic and intellectual suppression and censorship of a blatant sort by the very nature of the peer review rejections and by the attitudes of some peer review authorities toward the truth. A few examples can help illustrate the point. In a rejection letter (December 9, 1987), Ethan Shevrach, editor in chief of the *Journal of Immunology*, wrote: "Whether or not your interpretation of the data is correct or not is irrelevant." The article in question was a rebuttal that purported to expose, if not correct, an alleged serious error in the core literature recently published in the field. If the correctness of the interpretation of the data is "irrelevant," it would logically follow that Shevrach does not really feel too strongly about whether the interpretation in the published article is correct either. Moreover, the rejected article was one that NIH authorities had originally denied permission to be submitted for publication, though subsequently the American Civil Liberties Union finally intervened. But that is not all. The same rebuttal article provoked the following negative reaction from Patricia Woolf (personal communication, July 23, 1987): "It is uncomfortable to live with error but important to remember that correcting a specific error at the expense of collegial trust will not and cannot restore that comfort." (Woolf's ideas certainly would have brought comfort and joy to the peer review authorities who did not

wish to have their errors corrected, with ensuing loss of collegial trust, by Semmelweis and Beauperthuy. But what is more "uncomfortable" to Woolf, the discomfort of scholars who have to bear the pain of having their scholarly mistakes corrected or the intense pain of the many persons who suffered and died because scholarly error was not corrected?) It would seem that rejections based on reasoning that accuracy is irrelevant or that collegial trust should take priority over correction of error, can serve as warning signs to academic librarians that academic censorship might be taking place.

In addition, there may be other telling signals. Suppose peer review authorities return material without opening it or refuse to acknowledge receipt of a manuscript submitted for publication? Likewise, Catch 22 type rejections might raise an eyebrow among anticensorship minded librarians, as well as rejections listed by Remus (1980) such as the following: "The referee criticizes the paper for vices it does not have, and suggests it not be published" (p. 88). There are also evasive and stonewalling tactics of peer review authorities that can be telling. For example, in a situation paralleling one experienced by the present authors, a paper is submitted. A reviewer requests some changes, but neither the editor nor the reviewer tell the authors precisely what changes are required. The authors write asking for clarification, but neither the editor nor the reviewer nor even the President/Chancellor of the university who is on the editorial board ex officio, answer these repeated requests. Finally, after the stonewalling becomes glaringly obvious, an assistant to the President/Chancellor informs the authors that *they* are responsible for the delays because they did not make the required corrections in the manuscript. Once again, there is no indication of what these corrections should be. In the face of this situation, Serebnick's opinion comes to mind: "I do not feel that the editor has an ethical duty to tell the authors what the referee recommended" (personal communication, August 20, 1989). (The original context of the quote by Serebnick was a case in which the referee suggested publication of the article, but the editor turned around and rejected it outright without informing the authors of the referee's judgment. At any rate, it is obvious that if authors are not informed of corrections that they should make in the text, an article can be suppressed *forever* without the editor ever having to write a rejection letter.)

None of this discussion about shady peer review tactics means that academic librarians should intervene or try to overturn unfair and suppressive peer review decisions. But knowledge of such situations might help the librarian realize that the ideas and information rejected by peer review leaders might be more than mere "noise" if such ideas show up eventually in noncore publications.

It is difficult to imagine, on ethical grounds, objections and opposition to the establishment of IF groups for the ACRL and other academic library associations. To the contrary, such IF committees would reinforce and enhance the academic librarian's commitment to truth and to providing access to the widest range of ideas, especially in the case of controversies. While not setting themselves up as arbiters of the truth, librarians can serve more effectively as illuminators of the truth in service of scholars seeking the truth. Besides, the very establishment of such IF committees, with their statements of anticensorship goals, principles, and objectives, might have a salutary effect on the quality of peer review in academia. Such IF groups might also have a positive effect on tolerance for new and truthful ideas in academia that are in contrast to older and false, but highly cherished, ideas.

REFERENCES

Altick, R. (1974). *Librarianship and the pursuit of truth* (Second Annual Richard H. Shoemaker Lecture, 1972). Rutgers University Graduate School of Library Services.

Armstrong, J. S. (1982). The ombudsman: Is review by peers as fair as it appears? *Interfaces*, (October), 62-74.

Céline, L. (1975). *Il Dottor Semmelweis*. Milano, Italy: Adelphi.

Cude, W. (1987). *The Ph.D. trap*. West Bay, Nova Scotia: Medicine Label Press.

Davis, E. (1982). The ethics of information serving homo sapiens vs. homo biblios. *The Reference Librarian, 4*(Summer), 31-43.

Greenberg, D. S. (1988). Fraud inquiry: Harsh treatment for NIH on Capitol Hill. *Science and Government Report, XVIII, 7*(April 15), 1-6.

Hollis, B. (1987). I turned in mu mentor. *The Scientist, 1*(27), 11-12.

Jacobstein, J. (1987). I am not optimistic. *The Scientist, 1*(27), 11-12.

Lang, S. *Academia, journalism and politics*. Unpublished manuscript.

Leslie, L. Z. (1989). Manuscript review: A view from below. *Scholarly Publishing, 20*(2), 123-128.

Martin, B. (1989). Fraud and Australian academics. *Thought and Action, 5*(2), 95-102.

Meador, J., & Buthod, C. (1982). Triage. *The Reference Librarian, 4*(Summer), 143-146.

Morton, H. C., & Price, A. J. (1989). *The ACLS survey of scholars—Final report of views on publications, computers and libraries*. Lanham, MD: University Press of America.

Nolte, E. (1983). Thoughts on the state and prospects of the academic ethic in the universities of the Federal Republic of Germany. *Minerva*, (Summer-Autumn), 161-171.

Oboler, E. M. (1982). International aspects of intellectual freedom. *Drexel Library Quarterly, 18*(1), 95-100.

Osburn, C. (1989). The structuring of the scholarly communication system. *College & Research Libraries, 50*(3), 277-287.

Randal, J. (1989). Congress probes research funding. *Washington Post*, June 13, p. 9.

Remus, W. (1980). Why academic journals are unreadable: The referees' crucial role. *Interfaces, 10*(2), 87-90.

Rüegg, W. (1986). The academic ethos. *Minerva*, (Winter), 393-412.

Schneider, H. (1989). The threat to authority in the revolution of chemistry. *History of Universities VIII*, 137-150.

Sprague, R. (1987). I trusted the research system. *The Scientist, 1*(27), 11-12.

Suarez, M., & Lemoine, W. (1986). From internalism to externalism: A study of academic
    resistance to new scientific findings. *History of Science,* (December), 383-410.
Swan, J., & Peattie, N. (1989). *The freedom to lie: A debate about democracy.* Jefferson,
    NC: McFarland & Co., Inc.

Identifying Unethical Practices in Journal Publishing

JUDITH SEREBNICK

ABSTRACT

UNETHICAL JOURNAL PRACTICES have received extensive analysis in opinion pieces. However, research studies are few in number and limited in design. This article identifies unethical practices of authors, editors, and reviewers, with attention given to current concerns and proposals for eliminating misconduct.

INTRODUCTION

In 1988, the National Association of Social Workers had to decide whether to take disciplinary action against William Epstein, an independent consultant in social policy, who had submitted a fictitious article to 146 journals in social work and related disciplines. Epstein has said that he fabricated the article to investigate the confirmatory bias of editors and peer reviewers—in this case, their possible tendency to accept articles that confirm the value of social work intervention and to reject others that do not (Coughlin, 1989b, p. A5).

Confirmatory bias is related to publication bias, which is defined as "the tendency on the parts of investigators, reviewers, and editors to submit or accept manuscripts for publication based on the direction or strength of the study findings" (Dickersin, 1990, p. 1385).

In half of the articles he submitted, Epstein pretended that the intervention of a social worker had had a positive effect on the condition of an asthmatic child. In the other half, the intervention was judged ineffective. He found that reviewers of the positive version

were more likely to accept the article for publication than were reviewers of the negative version. Though experimental work similar to Epstein's is rare, his findings support those in previous research. In one of the first controlled experimental studies of the journal review process, Mahoney (1977) showed that otherwise identical manuscripts submitted to seventy-five reviewers of a psychology journal received different publication decisions depending on the direction of the data. Positive results—those that supported popular theoretical perspectives—were evaluated significantly higher than were the negative results manuscripts.

Epstein was charged with two kinds of unethical behavior: deceiving the journal editors who reviewed the manuscripts and failing to get their informed consent to be in the study. The "Code of Ethics" of the National Association of Social Workers (Gorlin, 1990) states: "The social worker should not participate in, condone, or be associated with dishonesty, fraud, deceit, or misrepresentation" (p. 270). Also, according to the code:

> The social worker engaged in research should ascertain that the consent
> of participants in the research is voluntary and informed, without any
> implied deprivation or penalty for refusal to participate, and with due
> regard for participants' privacy and dignity. (p. 271)

When Mahoney was asked to comment on the charges against Epstein, he revealed that after he did his similar study in 1977, three editors tried unsuccessfully to have him fired or denied tenure (Goleman, 1988). Mahoney added: "The whole machinery of science revolves around the journal editor.... Along with the spread of ideas, journal publication determines career success and promotions. If your findings are not in print, they don't exist" (p. 25). Other commentators observed that the Epstein case had "less to do with ethical concerns than the outrage of editors he duped" (p. 25). They pointed out that Epstein's research could not have been conducted without deception; informed consent would have changed the conditions Epstein was studying. In their view, informed consent is intended to protect people more vulnerable than journal editors and reviewers.

In December 1988, the social work board reviewing Epstein's case found that he had violated two sections of the association's ethical code related to deception and failure to get informed consent. Epstein appealed the decision. Subsequently, the executive committee of the association's board of directors decided that the case was a "disagreement about proper research methodology" rather than a breach of ethics (Goleman, 1989, p. C8). Epstein was exonerated.

QUESTIONS RAISED BY THE EPSTEIN CASE

Epstein's case was reported in the national press as well as

professional journals. The attention paid to it then and now is indicative of both an ongoing concern with unethical practices and a general recognition that journal publication is indispensable in spreading ideas and establishing the credibility of a scholar's work.

The case provokes a number of questions. How do we define unethical behavior? Although the social work board found that Epstein had acted unethically in conducting his research, the association's executive committee saw no breach of ethics. Fabrication of data is generally considered a serious transgression. Is fabricating data warranted under particular circumstances? Also, Epstein's case strongly suggests the existence of confirmatory bias among editors and reviewers. Are other types of bias equally evident among these gatekeepers? How extensive is research about unethical journal practices? Though studies employing experimental designs are rare, are studies using other methodologies more common? Also, the case included a response from the national association of which Epstein was a member, and the code of ethics of that association was applied to journal publishing. Can the codes of ethics of other associations be applied similarly? How interested are professional associations in the ethics of journal publishing?

In part, this article examines several questions raised by the Epstein case. Also, additional questions concerning practices of authors, editors, and peer reviewers are identified and discussed. Lastly, suggestions for dealing with unethical journal practices are specified.

UNETHICAL PRACTICES BY AUTHORS

In addition to the questions raised by the Epstein case, equally compelling ethical questions occur in related contexts. For example, if one considers it unethical for an author to fail to get informed consent from editors and reviewers, is it also unethical for an author to submit a manuscript to two or more journals simultaneously without informing each editor of the multiple submissions? Is the answer to this question dependent on whether the two manuscripts are identical, largely identical, or similar in content but different in form? Is it unethical for an author to fail to correct errors in a manuscript? Perhaps the author had no intention of making errors. Is "intention" a factor in defining ethical behavior? Is it unethical to skip mentioning the source that funded the research reported in a manuscript? Imagine that the research concerns comparison of databases and the study was sponsored by a database producer or vendor.

Coauthorship, Data Sharing, and Underreporting

How is credit for authorship determined? Nowadays, many, if not most, articles in scholarly journals are coauthored. Is it unethical to include as an author someone, perhaps a senior person, who did not contribute significantly to the paper? How is *significantly* defined? If the paper is published and later considered fraudulent, are the coauthors equally responsible? What happens if some coauthors consider themselves not personally responsible for the fraud? Can they threaten to sue for libel?

In another context, gratuitous coauthorship is often examined as a publication practice that is partly responsible for paper inflation. Broad (1988) has commented that at least 40,000 journals currently roll off presses around the world and scientific literature doubles every ten to fifteen years (p. 15). Probably "the increases stem not from a sharp rise in productivity but rather from changes in the way people publish" (Broad, 1981, p. 1137). Broad specified the increased frequency of interdisciplinary papers; extensive multiple publication of the same data, including premature publication of studies still in progress; and decreasing length of papers. The fragmentation of data has concerned both educators and students: "Students confronted with a half-dozen short papers have a hard time seeing the forest for the trees" (p. 1138).

Also, ethical questions may come to the fore when authors are asked to share their data with others. Do "the rigorous demands of open scientific inquiry [require] an ethic of sharing" (Cordes, 1986, p. 35)? Stanley (in Cordes, 1986) has maintained that "the advantages of sharing...accrue mostly to the recipients of the data, or to science or society in general," while "the disadvantages...mainly fall on the backs of those who do the sharing" (p. 35). A second researcher could find an error that invalidates the original researcher's findings, or the information could be released before the original researcher has examined it thoroughly thus allowing the second researcher an unearned scoop.

Unethical practices attributed to authors also include under-reporting of data. Chalmers (1990) has noted that though scientific misconduct is usually associated with deliberate data falsification, "sins of omission may be even more important" (p. 1405). In the medical literature, about one in two trials initially reported in summary form is "never reported in sufficient detail to permit an informed judgment about the validity of its results" (p. 1405). Also, research is not submitted or published because of the direction and statistical significance of the findings. This selective underreporting is more likely to have adverse consequences for patients rather than

the publication of false data, since replication of published data can identify false inferences (p. 1405).

Although Chalmers (1990) thinks that the ultimate responsibility for ensuring that full reports of clinical trials are published rests with heads of the departments with which principal investigators are affiliated and that research-funding organizations and research ethics committees should require full reports, still he believes that authors and editors as well have responsibilities (p. 1407). Editors should accept or reject papers based on whether they are well conceptualized and well executed, not on the basis of direction or statistical significance of study results. Also, editors should exploit the potential of electronic publishing rather than use "shortage of space in printed journals" as an excuse for underreporting (p. 1407).

In discussing what they term prepublication bias, Chalmers et al. (1990) mentioned factors that may influence the undertaking and performance of research and thus its eventual publication (p. 1392). These factors included an author's ignorance of previously related studies, sloppy reporting of research, and a preoccupation with personal career advancement rather than with ethical reporting. This preoccupation with personal advancement was often related to the pressures of tenure and promotion decisions and the "fight to be first" to make a scientific discovery (Merton, 1984, p. 1265).

A Study of Actions of Authors

Serebnick and Harter (1990) investigated ethical practices of library and information science journals, focusing on actions of authors from the perspective of editors. Their purpose was to identify generally accepted ethical norms in journal practices. A questionnaire describing twenty-two action scenarios was completed by thirty-five editors. All the actions stemmed from concerns that had been identified by writers as possibly involving ethical issues. The editors were asked to rate each action as either ethical, unethical, possibly unethical, or not an ethical issue.

Analysis of the answers showed that 60 percent or more of the editors responded in common to two-thirds of the actions, indicating substantial agreement on the majority of actions. However, divided or uncertain opinions were found for some actions that are of increasing concern to ethics analysts.

The actions examined in this research focused on a number of practices identified earlier. Every responding editor considered it unethical if a manuscript contained instances of plagiarism or deliberate falsification or fabrication of data. Using the 60 percent decision rule, Serebnick and Harter (1990) found that editors thought that dual submissions of manuscripts and multiple publication of

identical or largely identical manuscripts without informing editors were unethical actions. On the other hand, actions in which authors informed editors of submission of identical or largely identical manuscripts were considered ethical actions. However, two actions related to manuscript submission received divided or uncertain opinions from editors. In one, a manuscript different in form but not in content was submitted to two journals without informing the editors, and in the other, a similar manuscript was published in conference or symposium proceedings without informing the editor.

Of the editors surveyed, 73 percent judged one action by authors as not an ethical issue, namely the action of having submitted a manuscript that contained instances of error resulting from sloth, negligence, or carelessness. Many editors considered this "poor work, but not unethical" (p. 112).

Serebnick and Harter found that four of the actions that received divided or uncertain opinions from editors concerned watering down research (the fragmentation of data), undeserved coauthorship, authors who refused to acknowledge the source of financial assistance, and authors who refused to share relevant raw data with interested readers. Though some editors were seriously concerned about these actions, relatively small numbers of editors considered the actions as clearly unethical. The dimensions of possibly unethical and not an ethical issue were checked frequently.

A number of findings from the Serebnick and Harter study were expected. Certainly multiple submission of identical manuscripts without informing editors is generally considered unethical. Other findings, for example those concerning error resulting from negligence, reflect ambivalent opinions shared with analysts in other disciplines. In the widely reported "Baltimore case" that concerned error in an immunology research paper, two opponents, Baltimore and Stewart, agreed that "error is the stuff of science" and "the only way to avoid error in science is to avoid work" (Culliton, 1988a, p. 18). However, Baltimore and his supporters took a passive stance toward the incidence of error and asserted that science is self-correcting—that eventually error will be found and corrected. On the other hand, Stewart with Feder and others took an activist position and recommended that scientists should root out error, admit mistakes rather than conceal them, and honor rather than punish whistle-blowers.

Also, several of the majority opinions of the editors seem out of step with current thinking about ethical actions. Only 18 percent of the editors considered it unethical for an author to fail to acknowledge the source of funding assistance. Some editors

commented that authors—and editorial boards—may not realize that funding sources should be reported. However, Leary (1989) has stated that "scientists, administrators and lawmakers are increasingly worried that the lure of money threatens to compromise the quality and conduct of scientific and medical research" (p. 1). Alarm over a few publicized cases and the threat of government intervention in the research process have led institutions, including universities, to issue or revise rules intended to prevent conflicts of interest. Kelman (1986) asserted that information about sponsorship and funding must be shared not only with individuals and organizations asked to cooperate with the research, but also "must be revealed at the time of publication, particularly when the sponsoring agency maintains the right of prepublication review" (p. 27). He added:

> Readers have a right to be informed of any factor that might introduce a systematic bias. Even the most meticulous scholars may be influenced by their sources of support—at least in the questions they raise, their definition of the problem and their interpretation of the findings. (p. 27)

For thirty-four of the journals in their study, Serebnick and Harter examined guidelines given to authors. Of the journals studied, 36 percent had no guidelines that included information on ethical issues. Though a majority of the guidelines specified that manuscripts should be "original," originality was not defined similarly and often it was not defined at all. Only 39 percent of the journals informed authors that manuscripts should not have been published elsewhere and should not be under consideration by another publication.

The American Library Association (ALA) (1983) *Guidelines for Authors, Editors, and Publishers of Literature in the Library and Information Field* includes ethical requirements and recommendations related to originality, dual submission, timely response by editors and reviewers, accurate checking of citations and quotations by authors, and compensation to authors. Yet most of the specifications are not a part of the guidelines of most of the journals in the Serebnick and Harter study. Also, the majority of potentially unethical practices described in this article are not discussed in the ALA guidelines. Nor are they part of the ALA *Statement on Professional Ethics* (ALA, 1981). For example, neither the guidelines nor the statement mention misconduct related to plagiarism, fabrication of data, or many other examples of fraud and deception sometimes practiced by authors, editors, and reviewers.

ETHICAL RESPONSIBILITIES OF EDITORS

The ethical responsibilities of journal editors have received less attention than have the ethical responsibilities of authors and peer reviewers. Woolf (1981) has cited those who believe that editors must

necessarily assume the objectivity, integrity, and honesty of authors (p. 10). Across disciplines, most journals do not have clear policies spelling out ethical guidelines. Though Thier (in Wheeler, 1987) has recognized some responsibilities, he has also stated that journals are "not regulators of research; they do not take responsibility for, and cannot take responsibility for, the data presented in their articles" (p. 13). For example, most editors do not require that researchers indicate in a published paper who is responsible for what parts of the paper. Nor is it usual practice to spot-check research by asking for original data.

However, in light of recent and continuing revelations of bias and fraud in scientific publishing, editors are seriously considering the shortcomings of current practices. At the 1989 First International Congress on Peer Review in Biomedical Publication, sponsored by the American Medical Association, two-thirds of the nearly 300 participants were editors of journals. Numerous papers at the congress addressed the ethical responsibilities of editors. As an example, researchers reported the responses of editors to notifications that their journals had published articles that included data subsequently found to be questionable or fraudulent. Friedman's (1990) study showed that "many journals lacked policies or procedures for responding to requests for retraction" (p. 1418). A large number of the thirty journals in his study were either late or uncooperative in publishing retractions. Also, the editors were inconsistent in how they labeled and placed retractions in their journals; only a minority of the retractions could be retrieved electronically. In another research report, Pfeiffer and Snodgrass (1990) found that "methods currently in place to remove invalid literature from use appear to be grossly inadequate" (p. 1423). Friedman was not alone in asserting that journals have a "duty to science and to their readers" to develop written policies and procedures for responding to allegations of fraudulent or questionable research (p. 1419).

Additional concerns related to ethical responsibilities of editors are discussed in the literature. Should editors explain to authors and reviewers the review process for each publication? Should editors provide authors with thorough explanations of decisions, particularly unfavorable ones, about their manuscripts? Should editors always publish manuscripts in a timely manner (Rodman, 1970)? In commenting on editorial practices, Banner (1988) has suggested that "editorial authority and independence should be scrupulously protected so that editors acting on their own considered reflection and judgment...have the freedom to override negative reviews of works that may fail to gain approval principally because of their novelty" (pp. 113-14). Peer review, he added, can inhibit innovation; editors

have a "delicate responsibility" to recognize distinctive, challenging, and controversial work. However, the specific role that editors should have in overriding decisions of reviewers has been contested; clear guidelines are difficult to find.

THE ETHICS OF PEER REVIEW

In explaining the origins of the First International Congress on Peer Review in Biomedical Publication and the *Journal of the American Medical Association's (JAMA)* decision to publish 60 percent of the papers from the congress, Rennie (1990) stated:

> We at *JAMA*, considering that publication lies at the heart of the scientific process and that at the heart of publication lies peer review, were impressed by the evident lack of research into a process that occupies our energies daily and on which we, as editors, are disposed to rely heavily. (p. 1317)

Rennie explained that the organizers of the congress sought investigative research reports on peer review with the intention of developing a database for future research. At the congress, approximately 70 percent of the thirty-five papers were the results of investigations, while the remaining papers were opinion pieces.

Though there is no standard definition of peer review, one assumes that in scientific publishing it means the use of a professional person's peers to evaluate his or her work. At the congress, in discussing the philosophical basis of peer review, Horrobin (1990) attempted to answer the question "What is peer review for?" One purpose generally accepted is that peer review is for quality control. Horrobin saw an additional purpose, namely "to facilitate the introduction into medicine of improvements in curing, relieving, and comforting" (p. 1438). He recognized that these dual purposes may sometimes conflict. For Horrobin, peer review must be judged by "how it handles those rare articles that genuinely offer the possibility of new approaches that might eventually lead to improvements in curing, caring, and comforting" (p. 1439). By this standard, he found peer review sadly lacking, and he documented examples of the rejection of innovation (pp. 1439-41). Since "peer review in the grant-giving process is so restrictive that most innovative scientists know they would never receive funding if they actually said what they were going to do," scientists have had to tell lies in their grant applications (p. 1440).

Despite the problems attached to the peer review process, approximately three-quarters of the major scientific journals use peer review for evaluating at least some articles they publish (Altman, 1986). In his analysis of forty-eight library and information science journals, Budd (1988) found that if one defines peer review loosely (to include editorial staffs and editorial boards), then the majority

of journals in his sample employ a peer review process (p. 128). He
noted that the formal use of referees who are not staff or board members
has risen in the last decade.

Bias on the part of reviewers was a recurrent concern in the
papers of the congress. In addition to prepublication bias and
publication bias, which are discussed earlier, Chalmers et al. (1990)
mentioned postpublication bias, which was defined as the "possibility
of bias in the reception and interpretation of published research data"
(p. 1394). The authors maintained that this kind of bias has received
scant attention in the literature. It occurs when review articles present
previously published research findings inaccurately.

Blind Submissions, Anonymous Reviews, Cronyism

The study that captured the most interest at the congress (Sun,
1989, p. 910) was led by McNutt (McNutt et al., 1990) and investigated
the effects of blinding reviewers—masking the names of authors and
their institutions—on the quality of the evaluations written by the
reviewers. Blinding reviewers is often associated with decreasing the
potential for reviewer bias or dishonesty. Previous research
investigated the ease or difficulty of blinding reviewers to the
identification of authors. However, McNutt et al. reported that to
their knowledge their study was the first on blinding's effect on review
quality (p.1375). Their study design employed a randomized,
controlled, double-blind trial using blocked randomization. They
analyzed reactions to 123 manuscripts, each of which was reviewed
by a blinded reviewer and a reviewer who knew the author and his
or her institution. Both editors and authors were asked to rate the
quality of the reviews; neither group knew if the reviews were written
by blinded or nonblinded reviewers.

McNutt et al. found that blinding reviewers improved the quality
of reviews from the editors' perspectives. The editors rated blinded
reviewers higher than nonblinded reviewers on how they addressed
importance of the question, key issues, and research methods.
However, authors found no differences in the quality of blinded and
unblinded reviews. Also, authors considered the reviewers similar
with regard to courteousness, fairness, and knowledge (p. 1375). All
the reviewers had the option of signing or not signing their reviews.
McNutt et al. noted: "Signing was not randomly allotted, and
conclusions must be interpreted with more caution" (p. 1375). Of
those surveyed, 43 percent of reviewers chose to sign their names.
No association was found between signing and quality of reviews.

In general, editors and other ethics analysts have been divided
on how they relate reviewers' signing of reviews to subjectivity and
possible bias:

> Some editors believe that signing will introduce more subjectivity into
> what should be an objective endeavor and that reviewers who sign may
> not be as critical. Others believe that signing is valuable and that it
> will ensure that the reviewer's opinions will be better documented. (p.
> 1375)

Unsigned reviews are much more widely used by journals in all fields than are blinded submissions (Coughlin, 1989a). However, the concerns of women and junior scholars have led to an increase in blinded submissions. That change at *PMLA*, for example, has resulted in "a significant increase in articles by women, by junior members of the profession, and by colleagues from lesser institutions" (p. A7). Critics of blinding have maintained that to judge scholarly arguments in the literature adequately, one must know the identity of the scholars.

Cronyism is an ethical issue for some analysts. If a crony—a personal friend, colleague, or collaborator—of an author is asked by a journal editor to review a manuscript or review a book authored by the friend, should the crony disqualify him or herself? In the Serebnick and Harter study, cronyism received divided or uncertain reactions from the editors: 27 percent of the editors considered cronyism (not disqualifying oneself) clearly unethical, 53 percent said cronyism was possibly unethical, 7 percent considered cronyism an ethical practice, and 13 percent said cronyism was not an ethical issue.

Although blinded submissions, signed reviews, and cronyism have elicited divided opinions from ethics analysts, no strong differences of opinion seem to exist regarding the ethics of borrowing ideas from, or disclosing the contents of, a manuscript that one is reviewing. Of the editors surveyed in the Serebnick and Harter study, 91 percent said it was unethical for reviewers to borrow ideas from manuscripts being refereed. Ethics analysts have consistently maintained that reviewers are not supposed to make use of the contents of reviewed manuscripts for their own work before the manuscript is published (Altman, 1986).

Another ethical concern in the peer review process is the perception that it is generally unreliable in judging the objective merit of a work. The research of Peters and Ceci (1982) not only showed the inconsistency of reviewers' judgments, but also raised questions about possible bias against authors who lacked high status and a prestigious institutional affiliation. Authors' status and institutional affiliation have been investigated in widely known older studies of reviewer bias (for example, Crane [1967]). However, studies have also indicated that "the great bulk of reviewer disagreement observed is probably a result of real and legitimate differences of opinion among experts about what good science is or should be" (Cole et al., 1981, p. 885). In addition, the level of disagreement among

reviewers may reflect "overall levels of scholarly consensus and that consensus varies across disciplines" (Hargens, 1990, p. 1352).

ELIMINATING OR LIMITING UNETHICAL PRACTICES

Analyses of unethical practices in journal publishing have a long history and many suggestions have been made for eliminating or limiting fraud and deception. Some proposals are mentioned earlier. Currently, the suggestions are coming from a broad range of concerned analysts. Though a number of changes have been implemented, most are not without their detractors.

At the peer review congress discussed earlier, several proposals were made to make authors, editors, and reviewers more accountable for their actions (Sun, 1989). Rennie suggested random audits of raw data from studies accepted for publication. The audits would be conducted by senior people with research experience, and they would be financed by the journals, foundations, and the government. Presumably, the audits would help determine the extent of research malpractice and let the government know that scientists are "getting scientific about science" (Hamilton, 1990, p. 30). Some observers considered such audits costly and difficult and warned that they will create suspicion and "poison the scientific process" (Altman, 1989, p. C3).

Rennie and Relman have suggested that journals mandate that each coauthor sign a statement that he or she has read and approved the paper and is "responsible" for the work described (Sun, 1989, p. 911; Coughlin, 1989a). However, some scientists maintained that requiring such a statement will be impractical, particularly if the research project was interdisciplinary and if some coauthors were responsible for only minor portions of the research. Perhaps coauthors could accept responsibility for only those parts of the work in which they were involved, and journals could clarify the specific responsibilities. Others have suggested that categories of authorship be established: primary authorship for those who contribute to the conception, generation of data, or analysis and interpretation of data; and a second tier of authorship for those who fit the categories of "with the assistance of" or "in collaboration with" by contributing, for example, "a moderate bit of advice" (Culliton, 1988b, p. 525).

Many analysts have suggested that journals develop more explicit guidelines for authors, editors, and reviewers. These guidelines should clarify the rights and responsibilities of each group, informing them about the potential for misconduct and the necessity for acting to prevent misconduct. For example, Chubin (1985) has recommended that editors inform reviewers of the desirability of pursuing suspicions of data manipulation (p. 200).

Research institutions have also responded to the current interest in unethical journal practices. Recognizing that the pressures of tenure and promotion may lead to an emphasis on quantity, not quality, of publication and a potential for fraud and error, Harvard University Medical School published revised guidelines for promotion and tenure decisions (Culliton, 1988b). The guidelines "dare to suggest that someone up for promotion to full professor should be judged on no more than ten papers. Those up for associate professor could make the grade on the basis of a mere seven papers, presuming they were pretty good ones" (p. 525). The Harvard guidelines also specify that researchers should keep original data and that as authors they should be held responsible for papers that carry their names. Nobel (1990) found that only two medical schools among the 133 that responded to his survey have guidelines addressing most of the important ethical issues related to misconduct in biomedical research (p. 1435).

Suggestions have also been made that educational institutions should take more responsibility for educating and training about research ethics (LaFollette, 1989). LaFollette decried the "shocking lack of adequate...formal, required instruction on research ethics in the curriculum" of her university and many other universities (p. 72). She also thought scientists should be taught about the publishing system. Sweetland (1989) urged the improvement of training of researchers in library and information science. He focused on training in the theory and methods of citations, noting the responsibilities of librarians, authors, publishers, and referees to provide accurate citations and thus to correct a worsening situation of high error rate in citations.

Additional suggestions for eradicating unethical journal practices include: funding duplication of research to resolve allegations of misconduct (Hamilton, 1990); registration of all trials, perhaps all research studies, undertaken (Dickersin, 1990); regular publication by more journals of "an accounting of the length of time it takes peers to review a paper, authors to make the suggested revisions, and editors to decide whether to publish" (Altman, 1989, p. C3); instructing reviewers to refuse to accept repetitive papers and requiring authors to sign documents guaranteeing that the information in their articles has not been accepted or published elsewhere (McDonald, 1985); and encouraging the scientific community to agree on "the level of inaccuracy required to mandate a retraction vs an erratum" (Pfeifer & Snodgrass, 1990, p. 1423).

CONCLUSION

Admittedly, this article raises more questions than it answers. Unfortunately, the answers are not at hand. Most of the literature

on unethical journal practices consists of opinion pieces, and opinions are inconsistent—perhaps for good reason, since the variables related to the practices are complex and difficult to analyze. Systematic investigations are rare; experiemental designs are invariably controversial. Many scientists seem unwilling to encourage or participate in examinations of possibly unethical research and publishing practices; whistle-blowers can face intimidation and unemployment. However, some investigations, including the Epstein and Baltimore cases, receive extensive media attention and heighten concern with unethical practices. Also, events such as the First International Congress on Peer Review demonstrate that rigorous investigations are needed and that a few are actually completed.

In library and information science, the literature on unethical journal practices is minimal. Although editors are concerned about misconduct, many fail to recognize ethical implications in practices that are coming under increasing scrutiny. The ALA publishing guidelines and *Statement on Professional Ethics* do not address most of the unethical practices identified by ethics analysts.

Journal publication is indispensable in spreading ideas and recognizing scholarly research. Unethical practices may promote misleading or harmful information and deny a forum to innovators. Such practices need more attention than they have received.

REFERENCES

American Library Association. (1981). On professional ethics. *American Libraries*, *12*(6), 335.
American Library Association. Library Information Literature Membership Initiative Group. (1983). *Guidelines for authors, editors and publishers of literature in the library and information field.* Chicago, IL: ALA.
Altman, L. K. (1986). Peer review is challenged. *New York Times*, (February 25), C3.
Altman, L. K. (1989). Errors prompt proposals to improve "peer review" at science journals. *New York Times*, (June 6), C3.
Banner, J. M., Jr. (1988). Preserving the integrity of peer review. *Scholarly Publishing*, *19*(2), 109-115.
Broad, W. J. (1981). The publishing game: Getting more for less. *Science, 211*(March 13), 1137-1139.
Broad, W. J. (1988). Science can't keep up with flood of new journals. *New York Times*, (February 16), 15, 20.
Budd, J. (1988). Publication in library & information science: The state of the literature. *Library Journal, 113*(14), 125-131.
Chalmers, I. (1990). Underreporting research is scientific misconduct. *Journal of the American Medical Association, 263*(10), 1405-1408.
Chalmers, T. C.; Frank, C. S.; & Reitman, D. (1990). Minimizing the three stages of publication bias. *Journal of the American Medical Association, 263*(10), 1392-1395.
Chubin, D. E. (1985). Misconduct in research: An issue of science policy and practice. *Minerva, 23*, 175-202.
Cole, S.; Cole, J. R.; & Simon, G. A. (1981). Chance and consensus in peer review. *Science, 214*(November 20), 881-885.

Cordes, C. (1986). Psychologists debate a possible requirement to share data from their experiments. *Chronicle of Higher Education, 33*(September 3), 35.

Coughlin, E. K. (1989a). Concerns about fraud, editorial bias prompt scrutiny of journal practices. *Chronicle of Higher Education, 35*(February 15), A4-A7.

Coughlin, E. K. (1989b). Social workers' group plans no disciplinary action against researcher who submitted bogus articles. *Chronicle of Higher Education, 35*(April 5), A5-6.

Crane, D. (1967). The gatekeepers of science: Some factors affecting the selection of articles for scientific journals. *American Sociologist, 2*(November), 195-201.

Culliton, B. J. (1988a). A bitter battle over error (II). *Science, 241*(July 1), 18-21.

Culliton, B. J. (1988b). Harvard tackles the rush to publication. *Science, 241*(July 29), 525.

Dickersin, K. (1990). The existence of publication bias and risk factors for its occurrence. *Journal of the American Medical Association, 263*(10), 1385-1389.

Friedman, P. J. (1990). Correcting the literature following fraudulent publication. *Journal of the American Medical Association, 263*(10), 1416-1419.

Goleman, D. (1988). Test of journals is criticized as unethical. *New York Times,* (September 27), 21, 25.

Goleman, D. (1989). Charge dropped in bogus work. *New York Times,* (April 4), C8.

Gorlin, R. A. (Ed.). (1990). *Codes of professional responsibility,* 2d ed. Washington, DC: Bureau of National Affairs.

Hamilton, D. P. (1990). White coats, black deeds. *Washington Monthly, 22*(3), 23-31.

Hargens, L. L. (1990). Variation in journal peer review systems: Possible causes and consequences. *Journal of the American Medical Association, 263*(10), 1348-1352.

Horrobin, D. F. (1990). The philosophical basis of peer review and the suppression of innovation. *Journal of the American Medical Association, 263*(10), 1438-1441.

Kelman, H. C. (1986). When scholars work with the CIA. *New York Times,* (March 5), A27.

LaFollette, M. C. (1989). Beyond plagiarism: Ethical misconduct in scientific and technical publishing. *Book Research Quarterly, 4*(4), 65-73.

Leary, W. E. (1989). Business and scholarship: A new ethical quandary. *New York Times,* (June 12), 1, B6.

McDonald, K. (1985). Ethical offenses by scholars said to harm science and its journals. *Chronicle of Higher Education, 30*(June 5), 5, 9.

McNutt, R. A.; Evans, A. T.; Fletcher, R. H.; & Fletcher, S. W. (1990). The effects of blinding on the quality of peer review. *Journal of the American Medical Association, 263*(10), 1371-1376.

Mahoney, M. J. (1977). Publication prejudices: An experimental study of confirmatory bias in the peer review system. *Cognitive Therapy and Research, 1*(2), 161-175.

Merton, R. K. (1984). Scientific fraud and the fight to be first. *Times Literary Supplement, Number 4257*(November 2), 1265.

Nobel, J. J. (1990). Comparison of research quality guidelines in academic and nonacademic environments. *Journal of the American Medical Association, 263*(10), 1435-1437.

Peters, D. P., & Ceci, S. J. (1982). Peer-review practices of psychological journals: The fate of published articles, submitted again. *Behavioral and Brain Sciences, 5,* 187-195.

Pfeifer, M. P., & Snodgrass, G. L. (1990). The continued use of retracted, invalid scientific literature. *Journal of the American Medical Association, 263*(10), 1420-1423.

Rennie, D. (1990). Editorial peer review in biomedical publication: The first international congress. *Journal of the American Medical Association, 263*(10), 1317.

Rodman, H. (1970). The moral responsibility of journal editors and referees. *American Sociologist, 5*(November), 351-357.

Serebnick, J., & Harter, S. P. (1990). Ethical practices in journal publishing: A study of library and information science periodicals. *Library Quarterly, 60*(2), 91-119.

Sun, M. (1989). Peer review comes under peer review. *Science, 244*(May 26), 910-912.

Sweetland, J. H. (1989). Errors in bibliographic citations: A continuing problem. *Library Quarterly, 59*(4), 291-304.

Wheeler, D. L. (1987). Researchers need to shoulder responsibility for detecting misconduct, scientist warns. *Chronicle of Higher Education, 33*(February 25), 6, 13.

Woolf, P. (1981). Fraud in science: How much, how serious? *Hastings Center Report, 11*(October), 9-14.

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