

Some Personal Reflections on Our New AALL Ethical Principles

by Mark Mackler

Several members and AALL leaders have asked the Special Committee on Ethics to consider whether there should be a permanent committee or panel to issue advisory opinions on the Ethical Principles to members. The Special Committee will study this question during the coming year and invites all interested members to contact one of the committee members to express an opinion. The committee members are: Anne Abate, Margie Axtmann (Board Liaison), Wes Cochran (Chair), Ralph Monaco, and Kay Schlueter. The Committee will also seek more formal input from AALL members in a future issue of AALL Spectrum.

What had I become? Just another shark in a suit? The things we think and do not say. Show me the money.

—Jerry Maguire (1996)

The first indication of Eichmann's vague notion that there was more involved in this whole business than the question of the soldier's carrying out orders that are clearly criminal in nature and intent appeared during the police examination, when he suddenly declared with great emphasis that he had lived his whole life according to Kant's moral precepts, and especially according to a Kantian definition of duty. This was outrageous, since Kant's moral philosophy is so closely bound up with man's faculty of judgment, which rules out blind obedience.

—Hannah Arent, *Eichmann in Jerusalem: A Report on the Banality of Evil* (1994)

Let me tell you upfront that what you are about to read is not meant to be a slam to our Special Committee on Ethics. I'm aware that the Special Committee studied our former Code of Ethics and determined that the Code, which had not been revised since 1978, should be replaced. I know that several articles about the proposed changes ran in *AALL Spectrum* and that all of us had ample opportunity to comment. Finally, I know that the Committee distributed the proposed Ethical Principles last year at the Anaheim Annual Meeting. And, frankly, I had a serious problem with one statement in the proposed Principles but I did not raise my voice against it. Maybe at that time I felt that one member could not make a difference. Simply put, I abrogated my responsibility. I now regret this very much.

By now, you probably have two questions. First, just what part of the Ethical Principles do I object to? Second, what happened to get me so worked up?

Specifically, what I object to comes under the "Professional Responsibilities" category. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with the service we provide.

In part, this Principle mirrors the American Library Association's 1995 "Code of Ethics." We distinguish between our personal convictions and professional duties and do

not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources. (Emphasis added.) If I were a semanticist, I would try to discuss what the difference between the two phrases might mean to us, but that would be futile, speculative, and (do I dare say?) legalistic.

Instead, I just want to point this out to you. On the face of it, our new Ethical Principles are neat. However, as a practical matter, we all have (or should have) our own set of personal ethical principles.

In the November 1997 issue of *AALL Spectrum*, Ralph Monaco, a member of the Special Committee, wrote an excellent article concerning the upcoming revision of the Code. He noted, "Differing situations necessitate variation in how a rule is applied. There must a role for discretionary judgment in following a code of ethics." I wish that this statement, or similar one, had been inserted in our new Ethical Principles.

The day might come when you find yourself in a situation where you have to decide between following our Ethical Principles and following your conscience.

Last month, it was that portion of the Ethical Principles that deals with personal convictions and ethical duties that hit me right in the face. One of my firm's partners asked me to provide research for a potential corporate client who had a market value in the billions of dollars. The corporation had been implicated in a particularly repugnant, odious matter. In addition, I had a somewhat personal association with the matter in question. And, do you know what? For the first time in 15 years of practice, I refused an assignment. The partner fully understood my position, and there have been no repercussions. It felt great to take a stand. You probably know that this does not happen very often in the environment of law firms, which a colleague of mine once called "places of fear."

In any event, the only thing that troubles me about what I did was that I very clearly violated the Ethical Principles of my Association. But, given the situation, I had to do it.

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