

# Ethics Issues in Reference Service: Overview and Analysis

by Susan R. Rathbun

A reference service professional faces myriad responsibilities. He is concerned with providing a high quality of service at the reference desk, effectively developing the reference collection, maintaining currency of the resources provided in print and on CD-ROM or online databases, as well as conducting research in the field and publishing his findings. The reference desk is often viewed by library patrons as the focal point or gateway into one (or more) of the library's holdings. Since a reference professional is on the frontlines of the information battlefield, he not only is expected to guide a library patron's quest for answers, but also sometimes is perceived as the bastion of all recorded knowledge and wisdom.

Like most public servants, a certain amount of moral certitude is expected of this figure, as well as an unbiased approach to his job. Even in these days of competition between libraries and the corporate sector's ventures into online information retrieval and other information services, the librarian is required to be above-board in his vocational pursuits. A reference librarian may also be seen in a community symbolically as embodying and protecting the individual's "freedom to learn." Since knowledge is power, the librarian and his institution also signify the individual's wellspring of empowerment. Additionally, because of his interaction in and intimate awareness of the intellectual endeavors of the members of a community, he may be regarded as a moral interpreter and protector of the society at large. Simply put, the daily activities and expectations of the reference librarian may place him in the middle of ethically problematic situations.

The literature of reference librarianship defines the debate over the definition of the role of the reference librarian as it relates to ethical concerns. The research also reflects the inconsistency of the roles described above. The ethical or moral foundations upon which a reference librarian bases his day-to-day decisions can be arbitrary — based on a professional code of ethics, on an individual's interpretation of the code, on a local policy, or on a personal framework of morality or religious belief. Some librarians may not actively base their solutions to problems at the desk on any ethical standards whatsoever. The literature and research on this subject can be categorized into the following topics: (1) discussions of the uses and effectiveness of the ALA code of professional ethics and the Reference and Adult Services Division (RASD) standards of ethical service, (2) case studies of ethical dilemmas and possible solutions, and (3) the legal ramifications of the ethical problems. The purpose of this paper is to discuss the professional codes of ethics which reference librarians are mandated to adhere to in their occupational life, to delineate the research and discussions of the ethical problems encountered by librarians, to point out the legal problems involved in this subject, and finally to illustrate the necessity for the profession to

take the necessary steps to clarify and legalize an effective ethical code and to represent its members in their ethical problems.

## Ethical Codes

One of the primary problems for reference librarians is the difficulty of moving from theory to practice. As John C. Swan points out, "How do we translate a general awareness of ethical standards into ethical behavior in the reference line?"<sup>1</sup> One of these standards written for all library professionals, the ALA Code of Ethics, advises the professional to fight against all forms of censorship; protect a user's right to privacy; provide equality of opportunity in personnel matters; not let personal beliefs affect his ability to provide fair, accurate service; not use the library facilities and his position to enhance another career pursuit; and so on. The code, controversial in that it is deemed by some to be in need of serious revision because of its uselessness to the working professional, is viewed as nebulous and "too vague to be of much help in many situations."<sup>2</sup> Similarly, "codes are apodictic: they attempt to provide firm rules. But ethical dilemmas are complex. Codes must therefore run the risks of, on the one hand, vagueness and, on the other hand, simplistic rigidity."<sup>3</sup> The RASD standards and the Library Bill of Rights serve as guides to ethical conduct for reference librarians.

The codes provided to librarians are considered by those outside librarianship to be legally non-binding, and unlike doctors and lawyers, librarians are not fearful (yet) of malpractice suits. Rothstein suggests that reference professionals

dispense with attempts at preparing or following codes of ethics.... Almost inevitably they are apt to be pompous and orotund in wording and vague in meaning. More important, they are likely to be pointless and boring. People at any time do not wish to be harangued by precepts... all the more so if those precepts are unenforceable and, because of their generality, of doubtful relevance to any one group.<sup>4</sup>

While Rothstein wants to do away with the codes, he does acknowledge the need for librarians to formulate and discuss their own ideas and methods for dealing with the actual ethical and moral dilemmas facing the profession, while recognizing that not all of them will be solved.<sup>5</sup> It has been argued that in order for codes to work, there has to be the possibility of employer or peer group sanction if the professional does not adhere to the standards put forth in the code. Hence, if ethical behavior is tied to job security, pay increases, and acceptance within the departmental peer group, then the individual is more likely to make the effort to participate in the formation of an ethical code, comply with it, and show a concern for its effectiveness.<sup>6</sup>

## Ethical Problems

While codes are debatable, the fact that ethical dilemmas are plentiful for the reference professional is not. These complex situations come in many forms, and most occur in the actual reference-request encounter. Differences in the amount and quality of service rendered to clients, disregard of the confidentiality of a patron's request, the display of a general lack of interest in assisting the client, or a judgmental attitude toward or differential treatment of the client as a factor of his particular request, appearance, race, age, or status are examples of unethical treatment of the clientele. Often, time constraints or inadequate staffing of the reference desk will result in inequitable amounts of service to patron or in the referral of reference questions to other staff members without the client's consent, jeopardizing his right to privacy. Bea Flinner warns against discussing a known patron's question with colleagues in jest or as gossip, since this too is a breach of confidence.<sup>7</sup> Alternatively, biased acquisitions decisions that do not allow purchase of controversial materials for the reference collection or use of the reference facilities by a librarian to subsidize or generate income for a second job are other typical violations of the code of professional ethics.<sup>8</sup>

In academic libraries, librarians are concerned with the equity and adequacy of the bibliographic instruction given to individuals as opposed to groups of students. Is the instruction better for graduate than for undergraduate students?<sup>9</sup> In the event of time constraints, librarians must compromise bibliographic instruction with providing ready reference to students; sometimes this can result in doing the student's homework for him.

One new problem that will have implications for the future of information service is that of online searching. Many libraries must

charge patrons for these services, and this is in violation of the code that stipulates equity of access for all patrons. A patron who cannot afford these expensive services is clearly discriminated against by reason of her inability to pay. Another aspect of this problem is the need for librarians to provide bibliographic instruction for online and CD-ROM searching. Many inexperienced patrons

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may not get adequate results from searching because they may assume that the "electronic information" is infallible, even though a print source may better serve their needs.<sup>10</sup> Because of the costs involved with online searching, there is often much paperwork and computerized data concerning the patron, the databases searched, and the topics or search strategies used. A patron must be informed of the possibility of invasions of privacy and the library must set up policies to guard against such invasions. Shaver, Hewison, and Wykoff offer ethical guidelines for online searchers; these include informing the user of the variety of services available, the level of expertise of the searcher, and errors in previous searches or database selection. Also the online searcher must develop his knowledge of search strategies and new databases, "eschew bias" in

database selection, become knowledgeable enough of the client's need to search accurately and maintain the confidentiality of the patron.<sup>11</sup>

## Controversial Inquiry

Another ethical dilemma was portrayed by Robert Hauptman's notorious "bomb-making" experiment. Hauptman requested assistance from thirteen different reference librarians in obtaining information on how to construct a bomb that would have enough strength to blow up a suburban house. He found that each of these librarians was not only quite willing to assist him, but "gave the question, within an ethical context, little thought."<sup>12</sup> He concluded that

This is certainly a blow against censorship in any form, and an important one. But the danger of confusing censorship with ethical responsibility is too obvious to require further elucidation. To abjure an ethical commitment in favor of anything, is to abjure one's individual responsibility.<sup>13</sup>

Therein lies the question: to which responsibility does a reference librarian pay homage? Does he uphold free intellectual inquiry, or does he judge the validity of the inquiry and refuse to assist a patron in order to insure the safety of the patron or society at large? Swan articulates the quandary faced by reference librarians and disagrees with Hauptman's analysis of his bomb experiment:

In making his judgment the author has failed to note that these librarians were indeed demonstrating an ethical commitment, not abjuring one. Consciously or not, they were making choices in a context far more complex than implied by Hauptman's deceptively simple criterion: What if all reference librarians... judged every question according to its potential for resulting in an answer that is detrimental to society? Would this result in a better ethical environment? Quite the reverse—our intellectual freedom and our ethics would soon be hostage to misapplied evidence in the hands of arbitrary authority.<sup>14</sup>

Robert C. Dowd came to conclusions similar to those of Swan in his "I want to find out how to freebase cocaine" experiment. His experiment parallels Hauptman's in that his request for assistance was never refused by a librarian, although levels of service did tend to vary. He found that most of the librarians did not conduct a reference interview and did not give any bibliographic instruction. This could possibly be attributed to the nature of his request, as well as his appearance and demeanor—he attempted to look and act like a stereotypical drug user. He concluded that

the significance of the findings... seem to do more to support the belief that librarians should be non-judgmental when presented with information requests. The patrons [Hauptman and Dowd] requesting information on these two admittedly controversial topics neither intended to blow up houses nor use cocaine. What better argument in favor of wholesale information dissemination could there be? Where is the omniscient librarian who can foresee what people will do with the information that may found in libraries?<sup>15</sup>

Dowd argues that a librarian's prejudgment of the client and his request, coupled with the lack of the reference interview, is a disservice to the client because the client's question is not confirmed and this can easily result in search errors and inaccurate results. The ethical importance of the "question negotiation cycle," the reference interview, is reiterated by Richard Teller; he



affirms the importance of ascertaining the needs of the user, as opposed to quickly defining those needs on the sole basis of the reference librarian's experience and world view. Additionally, it is essential for the librarian not to assume that the user "does not know what he or she is looking for."<sup>16</sup>

### Intellectual Freedom vs. Societal Responsibility

The issue of intellectual freedom vs. societal/individual protection is further illustrated in the case of *Final Exit*, a book which describes various methods for committing suicide. *Library Journal* describes a scenario, based on actual events, in which a youth who is known to be depressed and having family problems is seen checking out *Final Exit*. The library employee who witnesses the transaction is dismayed to find that under his library's policies, he is not allowed to divulge circulation information to the girl's parents. After the girl does commit suicide, the librarian confesses his dilemma to the parents, who in turn blame the library — its policies and employees — for the death of their daughter.<sup>17</sup>

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Consequently, the issue is debated among information professionals. One faction believes that the policy concerning the sanctity of circulation records should be inviolable because it infringes on the rights of individuals to maintain privacy. Another faction believes that in situations like the aforementioned, library personnel should intervene and reveal circulation records in order to forestall tragedies as well

as potentially dangerous situations. The problem with this approach is obvious — who will determine whether a situation is dangerous, or a tragedy waiting to happen? A librarian, an employer, a spouse, a police officer, a parent, or an FBI agent are all likely candidates for desiring circulation record inspection. Can a person's state of mind or intentions be determined by the materials that she checks out or uses in a library?

One can question from these situations that if the ethical premise of the library is to maintain intellectual freedom, where does the library stand in terms of the encouragement and participation in intellectual inquiry and activism within a community? Joan C. Durrance suggests that the neutrality stance taken by libraries within a community is detrimental and discourages the development of "an informed citizenry." She states

often agencies from which information is sought erect barriers to prevent citizens obtaining it. The public library must assume a role in increasing citizen access to information and thus insure the intellectual freedom of the entire community....An attendant responsibility of the librarian is to let citizens know that librarians are capable of acting to increase citizen access to information.<sup>18</sup>

Reference librarians should offer their services to members of a community in various pursuits, especially in obtaining information that is difficult to find. However, if the library takes a proactive role in the provision of these services, it can be argued that it is overstepping its boundaries, no longer simply encouraging inquiry. By no longer being neutral, it can alienate a segment of the community it is committed to serve.

### Legal Implications

A major problem for reference librarians is that the dilemmas that

they confront are insulated from the rest of the professional world. Specifically, the ethical codes which may seem like "the Law" within libraries, are either unknown to or disregarded by the legal community. Concerning confidentiality, while there does exist in the legal realm attorney-client privilege, journalist-informant privilege, and doctor-patient privilege, there does not exist librarian-client privilege. As a profession, within our libraries, we recognize this privilege; however it does not remain sacred when attacked by the "outside world." Circulation records, reference questions, and librarian testimony have been subpoenaed; as librarians, we have no legal recourse and must relinquish our own codes and ethical standards regarding a patron's right to privacy.<sup>19</sup> Rhoda Garoogian's study of library/patron confidentiality discusses the constitutionality of the right to privacy and stresses

...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.... It is, therefore, their moral obligation to keep this information confidential.<sup>20</sup>

She recommends that librarians lobby for "librarian-client privilege."

### Conclusions

In his discussion of ethics in reference service, Gregory E. Koster points to the crux of these dilemmas as "situations in which two or more sets of positive values are in conflict."<sup>21</sup> A reference professional is often placed in paradoxical or "no-win" situations. He must be accurate and swift, yet unbiased and equitable

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in provision of service; support intellectual freedom, yet determine potential threat to the community; determine the needs of the client, yet be completely nonjudgmental; disallow censorship, yet discriminatingly select a few resources among many for the client and the reference collection. The key to understanding and dealing with ethical problems in this field is through recognizing that the answers are not clear-cut—they are neither black nor white, but gray and foggy. In making ethical choices, a librarian cannot stand the middle ground, and he cannot abstain from choosing.

To censor in any form, whether it is refusal of service, inadequate service, or exclusion of available resources that are potentially dangerous or controversial, is an affront to the nature and definition of our profession. Obviously the type of library or a library administration can set limits on that definition and enforce strict codes of behavior and conduct. However, if a librarian who is fully aware of these limiting factors goes beyond those boundaries for "personal reasons," she should reconsider her career choice because she does disservice not only to her clients, but to her employer and her profession.

We need to develop our ethical grounding by looking at our clientele and by committing ourselves to providing the service that they as individuals require and deserve. On ethical codes Emmett Davis comments

so codes are baubles if they do not stir local hearts. If they penetrate into the needs of people, these same codes can link people leading to rising expectations and channeling of actions. Ethics to be effective must be close to being successful, to being lived, for there is a social dimension to ethics.... Library personnel and users shape the design of service.... While pretty statements of intellectual freedom may hang on library walls, it is the

daily actions of staff and community that constitute intellectual freedom and other ethical patterns.<sup>22</sup>

We can look to codes, our personal values, our interactions with our users, and to the possible legal ramifications of our business to inform the ethical policies which we follow on a daily basis. Once we develop guidelines that we are confident will guide us effectively, develop means by which we can measure our ethical effectiveness, and gain legal acceptance of the important role we serve as defenders and protectors of intellectual freedom, the role of the reference librarian will be a truly professional one.

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