

→ **Ethics For Europeana**  
**Europeana Network Paper**

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## 1. Introduction

Europeana is not generally associated with ethics. Its core business is about access to cultural heritage, internet technology and support for digitisation. It is a strictly European initiative, a collaborative effort among many kinds of memory institutions from all over Europe. The data and information contained in the Europeana database and presented to users worldwide is not compiled by or for Europeana. It is collected from a large number of contributing cultural memory institutions and was produced for many different purposes. It originated in a huge variety of contexts.

Such a kaleidoscopic variety of content, presented outside of its original or historical context, is likely to be cause of misunderstandings and complaints. It is in handling such conflicts that ethical considerations, more than legal ones, must play a major role. Everybody will agree that censorship cannot be applied, while all users expect Europeana to be a 'trusted' source of information about cultural heritage.

In order to avoid or resolve such conflicts, Europeana needs a framework of ethical principles for its operations, which all stakeholders should be aware of and subscribe to. Further, it has been suggested that an ethics committee may be required to pass judgment in difficult conflicts.

This paper does not propose definite solutions, but is a first exploration of what is needed for dealing with ethics in Europeana. Section 2 sketches the interaction between ethical issues and Europeana in a more detailed way and proposes elements for a shared vision. Section 3 gives an overview of the most relevant basic ethical principles as they can be found in existing documents outside Europeana. Finally, Section 4 discusses the opportunity of installing an Ethics Committee for Europeana.

## 2. Background

### 2.1 Diversity

There is no consensus on definition of truth and there is no consensus on definitions of: good, bad, pornography, blasphemy, racism, fascism, abortion, masterpiece, justice, reality, identity, repression, revolution, evolution, democracy ... There is no consensus on what is or should be: European, common, vulgar, violent, decent, correct, beautiful, wrong, normal, healthy, funny, important, obvious ...

Different criteria, patterns, values, rights, needs or interests rule and guide our moral, political, religious, legal, economic and cultural attitudes, opinions, decisions and behaviours.

Our representations or interpretations on any issue depend on explicit or implicit orientations and inclinations (intellectual, political, ideological, psychological, ...): agnostic or faithful, Kantian or Utilitarian, liberal or conservative, radical or moderate, leftist or rightist or centrist, rational or irrational, formalist or essentialist, enthusiastic or melancholic, positivistic or impressionistic, idealistic or materialistic etc.

### 2.2 Conflicts guaranteed

What is legal or legitimate in one context or tradition may be illegal or illegitimate in



another context or tradition. What is considered appropriate, or correct or acceptable or useful or joyful or relevant or acclaimed for one person or community may be at the same time offensive or threatening or harmful or incorrect or unacceptable or disrespectful or embarrassing or disturbing or intrusive or uncomfortable or intimidating for other persons or communities.

In Europeana, we share our culture in a public space and with a community which does not control actual beliefs or commitments. We make available the products and effects of such beliefs and commitments. What happens when these cross the boundaries of our personal or collective spaces, mandates, domains?

### **2.3 No censorship**

Protective reactions to documents or objects that are experienced as offensive tend to move the community unnecessarily and dangerously towards censorship. Instead, Europeana wants to facilitate the dialogue, understanding and communication, in order to increase the awareness and respect of the values and reactions of others.

Europeana is not the arbiter of truth but a service designed to disseminate, support, extend and promote the knowledge, imagination, freedom and independence of mind based on European cultural heritage.

Europeana doesn't want to repress but instead wants to motivate, to drive and to encourage individuals, institutions and communities to learn and to think about the needs, rights and values of others in the same way as for their own.

### **2.4 Europeana is a platform**

There are documents and artefacts representing meanings, positions and intentions which are in line with our own vision, and there are those which do not agree with our vision.

Europeana opts for inclusion and integration against exclusion and suppression. But care must be taken to avoid misunderstanding, discrimination, division, suppression, rigid and reductive judgment.

Europeana does not intend to provide the truth, nor good nor bad, not pornography nor masterpieces, but Europeana wants to be a trusted virtual forum and pan-European online public platform for diverse representations, expressions, manifestations, interpretations and considerations on truth and good and bad and all the other issues, in the form of digitised European cultural heritage from all origins, types, shapes, backgrounds...

If this mission would be threatened, the reaction should be transparent, as a constructive dialogue supported by all stakeholders.



### **3. Basic principles**

#### **3.1 Rights**

Every Europeana user or indeed every citizen has fundamental rights as expressed in various international conventions, which are normally repeated and interpreted in national constitutions.

Both the Universal<sup>1</sup> and the European<sup>2</sup> human rights declarations include the same three fundamental concepts regarding information: open access to information, freedom of expression and respect for the rights of others. The 2005 Faro Convention<sup>3</sup> of the Council of Europe adds an interesting extension in the context of information about cultural heritage.

##### **3.1.1 Access to information**

Information should be available democratically, for everybody in the same way, without (selective) barriers. It implies that it should be in an understandable and reliable form and provided with relevant tools and finding aids, with sufficient auxiliary information to allow correct interpretation. Open access to information is one of the basic factors for stimulating creativity.

The UN declaration further states that 'everyone has the right to participate in the cultural life of the community'. The Faro convention adds more specifically that everyone has the right to benefit from cultural heritage.

##### **3.1.2 Freedom of expression**

This right is generally seen as one of the foundations of democracy. It is the basis for excluding any form of censorship. A communication platform like Europeana, for all Europeans, should be pluralistic, impartial, and representative of all possible viewpoints or opinions. Available historical information should be represented as such, as evidence, without prior selection.

Participation from users is to be encouraged. Indeed, the Faro convention adds for everyone the right to contribute to the enrichment of the cultural heritage.

##### **3.1.3 Respect for the rights of others**

These rights are not absolute, but are constantly confronted with the need to respect the rights and freedom of others (individuals or groups). Illegal content must be avoided, as the laws provide the framework for respect within society.

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<sup>1</sup> Universal Declaration of Human Rights (UN, 1948) – <http://www.un.org/en/documents/udhr/index.shtml>

<sup>2</sup> Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, 1950) – <http://conventions.coe.int/treaty/en/treaties/html/005.htm>

<sup>3</sup> Framework Convention on the Value of Cultural Heritage for Society (Council of Europe, Faro 2005) – <http://conventions.coe.int/Treaty/EN/Treaties/Html/199.htm>



There should be no intention to harm or harass other persons or groups. Discrimination is not permitted.

The UN Declaration includes an explicit recognition of intellectual property rights.

The European Convention for the Protection of Human Rights refers to duties and responsibilities as conditions for exercising the rights of freedom of expression, including the protection of privacy, next to concerns for national security, public safety, prevention of crime, etc.

The Faro convention prescribes that everyone has the responsibility to respect the cultural heritage of others as much as their own heritage.

### **3.2 Responsibilities**

When people have rights, there are other people who have the obligation to respect or fulfill those rights. In the context of Europeana, these responsibilities are mainly with the data providers, aggregators and Europeana itself. They are typically described in ethical codes for the relevant professions.

The responsibilities go beyond just respecting or fulfilling the fundamental rights involved, because they prescribe best practices and contain elements of professional behaviour. There are codes of ethics for the three main categories of data providers in Europeana, issued or controlled by the international professional federations: the International Federation of Library Associations (IFLA)<sup>4</sup>, the International Council of Archives (ICA)<sup>5</sup> and the International Council of Museums (ICOM)<sup>6</sup>. These codes are written for the purpose of providing access to physical objects in libraries, archives and museums, but the concepts can easily be extrapolated to online access to digital material.

The codes of ethics deal with 'professional' attitudes, and in general express the same concepts across the domains. The most relevant for Europeana are discussed below.

#### **3.2.1 A neutral attitude**

The data providers are intermediaries. They normally did not produce the content themselves but their duty is to be a kind of broker. They should provide access to all available information in a non-biased way.

Within the scope of their collection they should not make preferential selections. Europeana itself has the broadest scope possible in this context.

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<sup>4</sup> IFLA – professional codes of ethics for librarians (national) – <http://www.ifla.org/en/faife/professional-codes-of-ethics-for-librarians>  
The IFLA Internet Manifesto – <http://archive.ifla.org/III/misc/im-e.htm>  
IFLA/UNESCO Internet Manifesto Guidelines –

<http://archive.ifla.org/faife/policy/iflastat/Internet-ManifestoGuidelines.pdf>

<sup>5</sup> ICA – Code of Ethics – <http://www.ica.org/5555/reference-documents/ica-code-of-ethics.html>

<sup>6</sup> ICOM – Code of Ethics – <http://icom.museum/who-we-are/the-vision/code-of-ethics.html>



Information must be provided with full respect of cultural diversity and all relevant viewpoints or interpretations.

They are at the service of the users and assist them in finding what they (= the users) want or search. The documents and information provided to users must be authentic, without falsification or subjective interpretation. Users should be able to make their own interpretation as they like. Therefore, the information must be provided with sufficient contextual data in order to facilitate such interpretation.

No discrimination may occur; all users must be given easy access to the same information in the same way.

Europeana assists the participating data providers considerably with this duty. It extends the reach of their services and makes their information accessible at a far wider scale than they would be able to do by themselves. It increases the diversity of available information and is able to provide a wider range of relationships and context.

### **3.2.2 Collaboration**

Data providers should collaborate with each other to provide the best service to their clients. Providing access to information is a shared responsibility and collaboration is the best way to enhance the offered services.

This means they should support each other and exchange any possible information on their holdings, content, methodologies, etc. Using and adhering to widely accepted standards is important to achieve efficient exchange.

In Europeana this is a three-way responsibility, shared by Europeana, the data providers and aggregators, and the end users. Europeana itself is strictly a collaborative initiative, among a large number of stakeholders. All these have the duty to sustain good collaboration. They should support each other to provide the required sustainability of the offered services, which requires continuous updating of content and infrastructure, both for direct data providers as for aggregators.

Through the Europeana projects, the satellite projects, the website and the regularly convened conferences and meetings, Europeana actively enhances and maintains good collaboration.

### **3.2.3 Advancement and promotion**

One of the aspects of professional ethics is the continued strive towards improvement of content and services, methods and techniques. Knowledge about these issues should be developed, and enhanced through research and exchange.

Important also, is the promotion of the services and information that is made available, as well as advice on how they can be accessed.



Some of the major activities of Europeana and its projects are intended to develop new technology and applications, so that stakeholders can use them to enhance their services. Such technology and applications must have a low usability threshold, in order to guarantee the widest possible application, also for the very local data providers.

### **3.2.4 Quality**

Common in all the professional codes is the requirement of care for quality. This applies to all the services and information provided. In the context of Europeana, the main emphasis must be put on the quality of metadata, as it is the basic requirement for correct interpretation of the data and for building a trusted source of information.

The quality of information depends on three dimensions: correctness, accuracy and completeness.

Many aspects of quality are related to issues that were already mentioned above:

- The information should be provided in a clear and understandable manner for all kinds of users;
- Context information should be sufficient and clear for the users to be able to make their own interpretation and to further enhance their research;
- Attribution is important for the user to understand and respect the source of the metadata and the context in which it originated.

## **4. Ethics Committee**

### **4.1 Purpose of an Ethics Committee**

As already pointed out, it is not uncommon that a visitor of the Europeana website takes offence at the content of the objects, of the metadata or of the virtual exhibitions. The content or metadata is actually provided under the responsibility of the data providers but Europeana gives access to them on its website. Europeana is therefore perceived as being the entity responsible for the content. Europeana receives possible complaints and, for practical reasons, Europeana must act on them on behalf of the actual data provider. Thus, there are three parties involved with a complaint: the plaintiff, the data provider and Europeana. Europeana has a double role: as the publisher of the website and as a proxy for the data provider.

Currently the Europeana office deals with complaints about irregular or offending content on a case by case basis. Thus, Europeana judges by itself how to respond to any complaint. In theory Europeana can do so as mediator between the plaintiff and the content provider, but in practice Europeana is perceived as the second party in the complaint, and thus there is a perceived conflict of interest. A third, independent party would be required to mediate: this would be an Ethics Committee.

### **4.2 Composition of an Ethics Committee**



Members of an Ethics Committee would have to be moral authorities, neutral and not associated with Europeana. They should be recognised as such by persons and communities at all levels because complaints can be lodged by individuals, groups or even nations. The committee would need to consider the legal, ethical and political implications of the contested content and therefore should consist of experts across the humanities and social sciences as well as legal fields.

The Committee members cannot be simply appointed by the Europeana Foundation or the Board, because then they belong to one of the parties in the conflict. They would need to be elected by a broad constituency of stakeholders. There appear to be two possible constituencies that could elect such a committee:

1. The citizens of Europe elect the committee, through the nations/governments participating in Europeana. This would give the highest possible form of neutrality and authority.

However, Europeana is not an IGO (Intergovernmental Organization), and the states are not directly involved with Europeana but only indirectly through the financing from the European Commission, and through the general policies as recommended by the Members States Expert Group (MSEG).

2. The data providers of Europeana elect the committee. Although one data provider will be a party in each conflict, the data providers as a group may take a neutral position, as the community of peers. They cannot be associated with Europeana as such, although they are stakeholders. But they are equally on the side of the end users. They are present in all countries, and include also a large number of 'national' institutions.

The 'general assembly' that best represents the data providers is the CCPA. So it seems logical that the CCPA would elect or nominate an Ethics Committee if required.

### **4.3 Options**

Appointing a standing Ethics Committee for Europeana at this stage would, however, be quite onerous, and might be unnecessary. Europeana has not had that many cases to deal with since the launch of the prototype. The creation and governance of an Ethics Committee would require much work and maintenance.

In general complaints can often be dealt with amicably among the parties involved, especially when there are general ethical principles as reference. On occasion the need may arise to deliberate, such as in cases of appeal or that cannot be settled by agreement. This task could then be assigned to a previously agreed group of persons who occupy specific roles. The simplest solution would be to add the duty to the officers of the CCPA (depending on how this office will be consolidated in the evolution of the CCPA itself).

Otherwise, or if it is judged that the CCPA is too much an involved party itself to play a role in deliberation, the task could be assigned to a group composed of the chairpersons of specific committees within IFLA, ICA and ICOM, or of the MSEG. However this requires further preparatory work and negotiation with these instances.



#### **4.4 Prevention**

The best practical way of dealing with conflicts or complaints is to prevent them. Currently they arise because of misunderstanding of the content, misunderstanding of the context, misunderstanding of the purpose of Europeana, unbalanced content or wrong expectations.

Many cases of complaints can most likely be avoided by improving the quality of the data and of the communication with the users. The effects of such improvement will go far beyond avoiding complaints. A complaint can be seen as the tip of an iceberg, which is formed by a great deal more users who are equally unsatisfied but do not take the effort to complain about it.

The steadfast growth of the content of Europeana gradually improves the pluralism of represented themes and viewpoints, thus contributing to eliminate possible issues of conflict.

### **5. Conclusion**

Thinking about ethics in the context of Europeana is fairly new and does not generally seem relevant at first sight. A brief reflection, however, shows that there is indeed a need for creating a foundation for agreement on certain ethical principles, in particular because of the pronounced and deliberate plurality and cultural diversity of the content of Europeana, as well as of its users and other stakeholders.

There is a fairly consolidated framework of ethical principles available that contains most elements for ethical principles that are relevant for Europeana. Ethics are a question of rights and responsibilities. The rights can be found in national constitutions, or – more appropriate for Europeana – in international conventions or declarations. The responsibilities are described in professional codes of ethics that are well established for the relevant professions in the domains of Europeana: libraries, archives and museums. It will be useful to compile from these documents a set of principles (rights and responsibilities) for Europeana to use in support of its vision and strategies, as well as for communication with all stakeholders. Some issues will need specific further specification within the context of Europeana, in particular those listed under responsibilities. The ethics must also be taken into account when conceptual or technical solutions are elaborated regarding various aspects such as collaboration or data quality.

The diverse character of Europeana content, users and stakeholders can lead to complaints and conflicts. Preventive measures and good ethical principles can help to solve such conflicts in a friendly manner. Sometimes further interpretation or deliberation may be required, and that cannot be done by Europeana itself as it is always perceived as a party in each such conflict. It is proposed that no standing Ethics Committee be set up, but that the task of deliberation be assigned to existing bodies or a group composed of persons occupying a certain role. In particular the CCPA officers may be assigned this task, representing the major stakeholder constituency in Europeana.