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'Dead on Arrival'? Impartiality as a Measure of Archival Professionalism in the Twenty-first Century

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Abstract: The 1996 ICA Code of Ethics specifies impartiality as being necessary to ensure the ongoing reliability of evidence in archivists' trust as well as to avoid potential conflicts of interest or partisanship that might negatively affect the "general interest". In this it reflects not only earlier positivist constructions that shaped modern archival ideas and practices around evidentiary concerns, but also naïve techno-deterministic notions that emerging digital techniques could somehow make managing records more value-neutral by "removing" the human element. Growing numbers of archivists working with tribunals and commissions investigating human rights abuses and war crimes, the community archives movement, and the archival turn toward social justice have increasingly challenged that impartiality leads to indifference and passivity in the face of moral exigencies and injustices in which they see recordkeeping to be collusive. Prominent archival thinkers, influenced by contemporary intellectual currents, have also pressed the field on the impossibility of neutrality and objectivity in a profession that manages records that are integral to fundamentally inequitable systems and processes, and that itself exercises so much power over the selection, description and transmission of those records to future generations. This paper argues, therefore, that the field must promulgate more critical notions of what both impartiality and "the general interest" should comprise. Specifically it argues that transparency, reflexivity and the pursuit of fairness and equity are the values that the archival profession should be upholding in the 21st century, and that to do so most effectively requires the support of critically-based professional education and an ongoing research culture.

The International Congress of Archivists and Librarians held in Brussels in 1910 provided one of the defining moments in our field.[1] It was at this Congress that Muller, Feith and Fruin's 1898 *Manual for the Arrangement and Description of Archives* (more commonly referred to today perhaps as the Dutch Manual) was formally introduced to and adopted by an unprecedented international gathering of archivists. The principles delineated by the manual endure today, lying at the heart not only of the International Council on Archives (ICA)'s descriptive standards but also of many of the ethical expectations and exhortations contained in its 1996 Code of Ethics. At this conference, we are looking anew at some of these expectations and exhortations and how they stand up or might need to be rethought as we move toward the third decade of an increasingly digitally enabled and algorithmically powered century. For my presentation, I was asked to contemplate whether impartiality remains a core archival value, especially in light of increasing automation of appraisal, description, access and other archival fundamental activities. The Code of Ethics asserts that impartiality is "the measure of our professionalism," it being necessary to ensure the ongoing reliability of evidence in the trust of archivists as well as to avoid potential conflicts of interest or partisanship on the part of archivists or archives that might negatively affect "the general interest." Such a

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[1] Joseph Cuvelier, L. Stainer, Proceedings of the International Congress of Archivists and Librarians held in Brussels in 1910 (1912), https://archive.org/details/BrusselsCongress1910.

position reflects earlier positivist constructions that shaped modern archival ideas and practices around evidentiary concerns. It also displays what we now can recognise as naïve techno-deterministic thinking that digital techniques could make managing records more value-neutral and providing access to them more equitable as well as easier through the "removal" of the human element. In this paper, therefore, and with reference to various digital capacities and human rights considerations, I argue that the field needs to revisit its ethical stance on impartiality, promulgating more critical and nuanced notions of what both impartiality and "the general interest" should comprise. Specifically I argue that transparency, reflexivity and the pursuit of fairness and equity are the values that the archival profession should be upholding, and that to do so most effectively requires the support of critically-based professional education. It also requires the building of a professional culture of empirical and imaginative investigation and assessment to ensure that the expectations and actions of the field operate and continue to evolve based on substantiated knowledge and do not simply fall back upon historical precedent or and under-defined concepts.[2]

To contextualise my perspective and in the interests of transparency, I will start with some personal reflection on many years working at various intersections between digital technology, metadata, and archival theory and practice. What originally drew me to this work in the 1980s and 1990s was the obvious and inescapable need for the field to address the growing body of born-digital materials as well as the potential to use technology to do things that we had never before been able to do. For example, we could link descriptions and make the content of archives available outside the walls of individual repositories and even the borders of individual countries, and develop automated tools for processing high volumes of electronic records. When I started, this was, as Margaret Hedstrom put it, "the wild frontier."[3] It was exciting, it was daunting, it allowed me to see many settings and implementations and to work with inspired colleagues from around the world and drawn from this and other concerned fields.

Less obviously what also drew me to this work were the necessities of implementing technology in sound ways: of definitional clarity, of precision, of the nature of the record as evidence, of deeper understandings of the needs of target audiences, and of the essential role of evaluation to assess whether our implementations were effective in meeting those needs. These were necessities, by the way, that I had felt were also lacking in the analogue aspects of the field. Addressing them, it seemed at the time, required unambiguously articulating, modelling, problematising and challenging traditional definitions, assumptions and practices. Over time, however, it became clear that those very same actions walk a fine line between clarifying and oversimplifying or abstracting

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[2] For further elaboration, see also Anne J. Gilliland, "Neutrality, Social Justice and the Obligations of Archival Educators and Education in the Twenty-first Century," *Archival Science* 11 nos. 3-4 (2011): 193-209; and Kelvin L. White and Anne Gilliland. "Promoting Reflexivity and Inclusivity in Archival Education, Research and Practice," *Library Quarterly* 80 no.3 (July 2010): 231-248.
[3] Margaret Hedstrom, "Building Record-Keeping Systems: Archivists Are Not Alone on the Wild Frontier," *Archivaria* 44 (1997).

the messiness of archival and records realities--a generalisability bind that should be familiar to the designers of systems and of research studies alike. Working with electronic records required questioning how archival ideas about the reliability of evidence are constructed and by whom and for whose benefit. Mixed registries and hybrid archives containing, as they likely will for many years to come, both analogue and digital components, required considering how technological, metadata, service, policy, and economic infrastructures could be built to bring the field not only into the digital present, but to move it toward digital futures unknown. Globalisation, working with diverse cultures and ontologies, and divergent experiences with recordkeeping all required contemplating how to network technically and appropriately not only across institutions and geographies, but also across beliefs, political divides and inequities.

Today these all remain necessities and while this work continues to be exciting, the field's uncritical reliance upon technological implementation and associated standards to negotiate these diverse beliefs and cultures, political divides and inequities have, for me, raised a new suite of concerns that gnaw away at the professional stance of impartiality. These concerns are about the hegemonic and neocolonial effects of these developments and about the implicit biases and belief systems that are built into and promulgated by both technology development and standards. They are also about losing sight of this profession's primary roles and responsibilities with regard to the record and its constituents in the effort to be seen as state-of-the-art information and data curators and providers. While very conscious of the many and various important historical research purposes to which archives can be put, I find the emphasis placed on the support of scholarship in much of the vision of open archives, big data, digitization and descriptive standards to be deficient. Taking cues from other so-called "information fields," these initiatives have a tendency to occlude the evidential function that records, and only records, play in society. [4] Records are a very particular form of information and of evidence. They are integral not only to civil society and to establishing and interpreting the past, but also to individual lives - our rights, our sense of identity, our memory, and our ability to communicate constructively across both generations and perspectives. While the twenty-first century so far can certainly be characterised for our profession in terms of fast-paced technological innovation, it can and should also be characterised in terms of the profession's increasingly deep engagement with human rights, social justice and diversity. This engagement includes critical contemplation of the degree to which recordkeeping in the broadest sense has not been impartial--being both complicit in human rights and social justice transgressions and at the same time integral and essential to prosecuting and redressing the same. In a narrower sense, the contemplation is focused on the degree to which archives and archival practices participate in shaping the record that is left to posterity and how it is perceived, is usable and is used. These two trends, one hopes, would increasingly converge, with new technological implementations actively taking into account the needs of those who remain most disenfranchised by archives and most disadvantaged by a world of recordkeeping, those who often fall outside the Codes vague constituency of "the general interest."

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[4] This concern was taken up as the theme of "Activation and Impact: The Societal Role of Records and Record-keepers" the 2016 FARMER Conference in Dundee, Scotland, April 2016.

These concerns have led me to temper my focus, to approach it through a more ethnographic, embedded lens. In recent years I have focused much of my research on the countries that emerged from the former Yugoslavia, and also on diasporic groups such as refugee and immigrant communities, and migrant field workers from Mexico and Central America. I have been examining how records matter in their daily lives and recovery from conflict and economic exigency and contemplating how archives and archival technology might assist them.[5] These are among the populations and individuals who have some of those most immediate evidentiary needs for records, records that might go back two or three generations, records that we are increasingly putting behind a digital paywall: to obtain citizenship or residency, to gain official recognition of their identity, to document their rights and qualifications, to reunite families, to educate themselves and their children, to obtain healthcare, to get their pensions, often many years after they left the country in which they had earned those pensions, and to reclaim lost or stolen property. They are those whose circumstances often make them the least well-equipped to retain copies of their own records, to identify and then go to where official records are housed, to use archival descriptive systems online, or to pay for digital copies. They also tend to be least considered by archives and archival ideas, even though they number in the tens of millions of individuals. This, I believe, is at its heart an equity question. When resources are tight, and they always are, our instincts often are to prioritise service to those with whom we have the strongest familiarity, and, arguably, affinity, and agendas for which we can get funding support.[6] To reprioritise, to actively support equity, we would have to think and act quite differently.

So with that long preamble, let me turn now to discuss why I consider impartiality as currently conceived in the Code of Ethics to be an impossible and inappropriate aspiration. And why we should be replacing it with more critical exhortations to heightened transparency in technological implementations and indeed in all our work; to increased reflexivity about our positionality and biases as institutions, as professionals, and as private persons; and to a stronger commitment to critical awareness and empiricism.

The ICA Code of Ethics specifies impartiality in several of its principles.[7] The sentiments behind the exhortations to neutrality speak to a laudable desire for equity and considered

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[5] Anne J. Gilliland, "A Matter of Life and Death: A Critical Examination of the Role of Official Records and Archives in Forced Displacement," (forthcoming in the *Journal of Critical Library and Information Studies*); Anne J. Gilliland and Hariz Halilovich. "Migrating Memories: Transdisciplinary Pedagogical Approaches to Teaching About Diasporic Memory, Identity and Human Rights in Archival Studies," *Archival Science* (2017); Anne J. Gilliland and Sue McKemmish. "Rights in Records as a Platform for Participative Archiving," Chapter 14 in Richard J. Cox, Alison Langmead and Eleanor Mattern, eds. *Archival Education and Research: Selected Papers from the 2014 AERI Conference* (Sacramento, CA: Litwin Press, 2015), pp.355-385.

[6] This, in fact, was one of the findings of a doctoral study conducted by Novak of attitudes of archivists in the U.S. Midwest toward archival activism. Joy Novak, "Examining Activism in Practice: A Qualitative Study of Archival Activism," doctoral dissertation (University of California, Los Angeles, 2013).

[7] For example:
> 1. Archivists should protect the integrity of archival material and thus guarantee that it continues to be reliable evidence of the past. The primary duty of archivists is to maintain the integrity of the records in their care and custody.

professional action. They are, of course, also underpinned by and reactions to real-life bad experiences that archives and archivists have had with governments, administrators, politicians, army leaders and others, including sometimes even other archivists, seeking to interfere with, alter, withhold or destroy records and other evidence of past activities, or hunting for dirt on political opponents in the archives. The Code also reflects the desire to be seen, valued and trusted by the public as professionals whose charge endures beyond any such particular pressures and who must perform their function independent from them. It should be noted that codes of ethics, like professional standards and best practices, have another important role -- they can be used by professionals working in situations where there is political pressure or conflict over memory and identity to justify the work that they are doing. This however, is even more reason why the Code should be more nuanced and push further.

Notwithstanding all these considerations, the exhortation to impartiality as expressed in the Code was not merely retrogressive but was actually dead on arrival. By 1996, when the Code was enacted, prominent archival thinkers such as Terry Cook, Tom Nesmith and Brien Brothman, influenced by postmodern intellectual currents in the social sciences, history, literature and other fields, had already begun to press the field on the impossibility of neutrality and objectivity in a profession that manages records that are integral to fundamentally inequitable systems and processes and that itself exercises so much control over the selection, description and transmission of those records to future generations. Neutrality and objectivity are both concepts that are closely related to that of impartiality and in some cases are used synonymously. While one could debate the actual conceptual relationships involved, all the concepts speak to the quality of not taking sides or entertaining bias. The incursion of postmodern thinking eroded the archival field's complacency with its stance on impartiality. It pointed out the ways in which archival work, overtly or tacitly supported dominant and elite power structures and institutions, and perpetuated grand narratives and singular perspectives. More recent scholarship has pushed the critique of archives and recordkeeping even further, focusing on how archives and their practices have failed to give voice or sometimes even breathing room to narratives and people who were submerged or subjugated by those structures and institutions, who did not fit within those narratives, or who did not share the same perspectives. Postcolonial, Indigenous and feminist scholars in the past two decades have been actively researching within archives and reading their contents along and against the grain to surface the ways in which recordkeeping has been an integral part of the apparatus of colonial rule, western and male domination, and the silencing of certain communities and experiences.[8] Anthropologists and legal scholars studying bureaucratic or structural violence have described how official recordkeeping processes have systematically damaged, harassed or excluded certain populations, or have had unanticipated consequences for them (a form of "disparate impact," where the same

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In the accomplishment of this duty they must have regard to the legitimate, but sometimes conflicting, rights and interests of employers, owners, data subjects and users, past, present and future. The objectivity and impartiality of archivists is the measure of their professionalism. They should resist pressure from any source to manipulate evidence so as to conceal or distort facts.

[8] See, for example, the works of Ann Laura Stoler, Anjali Arondekar, Durba Ghosh and Ann Cvetkovich.

action affects different individuals or communities in different and often inequitable ways).[9] This research has influenced a whole new generation of archival scholars.[10]

Drawing examples from displacement and migrant crises in the Balkans region in the 1990s and today, I have recently argued that "official" archives such as government and other organizational archives are neither epistemologically nor structurally oriented to address the immediate needs of the forcibly displaced and other "non-citizens" who often resort to "irregular" forms and uses of records to survive because they are so closely aligned with the evidential interests of their parent institutions.[11] The growing community archives movement has fundamentally challenged many such score conceptual and ethical premises of the archival field that were first formulated based upon the experiences and contexts of government archivists. Community archives theorists have pointed to how so-called grassroots archives, archives-from-the-bottom-up or independent archives have highlighted critical deficits in more traditional archival practices and conceptualizations as well as challenged the scope of their holdings and the inclusiveness of the narratives that those holdings and their archival descriptions present.[12] The growing numbers of archivists working with tribunals and truth and reconciliation commissions investigating human rights abuses and war crimes as well as the field's own "turn"-- toward social justice -- have increasingly charged that impartiality, rather than being a good thing, can manifest as indifference and passivity and possibly even complicity in the face of the moral exigencies and injustices in which they and many scholars and victims alike see recordkeeping to be collusive. My own

[9] See, for example, Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence, and Poverty in India* (Durham, NC: Duke University Press, 2012 and Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, And the Limits of Law* (South End Press, 2011).

[10] See, for example, Ricardo Punzalan and Caswell, Michelle. "Critical Directions for Archival Approaches to Social Justice," *Library Quarterly* 86 no.1 (2016): 25-42; Michelle Caswell, Marika Cifor, and Mario H. Ramirez, "'To Suddenly Discover Yourself Existing': Uncovering the Affective Impact of Community Archives," *The American Archivist* 79, no. 1 (Spring/Summer 2016): 56-81; Marika Cifor, "Aligning Bodies: Collecting, Arranging, and Describing Hatred for a Critical Queer Archives," *Library Trends* 64, no. 4 (J2016): 756-775; and Michelle Caswell, "Seeing Yourself in History: Community Archives in the Fight Against Symbolic Annihilation," *The Public Historian* 36 no.4 (November 2014): 26-37.

[11] "While it can certainly be argued that no form of documentation can ever be value-neutral, bureaucratic records must always be considered in terms of the ways in which they are central to the exercise of power and agency as well as how they are aligned with the interests of certain kinds of bodies and exclusive notions of evidence, nation states and citizenry. Much of the theory that informs the conceptions of evidence and the professional practices of state and other official archives is closely derived from as well as developed to support these interests and notions ... A theoretical, organizational and practical reorientation is needed that is based in supranational and transinstitutional thinking and proactive humanitarianism. This reorientation should engage at the level of affected individuals and their everyday lives and also account for "irregular" records generated or deployed in exigency or in other forms of radical agency by the forcibly displaced." Anne J. Gilliland, "A Matter of Life and Death," ibid.

[12] See, for example, Michelle Caswell, "Toward a Survivor-Centered Approach to Human Rights Archives: Lessons from Community-Based Archives." *Archival Science* 14 nos.3-4 (2014): 307-322 and "Inventing New Archival Imaginaries: Theoretical Foundations for Identity-Based Community Archives." In *Identity Palimpsests: Ethnic Archiving in the U.S. and Canada*. (Sacramento, CA: Litwin Books, 2014), pp.35-55; and Andrew Flinn, "Archival Activism: Independent and Community-led Archives, Radical Public History and the Heritage Professions," *InterActions: UCLA Journal of Education and Information Studies* 7 no.2 (2011) and "The Impact of Independent and Community Archives on Professional Archival Thinking and Practice." J. Hill, ed. *The Future of Archives and Recordkeeping*. (London: Facet Publishing, 2011).

research in post-conflict Croatia and Bosnia indicates not only how records and archives have been and continue to be the subject of tremendous politicization and how disheartened the archivists have become by not being able to act, but also how the personal backgrounds of the archivists themselves has shaped their attitudes towards records.[13] As an academic, I am very familiar with students who come to use from history or other humanities and social science fields, drawn by the allure of the archives. But increasingly students come to our courses in archival studies because they see the field as one where change needs to happen or where empowerment can occur. Sometimes they have firsthand experience within their own families or communities of what it means not to have records, or control over or access to their own records. In such cases, they are motivated to pursue this profession in order to document and redress what they perceive to be archival inequities and partialities. Diversifying archival holdings as well as the professional body has been a strategic priority of the Society of American Archivists for many years, but as the field diversifies, it encompasses more people and more archives that have explicitly partisan and yet still professional objectives. How do we reconcile this important shift with the Code's exhortation to impartiality?

Challenging the ability of archivists and archival institutions to be impartial often provokes a strong negative reaction within the field. There are two major reasons for this. One is defensive -- the feeling that we personally are being accused of being biased and that are thus incapable of acting professionally. And yet, as recent debates about institutional and personal racism in the United States remind us, we all are guilty of implicit bias because we are human, social beings. Implicit bias or implicit social cognition is what Harvard researchers working on Project Implicit have defined as "thoughts and feelings outside of conscious awareness and control ... attitudes, stereotypes and other hidden biases that influence perception, judgment, and action."[14] Reflexivity is one antidote to implicit bias. If we were to be more reflexive, we might ask, for example, how are notions of reliable evidence constructed? Who benefits from those constructions and who might not? Whose evidence is it that is maintained by archivists? Do we really take into account the rights and interests of all of associated parties, in and over time, and in an equitable way? Or do we have some preferred parties - the institutions or the communities or citizens we aspire to serve? Other antidotes are ensuring transparency regarding our actions and their motivations, and active growth in our own awareness and ability to assess assertions and practices.

The second reason is a nervousness about explicit activism. Without a doubt we should resist the kinds of pressures I have already discussed, but where is the line to be drawn between forms of advocacy and proactivity that are necessary and appropriate, and those that might endanger the public trust in our role (and who constitutes that public trust?)? In response to such a question we must ask whether such activism is necessarily always bad, or can it be an act to redress the balance, to ensure that records can do in all lives,

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[13] Anne J. Gilliland, "Studying Affect and its Relationship to the Agency of Archivists Since the Yugoslav Wars," Chapter 2 in Richard J. Cox, Alison Langmead and Eleanor Mattern, eds. *Archival Education and Research: Selected Papers from the 2014 AERI Conference* (Sacramento, CA: Litwin Press, 2015), pp.29-58.
[14] https://www.projectimplicit.net/index.html.

positively, what they already do for some? Verne Harris has argued that archives and archivists are situated in an endgame in which activism is imperative and archivists must sustain "a role… that is central to the building of social justice in any context."[15] Harris, however, dismisses the utility of a code of ethics entirely. Instead he calls for acts of archival banditry as a way to build that social justice. But without ethical clarity, where are the lines between what should be core operating expectations and what is outright banditry?

Finally I turn to the question, are algorithms now regulating the field's values? Digital technology has given us the means to do things we could not have conceived of even thirty years ago. We can compile and recompile documentary evidence, mine it, apply digital forensics, and search for meaningful absences in ways that can uncover whole new kinds of evidence and inferences. We can, and must, develop automated tools to help ourselves and users in understanding, compiling, extracting and redacting our holdings. We can build front-end security systems that automatically assess which users are authorised to access which materials and then deliver those materials to them packaged in whatever way they requested. We can work at increasingly granular levels - not just at the item, but even at within-item levels. We can separate out digital components and support their creative recombination and reversioning. We can break down the limitations of provenance, linguistic even semantic structures for access. We can gather and tell new stories about our holdings. We can support multilingual and visual access.

In all of this, however, without adequate transparency, reflexivity and a sense of the societal outcomes we wish to achieve, we risk compounding persisting archival myths that records are unconscious byproducts of human activity and that archivists can be objective in how they manage those records, with another myth - that of the value-neutrality of information and communications technology and the algorithms through which it performs. The myth has been bolstered with rhetoric from our library and information science colleagues that automating and standardizing are interactive approaches that will provide equal and universal access by means of dispassionate cataloguing and information retrieval algorithms. Scholars in the information and communication fields have also drawn attention to the dangers and outcomes of the myth, however.[16] Legal information technology analyst Jerry Kang talks about "How code and algorithm can stack the deck." When we see a simple search interface such as Google, we are lured into a false assumption that the underlying code is equally straightforward and not punctuated with a thousand different decisions and assumptions that lead the system towards generating particular profiles and assessments about the user. We forget that the code was written by a human, with all of the implicit biases humans bring to their tasks

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[15] Verne Harris, "Jacques Derrida Meets Nelson Mandela: Archival Ethics at the Endgame," *Archival Science* 11 (2011): 122-123.
[16] Tarleton Gillespie, "Platforms Intervene," *Social Media and Society* 1 no.1 (2015) and "The Relevance of Algorithms." In *Media Technologies: Essays on Communication, Materiality, and Society*, Tarleton Gillespie, Pablo Boczkowski, and Kirsten Foot, eds. (Cambridge, MA: MIT Press, 2014); and Safiya Umoja Noble, and Sarah T. Roberts, "Theough Google Colored Glass(es): Emotion, Class and Wearables as Commodity and Control In *Emotions, Technology and Design*, Safiya Umoja Noble and Sharon Tettegah, eds. (Elsevier; UK, 2016) and Safiya Umoja Noble, "Google Search: Hyper-visibility as a Means of Rendering Black Women and Girls Invisible," *InVisible Culture* 19 (2013).

and to the decisions and assumptions that they make. We forget that that code was constrained by what was cost-effective to include, what would sell to the market, and the knowledgebase, beliefs and awareness of the coder. We forget that some algorithms, such as those used by search engines, may have darker sides to them - they may be gathering data/metadata on searches that they will use later for product development and marketing purposes; they may even be passing along some of that data to other corporate or government interests. Perhaps the algorithm being used has actually been programmed to elicit some of this information. However, we may never know because so much software, and the functioning of so many algorithms are proprietary. In other words, there is no transparency and hence lessened accountability.

Many algorithms have the capacity to learn from the results of their own execution. In this way, any inbuilt biases are not only perpetuated, they are magnified. This is particularly the case when an algorithm is identifying patterns from historical data sets and then using those as a basis upon which to make choices in the present. With search engines, materials may be retrieved or presented in particular orders based on how the algorithm has made a judgment about retrieved materials' relevance and suitability for your needs. It can also learn from and about you in terms of what you look at and the kinds of search parameters you are using. This can be helpful, or it can be problematic depending on why you are searching and the sensitivity of the search. Another phenomenon is that users often do not understand how much a digital system contains as opposed to what repositories maintain only in analogue form. They may feel that the digital search is exhaustive when it is not.

Even digital devices have their biases and targeted publics. For example, mobile phones are being used by Indigenous communities, villagers in poor or remote rural communities, and refugees and youth for all manner of records creation, capture, repatriation and accessing activities. This is terrific. But many seniors even in affluent countries do now own or use such a device, and their utility vanishes if there are no opportunities to charge a battery or funds to pay for continued services. The impact of a new development thus does not necessarily support every person to the same degree and the differences might not break down along the same lines as one might expect. This is what underlies the concept of disparate impact and assessing whether it is significant enough to affect decisions archivists might make about forms of service delivery.

Digital developments are constrained by several factors, some obvious and some less so. These factors are also associated with explicit and implicit value judgments on the part of all those who are involved in their development and use. And increasingly, there is a blurring of the lines between explicit and implicit values. For example, as already mentioned, any digital development is constrained by financial considerations. Commercial software developers have market objectives that lead them to design software that contains or omits certain functionalities in order to be marketable, maintainable, and to have a forward development trajectory. Archives, when buying this software, or developing their own, also have financial constraints that affect the features for which they are prepared to pay. They will make similar financial projections and balancing acts when selecting holdings to digitize, display functions, interface designs,

and so forth. However, these decisions, made, it often seems, out of necessity, may support only a limited notion of "the general interest," and have a strong tendency to disadvantage the same constituencies over and over again. Take, for example, populations that are sight impaired, or that speak a language other than that supported by the archive, or who are functionally illiterate.

We have had adaptive technology for decades that could assist those who are blind or have significant sight impairments. Read-aloud technology together with more visual aids could considerably assist those who struggle with reading or who speak a non-written language. Substantial developments have been going on in the area of automatic translation--and records show particular potential for this because of the predictability of their format and content. Multilingual thesauri, semantic network and concept mapping developments that address semantic relationships and support automatic switching of vocabularies during search processes have also been around for decades. Why do archival standards and best practices not require that we build some of these technologies into archival digital activities? The answer is not simply a lack of robust, turnkey technology (which would appear if there were a mandate and thus demand). The answer is because we do not have sufficient resources and have had to make decisions about who will benefit most from what we do have. Archivists may not be prepared to admit it, and archives may have institutional missions that weight certain decisions, but archives of all types have preferred constituents - for example, "serious scholars", their institution's administrators, their heaviest users (e.g., genealogists), citizens of that state or members of that community, those who speak the dominant language, those who can read, or those who share similar interests or experiences.

In conclusion then, because archival ethics are often unenforceable, some archivists dismiss them as useless and hopeless. However, as someone who educates future archivists, I would have to disagree. The biggest enduring value of a code of ethics, arguably, is to instill a critical ethos in those who we are preparing to enter the field that hopefully they will carry with them as they face developments that at this point cannot be anticipated. Nevertheless, the current ICA Code's stance on impartiality requires revisiting, especially as archives become more thoroughly digital. Perpetuating the myth of neutrality in the digital world denies or cloaks the partiality that is explicitly or implicitly present in its algorithms, its devices and more broadly in all decisions surrounding its implementation, thereby giving it more sway. It also denies the very real need for positive discrimination to correct or at least to address past inequities as well as to prevent their continued perpetuation or the instigation of new ones as we implement the latest technologies. Professional integrity and active engagement on behalf of a particular community or cause are not concepts that are automatically at odds with each other, as long as there is transparency about the motives and objectives of that engagement. The concept of implicit bias eats away at the notion of impartiality and the concept of disparate impact does the same for assumptions of equity and fairness. In the 21st century, reflexivity, transparency and the pursuit of fairness may in fact be the most crucial measures of archival professionalism. However, archivists need additional support in making sound judgments and analyzing the various outcomes, differential impacts and inherent biases of the digital implementations on which they increasingly rely. It may

seem pat to end on this note, but now more than ever, archivists must be prepared through rigorous, critically-based education and to inform and challenge their actions and assumptions through ongoing professional inquiry and assessment.