A role for bespoke codes of ethics

INTRODUCTION

The 2013 annual general meeting of the Institute of Conservation (Icon) was the first occasion when a proposed update of the Code of Conduct was publicly discussed (Icon 2014a). At the meeting, the author remarked that, although the Code dealt thoroughly with interactions between conservator, colleagues and clients, it contained very little about the conservator-object relationship. He was challenged to write something to fill this gap. What seemed at first an easy undertaking turned out to be far from simple.

The task was to write something that differed from the broad generalised guidelines already available in existing codes, to which it is all too easy to find exceptions. However, a document covering all eventualities would be unworkably cumbersome. Moreover, the author, being someone who likes to keep a good distance from rules, was hampered by the conviction that there is probably no action that a conservator might legally undertake that would be unacceptable in every imaginable circumstance.

One aim of ethical guidance is to require the conservator to consider all available options. There was a tool available to promote such a process, the Victoria & Albert Museum Ethics Checklist (Richmond 2005), but the author had already written about its shortcomings (Ashley-Smith 2010), so something more was needed. It seemed that what was required was a method to stimulate people to think about the ethics of object treatment and to guide those concerned to devise a policy suited to the context. The solution explored in this paper would result in a codification of ethical attitudes tailor-made to suit an individual group or institution, provisionally called a ‘bespoke code of ethics’. A bespoke policy on the ethics of treatment is analogous to the local tailor-made environmental strategies resulting from the guidance provided in PAS 198:2012 Specification for managing environmental conditions for cultural collections published by the British Standards Institute (BSI 2012). The route to the use of an environmental standard as a model for an ethical strategy is considered in the next two sections.

The first deals with the need for such an approach arising from the great diversity of conservation problems. The second section deals with the paradoxes of regulation, suggesting the careful course to be steered between rules and general guidance.
UNITY AND DIVERSITY

Ethical guidelines are usually communicated in convenient sound bites such as ‘minimal intervention’ and ‘reversibility’. The full text of the documents from which they derive is seldom examined, and the papers that tackle their interpretation are rarely consulted. Yet, these words and phrases are deemed to be the glue that unites a global group of professionals.

Two major international organisations exemplify the global unity of the conservation enterprise: the International Institute for Conservation of Historic and Artistic Works (IIC) and the Conservation Committee of the International Council of Museums (ICOM-CC). It is instructive that neither of these bodies has an explicit code of ethics dealing with the treatment of individual objects. The superficial unity of the group whose members call themselves conservators is obvious at events such as the ICOM-CC triennial meetings. But equally obvious is the division into separate subgroups.

The move to unify the different branches of conservation in the late 20th century led to the publication of simple universal codes. It was deemed important that the perceived differences between specialisms should not interfere with the mission of presenting conservators as a unified body of professionals. By the beginning of this century the final adoption of universal ethical guidelines, and acceptance in the UK of a system for conservator accreditation independent of specialism, were seen as evidence of the growing professionalism of conservation (Henderson and Dollery 2000).

Diversity is recognised even in documents designed to unify. The Venice Charter is a code about buildings that is frequently appropriated by the conservators of small things in museums. It suggests that local interpretations are allowable:

> It is essential that the principles guiding the preservation and restoration of ancient buildings should be agreed and be laid down on an international basis, with each country being responsible for applying the plan within the framework of its own culture and traditions. (ICOMOS 1964)

More recently, the notion that there may be a diversity of views about ethics is suggested in the Professional Accreditation of Conservator-Restorers (PACR) document Professional Standards. In the section on conservation measures, the conservator seeking accreditation is asked to ensure that measures meet recognised conservation standards. ‘This includes meeting any standards or codes of practice required by the relevant conservation body or specialist section’ (Icon 2014b).

The Commentaries to the Guidelines for Practice from the American Institute for Conservation (AIC) are designed to accommodate the individual needs of each area of professional specialisation:

> While the Commentaries strive to acknowledge variations in requirements for the different areas of specialization, the level of detail may not fulfill the need for guidance in all cases. AIC specialty groups are therefore encouraged to provide additional guidance to practitioners in their specialty. (AIC 2001)
Diversity arises in numerous areas of conservation activity. Different opportunities and constraints arise from the properties of different materials (Ashley-Smith 2009). It has been asserted that ‘the standard ethics and principles of the conservation profession are insufficient, or inappropriate, to meet the needs of community murals’ (Shank and Drescher 2016). A conservator working in the private sector for a private client faces ethical demands that are very different from those found within a public institution (Trusheim 2011). The playing of historic musical instruments causes ethical problems (Lamb 1995). The apparent mismatch between the real world of actively working objects and the contemplative philosophy of conservation ethics has led to the establishment of a ‘dynamic objects network’ within Icon. Categories of objects with moving parts, from clocks and watches to massive industrial and military artefacts, can be ‘difficult to understand and to fit within the actual ethical framework of conservation’ (Cobb and Collange 2016).

Further cultural diversity can be found in the interpretation of the word authenticity. The Venice Charter says of historic buildings and sites: ‘It is our duty to hand them on in the full richness of their authenticity’. This suggests a single and accepted understanding of the word authenticity. The Nara Document on Authenticity proposed a broader understanding of diversity in conservation (ICOMOS 1994). The idea that the word ‘authenticity’ can be used with a single universally acceptable meaning is challenged in the papers from the conference Art, Conservation and Authenticities (Hermens and Fiske 2009). In his 2015 article ‘Conservation and authenticity: Interactions and enquiries’ David Scott discusses three approaches to authenticity: the material, the conceptual and the historical (Scott 2015).

REGULATION

One thing expected of a profession is that behaviour will be regulated. Members are expected to demonstrate compliance with written codes, or suffer. The Australian Institute for Conservation of Cultural Material suggests ‘enforceable standards of conduct’ (AICCM 2002). The code of the Canadian Association for Conservation of Cultural Property and the Canadian Association of Professional Conservators insists that ‘The conservation professional has an obligation to comply’ (CACCP/CAPC 2000). The European Confederation of Conservator-Restorers’ Organisations requires that each individual organisation ensures ‘that its members comply with the spirit and letter of the Code, and to take action in the case of proven non-compliance’ (ECCO 2003).

In areas like banking or the activities of professional groups such as lawyers, different approaches to regulation have been tried. These cover the range from long lists of rules to short lists of general principles. During the 21st century the trend has been toward principles-based regulation (PBR) (Black et al. 2007).

There are a number of paradoxes implicit in PBR (Black 2008). For instance, principles can be general yet precise: interpretive communities can fracture, giving rise to several rigid interpretations of what were meant
to be general, deliberately imprecise, terms. Principles provide scope for flexibility in compliance, yet paradoxically can lead to conservative and/or uniform behaviour. This can arise through the regulator appearing to favour a narrow interpretation or by those who are regulated treating guidance on practice as a set of detailed rules. Uniformity rather than diversity is transmitted and mediated through the words of consultants and advisors, which in the conservation world would include college teachers and committee members.

Other paradoxes arise through lack of understanding of the regulator’s role and powers. In conservation, the regulatory body is composed of the people it seeks to regulate. Thus, regulation is largely a form of peer pressure. The ethical paradox is that although PBR can facilitate a more ethical approach, it can actually lead to an erosion of ethics. In requiring individuals to make their own judgment on what they need to do to comply, a system that is based solely on principles requires them to assess the risk that they may make the wrong call. Conservation professionals are, unsurprisingly, conservative. Their behaviour tends to be unadventurous, at least in public. Although the level of regulation is weak, individuals often find it difficult to openly declare dissent and will work covertly rather than risk the reputational damage arising from allegations of non-compliance.

The use of general principles in regulation is often linked to standards that consider either output or outcomes. For output (or performance) standards the emphasis is on the level of risks created by a particular process. In contrast, outcome standards call for the avoidance of harmful consequences rather than prescribing a process (Baldwin, Cave and Lodge 2012). The Icon Code of Conduct clearly describes the desired outcome:

> You should strive to conserve cultural heritage so that it can continue to be used for education and enjoyment, as reliable evidence of the past and as a resource for future study. (Icon 2014a, Article 4.2)

It totally avoids discussing process:

> However, the Institute of Conservation does not seek to dictate to its members in detail the measures by which conservation work may be delivered. A conservator should be free to use his or her judgment to make a considered selection of appropriate, achievable measures that are in proportion to the significance and condition of an object or groups of objects and be free to develop new approaches. (Icon 2014a, Article 1, Introduction)

These good intentions lay it open to the deficiencies and paradoxes described above, but the alternative of more explicit regulation is also full of traps for the unwary. The use of extensive and comprehensive written rules has been accused of stifling the innovation needed in a changing environment. The rules-based approach is inflexible and does not allow individuals to exercise their own professional judgment (Law Society of Scotland 2014). Conservation guidance has predominantly relied on principles rather than rules. If there is a need for conservation guidance to become more explicit, to cover more accurately the diversity of conservation practice, care needs to be taken to avoid the pitfalls found with a rules-based approach.
The approach proposed in this paper is an attempt to stop a slow drift into unadventurous unquestioning uniformity. It would complement the top-down vagueness with a bottom-up clarity. It would complement tools such as the Ethics Checklist which ensures thought prior to action and would also suggest alternative approaches to solving the problem. The goal is to create a single slowly evolving document that can be used to generate multiple localised documents which may have more limited lifetimes. Ideally, some respected international organisation would guarantee continuing availability of the central document.

**USING AN ENVIRONMENTAL STANDARD AS A MODEL**

Environmental standards and ethical guidelines share a number of characteristics. Both rely on common agreement about desired outcomes. Both consider the options of deliberately altering the state of the object or maintaining a desired state. Both tend toward a precautionary attitude. Both can lead to the sorts of arguments that destroy family relationships and start wars. An environmental standard is by no means the only model that could be used as a template, but something is needed that could lead to an approach encouraging consistency of documentation without constraining content. The particular standard used here just happens to be the one that inspired the author.

The method proposed follows the spirit and structure of a British Standards Institute document, the Publicly Available Specification PAS 198:2012 (the substance of which is incorporated in the subsequent European Standard EN 16893). The joy of PAS 198 is that it does not tell you what to do; it does not specify numbers that must be rigorously adhered to. However, it insists that there are things you need to think about before you decide what to do. It encourages an institution to create a bespoke environmental policy that works locally and may be different from that of other institutions. It does this by discussing the reasoning behind the options for defensible behaviour without mandating compliance. The most relevant clause is:

> The organization shall develop an environmental management strategy for the collection. The strategy shall include a statement of the expected collection lifetime and the energy demand arising from the environmental conditions needed to achieve this, taking into account the sensitivity, significance and use of individual collection items. The strategy should make clear the balance the organization intends to aim for between preservation requirements, usage and display, and energy economy. (BSI 2012, para. 3.2)

Thus, the guidance for preparing a local code of ethics might contain the suggestion that the organisation should develop an ethical policy for its activities relating to treatment of objects. This policy should include the expected lifetime, sensitivity, significance and use of the individual items. With growing concerns about sustainable conservation, some mention of energy cost might be desirable.

PAS 198 is divided into sections on temperature, relative humidity, light and pollution with discussions about choosing highest and lowest
levels. There is information about interactions between these factors. There is an understanding that conditions for exhibition, storage and transport may be different, which could also be true for approaches to treatment.

For guidance on the ethics of treatment there are several topics, each covering a range of possible behaviours. Some of these could be considered to have limits equivalent to the high and low extremes of a recommended range of temperature or humidity, for instance, the minimum evidence for reconstruction of missing parts. No-one would recommend restoration based on speculation or fantasy. However, there is still a choice to be made from the range: physical evidence from the object itself, evidence from photographs of the complete object, physical evidence from similar objects, photographs of similar objects, and personal knowledge of style and technique.

Some categories within topics can be ranked to show an individual preference. Of the three approaches to authenticity (Scott 2015), some might claim that for them material authenticity would always be more important. Selecting from the slightly more complex lists of values, for example historic, aesthetic, scientific or research, social or spiritual (Collections Council of Australia 2009), someone might declare that they would always put aesthetic value first, or might (bravely) declare that they put the discovery of new scientific information above any spiritual value.

The visible evidence of intervention, whether for preservation or restoration, provides a number of choices, ranging from the deliberately obvious to the almost undetectable. Objects with moving parts offer options from ‘never move’ to ‘work as designed’. The archiving of any material removed during intervention requires decisions prior to treatment. Do you keep the contents of the vacuum cleaner? Some people do, then label, catalogue and store them carefully.

It could be argued that, since the resultant document would be more descriptive than prescriptive, ‘policy’ might be a more appropriate word. But the word ‘code’, already familiar to conservators, does not necessarily imply formal regulation, as in for example ‘dress code’.

**TOMORROW THE WORLD**

There is benefit in getting individuals, teams, institutions and cultures to consider and document their attitudes and preferences on a regular basis so that they continue to feel comfortable with their practice. There would be far greater benefit if their bespoke codes, compiled to an agreed format, were readily available for consultation and comparison. If individuals or institutions publicise their own explicit codes, clients will know which conservators to approach and conservators will know which organisations they are prepared to work for. If members of a group have signed up to a particular approach, it becomes easier to incorporate a newcomer into the team, or a new team into the consortium. National and international conservation bodies would have a clearer idea of the diversity of opinion among their members that they should seek to protect rather than control.
A systematic method of documenting individual preferences is compatible with the use of information technology and information networks. The centrally devised template for constructing a local policy could be interactive; the availability of other people’s codes would allow timesaving cut-and-paste options. This would be helpful since there is likely some commonality of views. The document could be created and updated as a wiki. Global availability of examples would aid teaching and research, and allow for the detection of trends.

The whole process would incidentally provide the ‘something’ that covers all eventualities, in convenient chunks and non-coercive language that the author had promised in 2013!

CONCLUSION

The proposed approach encourages the open discussion of ethics and could prevent the current drift towards bland inaction. It encourages deep thinking about practice and offers the opportunity for open comparison of what different individuals actually do.

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REFERENCES

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