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The Swiss Historical Society's Code of Ethics: A View from Abroad

Antoon De Baets

Before the 1990s, questions of professional ethics have often been at the back of the historians' mind but seldom on the tip of their tongue[1]. Awareness of ethical issues was traditionally high: questions of historical truth and method have been central to the professional training of history students the world over. In addition, historians' rights were at risk and increasingly the focus of public attention in scores of countries. Visibility of ethical issues, however, was traditionally low for two reasons. First, many historians were reluctant to talk about "big principles". The belief that values and ethics are not a legitimate part of historical writing may be partly responsible for this. Second, many of the most problematic ethical questions do not arise during, but before or after research and teaching. Consequently, they are seldom discussed in historical works themselves. They typically emerge during training or appointment procedures or when historians seek access to closed archives, quote confidential sources, or prepare government-funded research. They are sometimes woven into the introduction (typically, in the paragraphs explaining the background to the work), conclusion or footnotes of historical works. They also occasionally appear after publication, for example when book reviews provoke heated debate, when people critically portrayed believe that their reputation has been tarnished and seek redress, or when authors play to the gallery and make too many concessions to the marketplace.

The 1990s

Against this varied background, ethical issues have been increasingly prominent since the 1990s. Ethics were out of fashion among academics for much of the twentieth century but in the 1990s it was restored as a central preoccupation[2]. In hind-

1 Antony Flew, *A Dictionary of Philosophy*, London: Pan Books, 1979, p. 104: «[T]he word 'ethics' suggests a set of standards by which a particular group or community decides to regulate its behaviour – to distinguish what is legitimate or acceptable in pursuit of their aims from what is not.»

2 In 1997 the late François Bédarida, then Secretary-General of the International Committee of Historical Sciences, spoke of a return of ethics; see his «The Historian's Craft, Historicity, and Ethics» (1997), in *Historians and Social Values*, Joep Leerssen and Ann Rigney (eds.), Amsterdam: Amsterdam University Press, 2000, pp. 69–76, here p. 69. Bé-

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sight, two long-term trends provided fertile ground for this development. The first was the downfall of a number of dictatorships notorious for their rewriting of history: it resulted in the spread of democracy and with it better conditions (at least in principle) for writing and teaching history truthfully. The second was a global trend of growing human-rights awareness since the Second World War and, as part of that trend, an increasing sensitivity to freedom of information issues. After 1960 topics such as the protection of human research subjects, informed consent, privacy and reputation, the dependence of science upon political, military or economic powers, and more generally the potential negative effects of applied knowledge led many sciences to develop a code of ethics[3].

In addition to these two long-term trends, a number of recent developments made ethics the subject of intense debate in all areas of academia, including history. Issues with a high ethical profile – such as genocide, slavery, and colonialism – were at the center of numerous polemical exchanges throughout the 1990s. These issues forced many to re-examine the extent to which historical injustice should be rectified with reparatory measures today. In addition, most survivors of the Armenian genocide, the Holocaust, and crimes against humanity in colonial countries had died in the meantime and this disappearance of witnesses enabled a small but growing minority to deny these crimes. Reacting against this denial of history, many began to speak about an ethical "duty to remember"[4]. The opening up of secret archives at the end of the Cold War was a second factor. More emphatically than ever before it revealed to all who had eyes to see the enormous extent to which history could be and had been falsified. A third factor was the information overload instantly accessible via the Internet after 1995. Growing numbers of producers of non-scholarly versions of history increased the risk of abusing it. They made intellectuals acutely aware of what historians had always known: assiduous application of the historical-critical method was an indisputable necessity. A fourth factor was the amazing proliferation of commemorations which made some wonder whether the past had become a new kind of religion.

darida attempted to develop a coherent view of historians' responsibilities. His other works on the historian's ethics include «Histoire et pouvoir dans *1984*», *Vingtième siècle*, 1, no. 1, 1984, pp. 7–13; «The Modern Historian's Dilemma: Conflicting Pressures from Science and Society», *Economic History Review*, 40, no. 3, 1987, pp. 335–348; «Le Métier d'historien aujourd'hui», in *Être historien aujourd'hui*, René Rémond (ed.), Paris: UNESCO/Érès, 1988, pp. 283–303; «Temps présent et présence de l'histoire», *Écrire l'histoire du temps présent: En hommage à François Bédarida*, Institut d'Histoire du Temps Présent (ed.), Paris: CNRS Éditions, 1993, pp. 391–402; «Historical Practice and Responsibility», *Diogenes*, no. 168, 1994, pp. 1–6; «Les Responsabilités de l'historien 'expert'», in *Passés recomposés: Champs et chantiers de l'histoire*, Jean Boutier and Dominique Julia (eds.), Paris: Autrement, 1995, pp. 136–144; «L'Historien régisseur du temps? Savoir et responsabilité», *Revue historique*, 122, no. 605, 1998, pp. 3–24; «L'Histoire entre science et mémoire?» (1996), in *L'Histoire aujourd'hui*, Jean-Claude Ruano-Borbalan (ed.), Auxerre: Éditions Sciences Humaines, 1999, pp. 335–342; «Commentaire», in *Proceedings: Reports, Abstracts and Round Table Introductions, 19th International Congress of Historical Sciences*, Oslo: University of Oslo History Department, 2000, pp. 92–93.

3 Carl Mitcham, «Ethical Issues in Pseudoscience: Ideology, Fraud, and Misconduct», in *Encyclopedia of Pseudoscience: From Alien Abductions to Zone Therapy*, William F. Williams (ed.), Chicago and London: Fitzroy Dearborn, 2000, pp. xii–xvii, here pp. xv–xvi.

4 See my «A Declaration of the Responsibilities of Present Generations toward Past Generations», *History and Theory: Studies in the Philosophy of History*, 43, no. 4, 2004, pp. 130–164, here pp. 149–152.

In the eye of all these storms stood the past. As its traditional caretakers, historians were in trouble themselves. A severe epistemological crisis engendered by postmodernism had cast doubts on the possibility of historical truth. This feverish situation in and outside the profession compelled historians to think more intensely about the essentials of their profession and its ethical foundations[5].

Codes of ethics in the field of the humanities

UNESCO published important guidelines for academic ethics in a 1997 *Recommendation*. It stipulated: "[H]igher education institutions should be accountable for [...] the creation [...] of statements or codes of ethics to guide higher education personnel in their teaching, scholarship, research [...]"[6]

5 Historians' ethics is a largely unexplored field of study. Numerous essays or books dealing with general or theoretical aspects of history touch on the topic, usually indirectly and ephemerally, but without a proper ethical perspective. Some international conferences which have dealt with the topic either did not publish the papers of the relevant roundtable (e.g., the 1995 International Congress of Historical Sciences at Montréal), or treated ethics only marginally notwithstanding appealing paper titles suggesting it was the topic of prime concern. To my knowledge, only six larger-scale initiatives have tackled the problem more or less coherently: [1] the 1994 publication of seven essays as *The Social Responsibility of the Historian* (op. cit., pp. 1–104); [2] a book of essays based on a 1997 conference entitled *Historians and Social Values* (op. cit., pp. 7–89); [3] the special issue on *The Good of History: Ethics, Post-Structuralism and the Representation of the Past* published by *Rethinking History*, 2, no. 3, 1998, pp. 309–424; [4] a roundtable at the 1999 international conference at Santiago de Compostela, published in *Historia a Debate*, volume II, *Nuevos paradigmas*, Carlos Barros (ed.), Santiago de Compostela: *Historia a Debate*, 2000, pp. 233–259; [5] the 19th International Congress of Historical Sciences with a major section on «The Uses and Misuses of History and the Responsibilities of the Historians, Past and Present», published in *Making Sense of Global History: The 19th International Congress of Historical Sciences, Oslo 2000, Commemorative Volume*, Sølvi Sogner (ed.), Oslo: Universitetsforlaget, 2001, pp. 309–409; [6] and, finally, the theme issue on *Historians and Ethics* published by *History and Theory: Studies in the Philosophy of History*, 43, no. 4, 2004 (pp. 1–178). A major session on *Myth and History* at the 20th International Congress of Historical Sciences in Sydney (July 2005) will also partially deal with the topic.

6 UNESCO, *Recommendation concerning the Status of Higher-Education Teaching Personnel* (http://www.unesco.org/; adopted by the General Conference at its 29th session), Paris: UNESCO, 21 October–12 November 1997, Article 22(k). See also International Association of Universities (IAU), *Statement on Academic Freedom, University Autonomy and Social Responsibility* (http://www.unesco.org/iau), Paris: IAU, April 1998. All websites mentioned in this essay were last visited on 16 November 2005.
For writings on the academic ethic, see Edward Shils, «Academic Freedom», in *International Higher Education: An Encyclopedia*, volume I, Philip Altbach (ed.), New York and London: Garland, 1991, pp. 1–22; Edward Shils, *The Calling of Education*: The Academic Ethic *and Other Essays on Higher Education*, Steven Grosby (ed.), Chicago and London: The University of Chicago Press, 1997; the entries «Academic Ethics» and «Academic Freedom», in *Encyclopedia of Ethics*, Lawrence Becker and Charlotte Becker (eds.), New York and London: Garland, 1992, pp. 7–8, 8–11; the entries «Academic Freedom» and «Institutional Autonomy» in *The Encyclopedia of Higher Education*, volume II, *Analytical Perspectives*, Burton Clark and Guy Neave (eds.), Oxford: Pergamon Press, 1992, pp. 1295–1305, 1384–1390; Joram Graf Haber, «Professional Ethics», in *The Philosophy of Law: An Encyclopedia* (New York and London: Garland, 1999), Christopher Gray (ed.), pp. 691–693; Lori Andrews, et alii, «Constructing Ethical Guidelines for Biohistory», *Science*, 304, 9 April 2004, pp. 215–216.

The historical sciences, however, lag behind other branches of scholarship in codifying their professional ethics. In the last three decades ethical codes have been drafted in such allied disciplines as museum governance, archeology, and archival science[7]. For museums, the process began in the early 1970s when they saw that their acquisitions and the international circulation of cultural property were taking place under poorly defined conditions[8]. In archeology, scholars had to deal with the concerns of the living people whose ancestors they studied. The tense relationships between the profession and indigenous peoples in the run-up to the 1990 Native American Graves Protection and Repatriation Act in the United States led archeologists to codify professional conduct in this area[9]. For archivists, debates about freedom of and access to information, privacy protection and copyright were crucial[10]. In each discipline, "affairs" and "scandals" accelerated the process[11].

As far as I am aware, few national historical associations possess codes of ethics[12]. The American Historical Association (AHA), which adopted *Standards of Professional Conduct* in 1987, is a pioneer[13]. In 2001 the Australian Council of Pro-

7 For the interesting history of the origins of the code of ethics of the American Anthropological Association (AAA) in 1965–1971, see *Handbook on Ethical Issues in Anthropology*, Joan Cassell and Sue-Ellen Jacobs (eds.) (http://www.aaanet.org/committees/ethics/ethics.htm) Special Publication of the AAA 23 [1987], here chapter 2: James N. Hill, «The Committee on Ethics: Past, Present, Future».

8 Ahmed Baghli, Patrick Boylan, and Yani Herreman, *History of ICOM (1946–1996)*, Paris: International Council of Museums (ICOM), 1998, pp. 51–52. The code itself: ICOM, *Code of Ethics for Museums* (http://www.icom.museum/) 2004 (earlier versions: 1986, 2001).

9 World Archaeological Congress, *Vermillion Accord on Human Remains* (1989), and Idem, *First Code of Ethics* [1990] (http://ehlt.flinders.edu.au/wac/).

10 Yvonne Bos-Rops, «Een mooi beroep verdient een code» [A nice profession merits a code], *Archievenblad*, 101, no. 1, 1998, pp. 20–24, here pp. 20–21. The code itself: International Council on Archives (ICA), *Code of Ethics* (http://www.ica.org), 1996. Bos-Rops was president of the ICA steering committee (1992–1996) that prepared the code.

11 For example, the debate on professional ethics among American archivists was intensified by the case of historian Francis Loewenheim. In 1968, Loewenheim, professor at Rice University, Houston, Texas, accused the Roosevelt Library of concealing six letters from historian and American ambassador to Germany William Dodd (1869–1940) to President Franklin Roosevelt, which he needed for his edition of the Dodd-Roosevelt letters. He charged that he had been the victim of unfair and discriminatory treatment because the letters were subsequently used by library archivist Edgar Nixon in his 1969 compilation, *Franklin D. Roosevelt and Foreign Affairs, 1933–37*. The charges were investigated by a joint committee of the American Historical Association and the Organization of American Historians, which rejected them in its final report of August 1970. The committee found no deliberate and systematic withholding of documents. See Carol Barker and Matthew Fox, *Classified Files: The Yellowing Pages – A Report on Scholars' Access to Government Documents*, New York: The Twentieth-Century Fund, 1972, pp. 61–62; see also J.A.M.Y[vonne] Bos-Rops, «Een beroepscode voor archivarissen: nodig of overbodig?» [A code of ethics for archivists: necessary or superfluous?] *Bibliotheek- & archiefgids*, 73, no. 6, 1997, pp. 224–232, here p. 225.

12 One of the first to think systematically about the historians' deontology was the Belgian legal historian John Gilissen who already in 1960 summarized the "customs" of the profession in ten rules. See his careful analysis, «La Responsabilité civile et pénale de l'historien», *Revue belge de philologie et d'histoire*, 38, 1960, 295–329 and 1005–1039, here 1037–1039.

13 American Historical Association (AHA), *Statement on Standards of Professional Conduct* (http://www.historians.org/) Washington: AHA Professional Division, May 1987,

fessional Historians Associations also endorsed a *Code of Ethics and Professional Standards*[14]. If there are in fact still relatively few national codes, one must ask why Switzerland is so much more interested in codifying ethics than its neighbors. The answer to this question is likely to be complex and to include problems such as access to government archives and the international outcry regarding Switzerland's role during the Second World War[15].

The International Committee of Historical Sciences (CISH), established in 1926 as the profession's umbrella organization, was "created in order to promote the historical sciences through international cooperation" (Article 1 of its *Constitution*). It has, however, no code to guide that cooperation. The last sentence of Article 1, added in 1992 only and amended in July 2005, reads: "It [= CISH] shall defend freedom of thought and expression in the field of historical research and teaching, oppose the abuse of history, and in all appropriate ways ensure the respect of professional ethical standards among its members"[16]. That is all CISH has to say on professional ethics.

amended eight times between May 1987 and January 2003, wholly revised January 2005. The *Statement* has nine sections: the profession of history, shared values of historians, scholarship, plagiarism, teaching, history in the public realm, employment, reputation and trust, and additional guidance. In the plagiarism section we read the following: «All who participate in the community of inquiry, as amateurs or as professionals, as students or as established historians, have an obligation to oppose deception [...]. Every institution that includes or represents a body of scholars has an obligation to establish procedures designed to clarify and uphold their ethical standards.» More specialized guidelines were issued by four societies affiliated to the AHA: the American Association for State and Local History, the National Council on Public History, the Oral History Association, and the Society for History in the Federal Government.

14 Autralian Council of Professional Historians Associations (ACPHA), *Code of Ethics and Professional Standards for Professional Historians in Australia* (http://www.historians.org.au/) Manuka (Canberra): ACPHA, 2001.

15 The subdiscipline of history most sensitive to codification of ethics is oral history: see the code of the American Oral History Association (op. cit.); also see National Oral History Association of New Zealand, *Code of Ethical and Technical Practice* (http://www.oralhistory.org.nz/) Wellington: NOHANZ, 2001.

16 *CISH Constitution* (http://www.cish.org/), Article 1. For the CISH discussion, see Karl Erdmann, *Die Oekumene der Historiker: Geschichte der Internationalen Historikerkongresse und des Comité International des Sciences Historiques*, Göttingen: Vandenhoeck & Ruprecht, 1987, pp. 194–195 (on the CISH Charter of 6 July 1932); Karl Erdmann (with Jürgen Kocka and Wolfgang Mommsen), *Toward a Global Community of Historians: The International Historical Congresses and the International Committee of Historical Sciences, 1898–2000*, New York and Oxford: Berghahn, 2005, pp. 330, 397, 400 (amendments of the *Constitution* of 1992 and 2005); see also David Flaherty, «Privacy and Confidentiality: The Responsibilities of Historians», *Reviews in American History*, 8, no. 3, September 1980, pp. 419–429; Karin Winkler, «A Question of 'Historical Malpractice'», *Chronicle of Higher Education*, 14 January 1980, p. 3; Richard Davis, «A Hippocratic Oath for Academics?» *Vestes: The Australian Universities' Review*, no. 2, 1981, pp. 9–14; Joan Hoff-Wilson, «Access to Restricted Collections: The Responsibility of Professional Historical Organizations», *American Archivist*, 46, no. 4, 1983, pp. 441–447; Jean Devisse, «L'Histoire et les sociétés: fonctionnements et problèmes», *Être historien aujourd'hui*, op. cit., pp. 346–347; Karin Winkler, «Historians and Ethics», *Chronicle of Higher Education*, 6 July 1994, pp. A17–A18.

Reasons to reject a code of ethics

Why should historians adopt a code of ethics? There are at least five arguments against such a code. Let us weigh them one by one and draw lessons from them.

* *We do not need a code.*

The argument: The traditional majority view is that no code is needed because all historians know and apply the essential maxim: that historical truth is searched for and discussed about, not imposed.
The reply: While correct, this is utterly laconic. I also firmly believe that historical truth must be searched for, not imposed, and that we should use force of argument, not coercion, to further our common aims. However, this large group of colleagues does not seem to believe that it makes sense (or is even possible) to discuss ethics rationally and that some ethical decisions are better than others. A code is not only a consistent set of principles, it is also a set of mutually dependent hypotheses. When perceived in this way, a given code is perhaps the best we have at a certain moment in time. It should nonetheless be continuously tested as every code is subject to improvement.

* *We already have a code.*

The argument: The rights and duties of historians are already formulated in *general* guidelines, such as the *Universal Declaration of Human Rights* and UNESCO's *Recommendation*, and consequently no *special* charter is necessary.
The reply: It is true that codes often overlap and that particularly in the area of teaching a code valid for the whole of the social sciences and the humanities is a possibility. General guidelines alone are insufficient, however. The texts mentioned above appeal to historians as human beings or experts, but they are too general to play any important role inside the profession: their wise advice is forgotten. In addition, they do not touch upon ethical questions specific to the profession.

* *A code is not efficient.*

The argument: A code is doomed to remain theoretical; it cannot be enforced efficiently and will not prevent harm.
The reply: The debate over efficient implementation centers around two poles: repression and prevention. The repressive strategy addresses the question whether it is desirable to impose *imperative* measures, such as the establishment of an "Order of Historians" to adjudicate disputes, or *prohibitive* measures, such as organizing boycotts, suing *mala fide* historians or advocating legislation to criminalize genocide denial. Few historians would advocate these prohibitive measures[17], but the question of adjudication (although not the establishment of an "Order of Historians") is very much in play. I shall briefly relate the American experience. In 1987 the AHA adopted an *Addendum on Policies and Procedures*

17 As the debate about laws against Holocaust denial shows. See my «Denying the Holocaust», in *Censorship: A World Encyclopedia*, Derek Jones (ed.), London and Chicago: Fitzroy Dearborn, 2001, pp. 1079–1080.

(last revised in 1997) describing how its Professional Division would handle alleged breaches of its *Statement on Standards of Professional Conduct*. The introduction to the 1999 edition of this *Statement* included the following: "Although enforcement of these standards is part of its work, the division hopes that policing activities will diminish as historians become more cognizant of their professional responsibilities." In the introduction to the May 2003 edition, the AHA Council announced that it would no longer investigate acts of misconduct by historians. The reasons given were limited resources and lack of power to impose sanctions[18]. In January 2005 a thoroughly revised *Statement* appeared, this time without the *Addendum*.

The American experience seems to confirm the argument that it is (too) difficult to implement a code. It is certainly the case that adjudication as a form of code enforcement is problematic. At the same time, one should see the three stages in developing standards (codification, making them binding, and implementation) as long-term processes. Progress in enforcement is not impossible. In any case, the society of historians from which the code emanates, even if it does not adjudicate, should gather documentation about the current state of ethical issues in history and about cases of abuse and misconduct that come to its attention. It should never refuse to give its formal or informal advice, if so requested by colleagues involved in ethical disputes or dilemmas. This task of collecting materials on ethical issues provides a bridge to the other strategy: prevention. The preventive approach holds that a code is the focus of moral debate among historians. The code should therefore be an obligatory part of the curriculum, embedded in a program of historical questions in an ethical perspective, and taught to history students.

* *A code can be abused.*

The argument: Once accepted, a code can be manipulated and abused.
The reply: Indeed, the risks are not imaginary: in the wrong hands, a code can

18 «AHA Announces Changes in Efforts Relating to Professional Misconduct», Washington: AHA Press Release, 5 May 2003; Thomas Bartlett, «Historical Association Will No Longer Investigate Allegations of Wrongdoing», *Chronicle of Higher Education*, 7 May 2003; William J. Cronon (AHA Professional Division President), «A Watershed for the Professional Division», Washington: AHA, September 2003; Richard Byrne, «Historians Talk Outreach and Ethics», *Chronicle of Higher Education*, 51 no. 20, 21 January 2005, p. A16; Sharon Stoerger, «History Ethics» (http://www.web-miner.com/historyethics.htm) 2005 (first version: 2002). The AHA Professional Division estimated that there were 50 to 100 inquiries annually but that fewer than ten cases a year required formal investigation. Most regarded plagiarism.
In 1995, the American Anthropological Association (AAA) took a similar decision: «...The AAA [shall] no longer adjudicate claims of unethical behavior and focus its efforts and resources on an ethics education program.» The AAA felt that its (complex) adjudication system could not ensure due process, that it did not have the ability to impose meaningful sanctions, that it did not have moral or legal standing, that it was not willing and able to take on all appropriate claims, and that it was not able to deliver what it promised. See AAA, *Commission to Review the AAA Statements on Ethics Final Report* (http://www.aaanet.org/committees/ethics/ethics.htm) and Hill's discussion («The Committee on Ethics...», op. cit., pp. 5–7) about the types of cases handled by the Committee. The American Psychological Association, the American Sociological Association, and the American Political Science Association continue their adjudication program.

stifle, discourage, or unjustifiably narrow legitimate historical debate and unleash witch hunts against "heretical" historians. At the very least a code should stipulate that nothing in it may be interpreted as contrary to its spirit.

* *A code is itself an abuse.*

The argument: A code of ethics is rigid and restricts the freedom of historians and their discussions; therefore, it is unethical itself. In addition, by rendering an idealized image of the profession unmatched by any of its members, its application would create too many delays in daily work.
The reply: It is certainly true that a code of ethics imposes limits on historians' freedom, for that freedom is not limitless. A code clarifies the limits of that freedom but it does not compromise that freedom itself[19]. In addition, it should be made clear that those sections of the code that refer to historians' tasks are not concerned with the content of these tasks but with the intention and conditions implied in their execution.

Reasons to adopt a code of ethics

The arguments against a code cannot be dismissed easily. They yield useful warnings and lessons. First, a code is not eternal but provisional; it should be regularly revised. Second, to prove its transparency, a code should explicitly mention relevant texts whose scope is larger and influence greater; to prove its surplus value, it should address questions specific to the profession. Third, although some mixture of repression and prevention will be necessary, a code that recommends and prevents is certainly preferable to one that condemns and represses. Fourth, a code should not only spell out historians' responsibilities but also their rights (i.e., freedoms). Fifth, the guardian of the code should be a recognized association of professional historians, which is trusted by all for its professionalism. At the same time, that association must be open to ethical discussions. Against this background, I see three important reasons to adopt a code of ethics, both internal and external. Indeed, the question whether historians need a code does not solely depend on these; it depends in equal measure on how others perceive us.

* A code enhances the autonomy and self-regulatory function of the historical profession.
* It clarifies the foundations and limits of the historical profession for its members and others: see table 1.
* Familiarity with the code increases public trust in our work[20].

19 Compare with Ronald Dworkin, «We Need a New Interpretation of Academic Freedom», in *The Future of Academic Freedom*, Louis Menand (ed.), Chicago: University of Chicago Press, 1996, pp. 181–198, here pp. 191–193.

20 Compare John Lere and Bruce Gaumnitz, «The Impact of Codes of Ethics on Decision Making: Some Insights from Information Economics», *Journal of Business Ethics*, 48, 2003, pp. 365–379, here pp. 373–374. Lere and Gaumnitz identified seven potential roles for codes of ethics: «[P]rovide a basis for public expectations and evaluation of the profession; strengthen the sense of common purpose among members of the organization; enhance the profession's reputation and public trust; preserve entrenched professional biases; create an environment in which reporting unethical behavior is affirmed; provide support for individuals when faced with pressures to behave in an unethical manner;

Table 1. Beneficiaries of a code of ethics

Inside the profession
Professional historians (academic professional historians, teachers, others)
History students

Outside the profession
Amateur historians
Other scholars (archivists, archeologists, museum professionals, social scientists, others)
(Potential) providers of:
* data (producers and holders of sources, informants, witnesses, respondents)
* assignments (government, others)
* budgets (sponsors)
Subjects of research:
* living subjects
* relatives and caretakers of deceased subjects
Those involved in conflicts with historians
* dissatisfied source producers; commissioners; sponsors
* complainants; judges
The reading public, general audiences, society at large

A transparent and "living" code reduces abuse and yields advantages in terms of understanding, sources, money, and assignments.

The structure of a code of ethics

Without exception, the existing body of literature narrows the problem of historians' ethics down to one of its two sides, namely historians' responsibilities. This (entirely justified) traditional emphasis must be put within a global theoretical framework in which these responsibilities are connected to historians' rights. Were the International Committee of Historical Sciences to prepare a code of ethics, such a code should, in my view, have a threefold structure: one section on the tasks of historians, one on their rights, and one on their responsibilities. Obviously, there are two core tasks: historical research (including publishing) and the teaching of history. There are two kind of rights: universal rights (especially freedom of information and expression) and rights that are responsibility-dependent. Responsibility-dependent rights can only be effectuated when historians discharge their responsibilities: they include, for instance, academic freedom, choice of research and teaching topics, institutional autonomy, and access to, and disclosure of, certain types of information. In the section on responsibilities, six classes should be employed: general responsibilities; primary responsibilities regarding subjects of historical study (both living and deceased); responsibilities regarding information;

serve as a basis for adjudicating disputes among members of the profession and between members and non-members.» For Bos-Rops, «Een beroepscode...», art. cit., p. 228, a code determines the borders of legitimate activity, inspires trust in the profession's target group, makes it easier for professionals to identify with their profession, and gives outward credibility, and therefore legitimacy, to the profession.

responsibilities concerning their work; responsibilities toward society at large; and, finally, responsibilities toward the historical profession.

Salient points of the Swiss code

Using this model structure for any code of ethics for historians, I will now demonstrate that the *Ethik-Kodex / Code d'éthique* of the Swiss Historical Society is a very laudable effort toward that end. Let us look at it in detail[21]. Although all elements are important, I will only discuss those that are, in my view, salient. The code is built upon a consensus *(1)* and therefore it has a strong base. It does not treat the profession as a monolithic whole, but distinguishes different types of historians *(1, 2)*, such as experienced and new members of the profession. In addition, the code is sensitive to external reasons for adopting a code, namely public trust in the profession *(1)*. It covers the two branches of the profession: research and teaching *(2)*. It argues that the code is subject to continuous revision *(4)*. The code rightly emphasizes the basic moral duty of scientific integrity, first developed by Max Weber as intellectual honesty *(5)*[22]. It pays due attention to the rights of historians, in particular their freedom of scientific research *(6)*. The right to freedom of expression and information is embodied in the two headings "research" *(II)* – a form of freedom of information[23] – and "publication" *(III)* – a form of freedom of expression. The code refers to a critical and objective method when addressing source criticism *(8)* and advocates a proportionality test to balance the fundamental interests of the historian and the public against the equally fundamental interests of their subjects of study *(8)*[24]. The code includes social responsibilities *(9)* and states that our profession should possess a public character *(9)*. It contains an explicit reference to human rights *(10)* – thereby incorporating international human-rights standards – and also addresses problems which arise when freedom of research appears to be incompatible with other rights *(10)*. It underlines the fundamental role of a free and public exchange of ideas among informed colleagues

21 Schweizerische Gesellschaft für Geschichte (SGG) / Société suisse d'histoire (SSH), *Ethik-Kodex / Code d'éthique* (http://www.sgg-ssh.ch) Berne, March and September 2004; approved by its General Assembly on 16 October 2004. The code should be supplemented by (1) SGG–SSH, *Leitfaden für freiberufliche Historiker und Historikerinnen: Tarife und Verträge – Erläuterungen und Empfehlungen der SGG / Manuel à l'intention des historiennes et historiens indépendants: Tarifs et contrats – Explications et recommendations de la SSH*, Berne, March 2003; (2) *Grundsätze zur Freiheit der wissenschaftlichen historischen Forschung und Lehre / Principes de la liberté de la recherche et de l'enseignement scientifiques de l'histoire*, Berne, March 2004.

22 Max Weber, «Wissenschaft als Beruf», in Max Weber, *Wissenschaft als Beruf 1917/1919 – Politik als Beruf 1919, Max Weber Gesamtausgabe*, volume I/17, Wolfgang Mommsen and Wolfgang Schluchter (eds.), Tübingen: J.C.B. Mohr, Paul Siebeck, 1992, pp. 71–111, here pp. 97, 110 («intellektuelle Rechtschaffenheit».)

23 Article 11 of the *Grundsätze / Principes* infers freedom of information from freedom of scientific research, whereas I regard both as emanating from the *Universal Declaration of Human Rights* (UDHR), Article 19 (which is also mentioned in the *Grundsätze / Principes*, note 19).

24 The *Grundsätze / Principes* also systematically use the concept of a proportionality test: see Articles 16–18. The fundamental interests of the subjects of study can be found in *UDHR*, Article 12 (privacy and reputation), and the *International Covenant on Civil and Political Rights*, 1966, Articles 17(1) (privacy and reputation) and 19(3) (restrictions on freedom of expression).

(13) and of fair peer review *(14)*. It advocates openness regarding financial dependence *(15)*. Finally, it tackles the difficult question of implementing the code by offering a procedure to deal with breaches of the code, with both elements of democracy and expertise *(IV)*. These, in sum, are the Swiss code's strongest points.

Recommendations for the future

That the historians who drafted the Swiss code regarded it as subject to continuous discussion and revision *(4)* is a crucial point. The AHA *Statement on Standards of Professional Conduct* adopted in 1987 has already been amended nine times, most recently in January 2005. In the Swiss case, the version of the *Kodex / Code* approved by the General Assembly in October 2004 (a version from March 2004) differed considerably from an earlier draft version from September 2003[25]. The differences were the result of intense discussions and it is to be hoped that the custodian of the code – the Abteilung *Berufsinteressen* / Département *Intérêt de la profession* – will keep an archive of these discussions.

Given the importance of debate in ethics and the character of a code as a set of propositions, some recommendations for a future discussion of the Swiss code are in order. I shall divide my comments into aspects mentioned in the code that I would emphasize somewhat differently, and aspects that remained implicit but, in my view, merit explicit consideration. First, let us examine the scope of the code. The scope should specify that the code is obligatory for professional historians, both academic and non-academic, and recommended for non-professional historians. It should also state that it is a tool for the general public, in particular those managing sources, data, assignments and budgets, as well as potential complainants and judges such that they may become acquainted with our professional standards (see table 1)[26].

I have suggested that any comprehensive code should have a three-layered structure: tasks, rights and responsibilities. As far as the tasks of historians are concerned, the principal equality of the two core tasks, research and teaching, should be emphasized. Research is a form of freedom of information and its published results are a form of freedom of expression. Both have their own chapter within the Swiss code. Whereas publication is a *written* form of freedom of expression, teaching is its *oral* counterpart. Remarkably, the teaching of history is not represented in the code on its own merit[27]. In the same vein, students are mentioned twice in the code *(1, 7)*, first rather summarily and later in their capacity as authors

25 For an account of the discussions, see Sacha Zala, «Der Ethik-Kodex der Schweizerischen Gesellschaft für Geschichte: Eine Binnensicht», in this issue of the SZG, pp. 463–468.

26 The *Grundsätze / Principes* mention judges (Articles 2, 17), potential complainants (Articles 17–19), and holders of historical data or sources (Articles 3–19). For the problem of historical data and sources, see also Article 19, *The Public's Right to Know: Principles of Freedom of Information Legislation* (http://www.article19.org/), London: Article 19, 1999.

27 I notice the same tendency in the *Grundsätze / Principes*. Although historical teaching is mentioned in the title and in Article 1, the text does not deal with it at all. Moreover, in the area of research, the *Grundsätze / Principes* predominantly describe principles of selection, access, and disclosure of archival information, whereas other problems of method, interpretation, and judgment are paid much less attention.

only *(7)*. Rule *(3)* of the code specifies that it is not suited for solving specific problems. I wonder whether this choice for a code of ethics rather than a code of practice is not at odds with the provision for adjudication procedures (rules *16* to *18*). Another point of concern is that rights and responsibilities are intermixed within the code, whereas their separation would add to clarity. This could easily be accomplished if the passage on freedom of research *(6)* were combined with that on human rights *(10)* and if universal human rights were distinguished from responsibility-dependent rights, such as academic freedom. In this same group of rights, the right of historians to choose and design their research and teaching topics without political or other interference should be stressed[28].

Finally, I would like to specify some ethical aspects not mentioned explicitly in the code but meriting, in my view, either a cardinal or an optional place. The following three issues are optional: the question whether historians should be allowed to make explicit moral judgments, the question whether historians should support democracy – for democracy is a necessary condition for their work – and, finally, a clause that historians should protect the historical profession against external threats to its autonomy and against internal threats to its integrity. There are also four fundamental points which should not be omitted from any code. First, I would surely stress that historians, aware of the universal rights of the living and the universal responsibilities to the dead, ought to respect the dignity of the living and the dead they study[29]. Second, I would clearly state that historians are *searching* for the historical truth. Third, I would say that, notwithstanding their individual right to choose their research and teaching topics freely, historians form a professional community, which, when perceived collectively, has the responsibility to study and teach the past in its entirety, including forgotten or suppressed topics.

Last but not least, I would add that historians should show solidarity with colleagues and history students whose rights are violated. The Society of Swiss Historians has recently become an affiliated member of the London-based Network of Education and Academic Rights (abbreviated NEAR) and in this way took an important and more than merely symbolic step toward solidarity with other historians and academics[30]. The Norwegian Historical Association (HIFO) and the history alumni of Ghent University (OSGG) in Belgium have taken similar steps, in June and November 2004 respectively. The Spanish network *Historia a Debate*, based in Santiago de Compostela, followed recently. It is our professional expertise – our access to, and possession of, expert knowledge about the past – which distinguishes us from others interested in the past[31]. I therefore welcome the adoption of the Swiss code as a momentous event. André Mercier, philosopher and former rector of the University of Berne, aptly summarized the core message: *sagesse oblige*[32].

28 As do the *Grundsätze / Principes*, Articles 1 and 13.

29 Although I agree with *Grundsätze / Principes*, Article 17.

30 Http://www.nearinternational.org/.

31 Karl Popper, «The Moral Responsibility of the Scientist», in *Induction, Physics, and Ethics: Proceedings and Discussions of the 1968 Salzburg Colloquium in the Philosophy of Science*, Paul Weingartner and Gerhard Zecha (eds.), Dordrecht: Reidel, 1970, pp. 329–336, here p. 335.

32 «Wisdom obligates», coined by André Mercier in his «Science and Responsibility», Ibidem, pp. 337–342, here p. 342.

Der Ethik-Kodex der Schweizerischen Gesellschaft für Geschichte: Eine Binnensicht

Sacha Zala

Am 16. Oktober 2004 nahm die Generalversammlung der Schweizerischen Gesellschaft für Geschichte (SGG) den *Ethik-Kodex* für die schweizerischen Historikerinnen und Historiker einstimmig an. Die *Grundsätze zur Freiheit der wissenschaftlichen historischen Forschung und Lehre* hatte der Gesellschaftsrat der SGG bereits am 22. März 2004 verabschiedet[1]. Damit fand ein wichtiger Prozess zur Professionalisierung des historischen Berufes sein vorläufiges Ende, selbst wenn der Kodex explizit festhält, dass er «von seiner ständigen Diskussion und seiner Anwendung durch die Angehörigen der geschichtswissenschaftlichen Profession» lebt[2].

Es scheint, dass sich in der Wissenschaft allgemein ein «Ethik-Boom» abzeichnet, und – wie so häufig – lautet der implizite Vorwurf, es handle sich um eine aus dem angelsächsischen Raum importierte «Mode», was kaum von der Hand zu weisen ist. Nach einer Umfrage der Schweizerischen Akademie der Geistes- und Sozialwissenschaften (SAGW) verfügen einige schweizerische wissenschaftliche Vereinigungen über einen Ethik-Kodex[3]. Hingegen macht es im internationalen Vergleich den Anschein, als ob Historikerinnen und Historiker resistenter gegen die explizite Kodifizierung ethischer Richtlinien sind als andere Wissenschaften. So dürfte der Ethik-Kodex der SGG nebst jenen der *American Historical Association* und des *Australian Council of Professional Historians Associations* in der Tat weltweit eine der ersten erfolgreichen Kodifizierungen in der Geschichtswissenschaft darstellen[4]. Offensichtlich neigen Historikerinnen und Historiker im All-

1 *Ethik-Kodex und Grundsätze zur Freiheit der wissenschaftlichen historischen Forschung und Lehre. Code d'éthique et Principes de la liberté de la recherche et de l'enseignement scientifiques de l'histoire*, hrsg. von der Schweizerischen Gesellschaft für Geschichte, Bern 2004; ebenfalls im Web unter <http://www.sgg-ssh.ch>.

2 Ibid., Ethik-Kodex, Präambel, Art. 4.

3 Vgl. [Annina Tischhauser], «'Codes of Ethics' zur beruflichen Selbstkontrolle?», in: *Bulletin [der Schweizerischen Akademie der Geistes- und Sozialwissenschaften]* 2005/2, S. 32f. Demnach verfügen mindestens folgende Gesellschaften über einen Ethik-Kodex: Schweizerischer Burgenverein, Schweizerische Gesellschaft für Ur- und Frühgeschichte, Schweizerische Gesellschaft für Psychologie, Schweizerische Gesellschaft für Statistik, Verband der Museen der Schweiz; ferner auch die Schweizerische Gesellschaft für Politische Wissenschaft und der Verein Schweizerischer Archivarinnen und Archivare.

4 Vgl. Antoon De Baets, «The Swiss Historical Society's Code of Ethics: A View from Abroad» in dieser SZG 55 (2005/4), S. 451–462.

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gemeinen dazu, auf Herausforderungen in diesem Bereich mit einer Prise Pragmatismus zu reagieren: schliesslich – so lautet häufig das Argument – stellen die Grundsätze der historischen Methode einen genügend starken ethischen Orientierungsrahmen dar. Die Frage also, wieso sich die Schweizer Historikerzunft so «unhelvetisch» schnell auf ein solch «idealistisches» Gebiet gewagt hat, ist durchaus berechtigt. Die Antwort fällt vielleicht unerwartet aus: aus gegebenem Anlass und einer Prise Pragmatismus.

Im Folgenden soll die Genese dieser Papiere aus der Binnensicht der Abteilung «Berufsinteressen» der SGG dargestellt werden.

Formell konstituierte sich die Abteilung «Berufsinteressen» mit der Verabschiedung der neuen Statuten der SGG durch die ausserordentliche Generalversammlung vom 7. April 2001[5]. Tatsächlich hatte sich aber bereits 1999 bei der Lancierung der Reform der *Allgemeinen Geschichtforschenden Gesellschaft der Schweiz* (AGGS) eine informelle Gruppe von Interessenten über die damals projektierte Abteilung «Berufsbild» Gedanken gemacht, und im Februar 2000 hatten sich Peter Hug und Sacha Zala bereit erklärt, die Leitung der AGGS-Arbeitsgruppe «Berufsbild» zu übernehmen. Im Auftrag des AGGS-Präsidenten, Guy Marchal, hatte sich die künftige Abteilung bereits während des Übergangs zu den neuen Statuten in Arbeitsgruppen organisiert, die ihre Arbeit u.a. zu den Dossiers «Musterverträge und Tarife», «Ethik-Kodex» und «Berufsständische Vertretung» aufnahmen. Bereits am 6. Mai 2000 zirkulierte eine erste deutsche Fassung eines Ethik-Kodex, die sich noch stark an denjenigen der *Schweizerischen Vereinigung für Politische Wissenschaft* anlehnte. Die Abteilung konzentrierte sich in der Folge aber auf dringendere Geschäfte und organisierte am 26. Oktober 2001 die Arbeitstagung «Geschichte als Beruf: Tarife und Verträge», die den Grundstein für den 2003 publizierten *Leitfaden für freiberufliche Historiker und Historikerinnen*[6] bildete. Da die ausserordentliche Generalversammlung der SGG spontan und ohne Diskussion über die Konsequenzen den vorgelegten Statuten-Entwurf in Bezug auf den Erwerb der Mitgliedschaft und den Ausschluss aus der Gesellschaft verschärfte[7], erachtete es die Abteilung als wichtig, «über einen Ethik-Kodex für Historiker/innen weiter nachzudenken».

Zur gleichen Zeit fand an der Universität Bern eine Ringvorlesung zum Thema «(Zeit)Geschichte vor Gericht: Historische 'Wahrheitssuche' zwischen Justiz, Politik und Wissenschaft» statt, die von Brigitte Studer und Ulrich Zimmerli unter Beteiligung verschiedener Historiker und Juristen organisiert wurde[8]. In der

5 Abteilungsleiter: Peter Hug und Sacha Zala (Stv). Feste Mitglieder: Elisabeth Ehrensperger, Irène Herrmann, Peter Moser, Christina Späti und François Vallotton. In den folgenden Jahren stossen dazu: Catherine Fussinger, Eva Schumacher, Frédéric Joye und Samy Bill.

6 *Leitfaden für freiberufliche Historiker und Historikerinnen: Tarife und Verträge – Erläuterungen und Empfehlungen der Schweizerischen Gesellschaft für Geschichte. Manuel à l'intention des historiennes et historiens indépendants: Tarifs et contrats – Explications et recommandations de la Société suisse d'histoire*, hrsg. von der Schweizerischen Gesellschaft für Geschichte, Bern 2003.

7 *Statuten der Schweizerischen Gesellschaft für Geschichte* vom 7. April 2001. In § 8 «Erwerb der Mitgliedschaft» wurde neu Art. 5 aufgenommen: «In begründeten Fällen kann der Gesellschaftsrat die Aufnahme in die Gesellschaft verweigern. Es besteht eine Rekursmöglichkeit an die Generalversammlung». Vgl. auch § 11 «Beendigung der Mitgliedschaft», Art. 4, der den Ausschluss aus der Gesellschaft regelt.

8 Als Referenten und Referentinnen sprachen: Sacha Zala, *Das amtliche Malaise mit der*

Schlussdiskussion einigten sich die beteiligten Historiker und Juristen und verabschiedeten eine Empfehlung an die beiden Berufsverbände:

> «Justiz und Historie unterscheiden sich in ihren Aufgabenstellungen wie auch in ihren Methoden. Dies kann zu Konflikten und Einschränkung der historischen Forschungsfreiheit und entsprechendem Handlungsbedarf führen. Daher ist zur Förderung des gegenseitigen Verständnisses wie auch zur Vermeidung von weiteren problematischen gerichtlichen Verurteilungen (wie im Fall Frick) eine interdisziplinäre Arbeitsgruppe einzusetzen. Sie soll aus Vertreterinnen und Vertretern der Berufsverbände der beiden Disziplinen zusammengestellt werden. Aufgabe dieser Kommission ist die Diskussion differenter Ziel- und Wertvorstellungen von Historie und Justiz, die Suche nach einer gegenseitigen Verständigungsebene sowie die Ausarbeitung konkreter Orientierungshilfen und Richtlinien.»[9]

An der zweiten Sitzung des neuen Gesellschaftsrates der SGG am 18. Oktober 2001 beschloss der Rat, eine Kommission «Justiziabilität der Geschichte» ins Leben zu rufen, die aber in der Folge, mangels Interessenten für das Präsidium, nicht zustande kam. In der Abteilung «Berufsinteressen» kam man durch diese Entwicklungen zum Schluss, dass, wollte die Geschichtswissenschaft ihre Autonomie gegenüber den Gerichten bewahren, so müsste sie interne Mechanismen etablieren, um ethisch-wissenschaftliche Minimalstandards durchsetzen zu können.

Der nächste Anstoss kam aus der Realität. Nach einem Artikel im *Beobachter*, worin dargelegt wurde, dass das Schaffhauser Obergericht verhindern wollte, «dass der Name eines Homosexuellen, der 1538 auf dem Scheiterhaufen landete, bekannt wird»[10], hat Sacha Zala am 5. Oktober 2002 in einer E-Mail an den Präsidenten der SGG und an die Mitglieder der Abteilungen «Wissenschaftspolitik» und «Berufsinteressen» die Frage der «Justiziabilität» der Geschichte nochmals aufgeworfen. Dabei ging es im konkreten Fall um die Zürcher Dissertation von Christoph Schlatter[11]. Die Schaffhauser Justiz hatte nämlich aufgrund der Kollision von Persönlichkeitsrecht und Archivrecht in die Drucklegung dieser Dissertation eingegriffen. Diese Angelegenheit zeigte wiederum deutlich, dass die SGG auf solche «Affären» nur mittels *ad hoc* Arbeitsgruppen zu reagieren vermochte, während weiterhin Unklarheit darüber bestand, wie grundsätzlich vorgegangen

Historie: Staat und Geschichtsschreibung in der Schweiz 1945–1975; Walter Wolf, *Frick-Prozesse: Die Krux der Historie mit den Gerichten*; Christoph Graf, *Archivierungsgesetz(e) zwischen Forschung, Verwaltung und Individuum*; Patrick Kury, *Recht gegen Wahn. Die Prozesse gegen «die Protokolle der Weisen von Zion» als frühe Beispiele zur Erlangung von «Gerechtigkeit»*; Peter Hug, *Wie gefährlich leben Historiker und Historikerinnen? Vom Missbrauch der Grundrechte gegen die Forschungsfreiheit*; Guido Jenny, *Darstellung aus der Sicht des Strafrechts*; Alexander Niggli, *Die Antirassimusmus-Gesetzgebung; Jakob Tanner, Geschichte als Gericht? Überlegungen zur Funktion der historischen Wissenschaft in der Gesellschaft*; Marina Cattaruzza, *Die strafgerichtliche Dimension in der historischen NS-Forschung und in der öffentlichen Wahrnehmung des Holocausts*. Die Veranstaltungsreihe endete mit einer Podiumsdiskussion mit Martin Schubarth, Christoph Graf, Georg Kreis, Jakob Tanner, Ulrich Zimmerli und Brigitte Studer.

9 Brief von Brigitte Studer und Ulrich Zimmerli an Guy Marchal, Präsident der SGG, Bern, 10. September 2001, beigelegt war das Papier «Das Verhältnis von Historie und Justiz – Reflexionsbedarf für zwei Disziplinen. Vorschlag an die Berufsverbände der Historiker und der Juristen zur Bildung einer Arbeitsgruppe».

10 «Richter outen sich als rückständig», *Beobachter* 2002/19, S. 11.

11 Christoph Schlatter, *«Merkwürdigerweise bekam ich Neigung zu Burschen». Selbstbilder und Fremdbilder homosexueller Männer in Schaffhausen 1867–1970*, Zürich 2002.

werden sollte. Im März 2003 kamen Josef Zwicker und Sacha Zala zu folgendem Schluss:

> «Durch das Bundesgesetz über die Archivierung, die infolge der Fichenaffäre extensive Festlegung des Datenschutzes, die Inkrafttretung verschiedener kantonaler Gesetze über die Archivierung entstanden in den 1990er Jahren für die historische Forschung eine ganze Reihe von neuen Problemen [...]:
> 1. Die Frage des Archivzuganges und die Frage der potentiellen Einklagbarkeit von Historikern wegen Verleumdung oder übler Nachrede sind zwar zum Teil inhaltlich zusammenhängend, müssen aber separat angegangen werden.
> 2. Die potentiellen Probleme der 'Justiziabilität' der Geschichte liegen weniger auf gesetzlicher Basis, sondern mehr auf jenen der richterlichen Praxis der Rechtsprechung. Daraus folgt, dass die politische Arbeit der SGG sich in dieser Frage eher auf die Formulierung von Grundsätzen und Empfehlungen an die Historiker richten soll.»[12]

Daraus wurde der Schluss gezogen, dass diese und andere Fragen die Bedeutung der Verfügbarkeit eines Ethik-Kodex der SGG zeigten. In einem solchen Kodex «würde man auch Grundsätze für die Historikerinnen und Historiker im Umgang mit dem Persönlichkeitsschutz festlegen. Dieses Instrument wäre nach innen gerichtet.» An der 7. Sitzung des SGG-Gesellschaftsrates am 16. Juni 2003 wurde eine Standortbestimmung vorgenommen. Die Kommission «Justiziabilität der Geschichte» wurde offiziell begraben, dafür nahm man erfreut zur Kenntnis, dass der Jurist Ulrich Zimmerli sich bereit erklärte, zusammen mit Rechtskollegen den in Bearbeitung befindlichen Ethik-Kodex rechtlich zu prüfen. In der Folge organisierte die Abteilung «Berufsinteressen» am 31. Oktober 2003 an der Universität Bern eine Arbeitstagung unter dem Titel – in Anlehnung an Max Weber und an die frühere Tagung – «Geschichte als Wissenschaft: Ethische Grundsätze und standespolitische Forderungen». Die Einladung, die sich an alle richtete, «die für die Freiheit der wissenschaftlichen historischen Forschung eintreten und Erfahrungen zur Verrechtlichung der Geschichtswissenschaft einbringen können», machte die Zielsetzung deutlich:

> «Historiker und Historikerinnen sehen sich einer vielfachen Tendenz zur Verrechtlichung ihrer Arbeit ausgesetzt. Die Freiheit der wissenschaftlichen historischen Forschung ist ernsthaft bedroht. Der angebliche Schutz von Drittinteressen führt zu politisch motivierten, exzessiven Aktensperren. Angehörige setzen mit Persönlichkeitsschutzargumenten gerichtlich Zensurforderungen durch. Ein ausser sich geratener Datenschutz fordert die Anonymisierung von Personendaten bis ins 16. Jahrhundert zurück. Gemäss einem Rechtsgutachten sollen Akten über Finanzgeschäfte unabhängig von ihrem Standort auf immer und ewig dem Bankgeheimnis unterstehen. Wer aus öffentlichen Archiven Firmennamen zitiert, wird mit einer Klage wegen Wirtschaftsspionage und Verletzung von Geschäftsgeheimnissen bedroht, usw. usf.
> Ziel des Kolloquiums ist es, einen von der Abteilung «Berufsinteressen» der Schweizerischen Gesellschaft für Geschichte (SGG) erstellten Forderungskatalog zu diskutieren, der sich diesen Tendenzen entgegenstellt und die Freiheit der wissenschaftlichen historischen Forschung verteidigt. Diskutiert wird gleichzeitig ein Ethikkodex, in dem sich Historiker und Historikerinnen verpflichten, ihre Verantwortung wahrzunehmen und hohe Standards einzuhalten.»

12 Aktennotiz «'Justiziabilität' der Geschichte» von Sacha Zala zu Handen des SGG-Gesellschaftsrates, Bern, 20. März 2003.

Die Arbeitstagung stiess auf ein reges Interesse und Historiker, Juristen und gar Vertreter der Verwaltung diskutierten intensiv den Entwurf des Ethik-Kodex und die damals noch so genannten «Richtlinien zur Freiheit der wissenschaftlichen historischen Forschung und Lehre». Letztere berührten in der Tat verschiedene komplexe rechtliche Fragen an der Schnittstelle verschiedenster gesetzlicher Bestimmungen. Noch vor der Tagung hatte sich der Gesellschaftsrat mit beiden Grundsatzpapieren im Sinne eines ersten *feedback* auseinander gesetzt und dabei eine Verdichtung und eine Abschwächung des «zu stark moralisch-deklamatorische[n] Charakter[s] des Kodex» gewünscht. Die «Richtlinien», hielt ein Sitzungsteilnehmer etwas salopp aber treffend fest, seien «Bergier-traumatisiert»[13]. Tatsächlich war eine Generation von Historikerinnen und Historikern ans Werk gegangen, die während der virulenten Kontroverse um die Rolle der Schweiz im Zweiten Weltkrieg ihre akademischen Lehrer und sich selbst in der Öffentlichkeit kollektiv als subversiv und unpatriotisch verschmäht sah und zunehmend einem forschungsfeindlichen Klima ausgesetzt war[14]. Mit den gewünschten Änderungen erhielten aber beide Papiere die grundsätzliche Zustimmung des Gesellschaftsrates. Anschliessend führte die Abteilung ein mehrstufiges Vernehmlassungsverfahren durch, an dem über 60 Persönlichkeiten aus der Geschichtswissenschaft sowie aus den Archiven, der Verwaltung und der Rechtswissenschaft mitwirkten. Insgesamt wurde der Text sieben Mal revidiert, gestrafft, präzisiert und stilistisch verbessert. Schliesslich wurden beide Texte dem Juristen Ulrich Zimmerli zur Prüfung vorgelegt. Der Gesellschaftsrat stimmte dem «Ethik-Kodex» an seiner Sitzung vom 22. März 2004 einstimmig zuhanden der Generalversammlung vom Oktober 2004 zu. Gleichzeitig verabschiedete er auch die *Grundsätze zur Freiheit der wissenschaftlichen historischen Forschung und Lehre.*

Anlässlich der SGG-Generalversammlung vom 16. Oktober 2004 organisierte die Abteilung «Berufsinteressen» die Tagung «Geschichte und Ethik». Die Referenten würdigten den unter der Federführung des ehemaligen Abteilungsleiters Peter Hug von der Abteilung erarbeiteten Ethik-Kodex aus unterschiedlichen Perspektiven eingehend. So erläuterte der Staatsrechtler Jörg Paul Müller (Universität Bern) die verfassungsrechtlichen Aspekte der Freiheit der (historischen) Forschung; Anton De Baets[15] (Universität Groningen, NL) brachte grundsätzliche Gedanken zu Ethik-Kodexen der Historiker aus internationaler Perspektive ein; Marc Vuilleumier (Universität Genf) diskutierte die konkreten Probleme bei der Arbeit der Historikerinnen und Historiker; Markus Zürcher[16] (Generalsekretär

13 Protokoll der 8. Sitzung des SGG-Gesellschaftsrates vom 17. Oktober 2003.

14 Für eine Übersicht über die Schimpftiraden gegen Historiker seit der zweiten Hälfte der 1990er Jahre vgl. Sacha Zala, «'Wir kennen nur eine einzige Wissenschaft, die Wissenschaft der Geschichte'. Unzeitgemässe Betrachtungen eines 'Junghistorikers'», in: *Traverse* 8 (1/2001), S. 19–28. Die zunehmende Verschlechterung der Forschungssituation in der Schweiz wird belegt durch eine Reihe von Stellungnahmen der SGG an den Bundesrat: u.a. Stellungnahme zur Archivierung der UEK-Unterlagen (2001); Stellungnahme betreffend «Zugang zu den Unterlagen der Unabhängigen Expertenkommission Schweiz–Zweiter Weltkrieg (UEK)» (2003); Neuregelung der Akteneinsicht betreffend Südafrika zur Apartheid-Zeit (2003); Stellungnahme zur Interpellation von Nationalrat Hansruedi Wandfluh «Sammelwut der Landesbibliothek» (2005); Stellungnahme zur Vernichtung der Aufzeichnungen von Vizekanzler Achille Casanova (2005).

15 Vgl. oben Anm. 4.

16 Vgl. Markus Zurcher, «Ethik-Kodex der SGG – Würdigung aus Sicht der Akademie» in dieser *SZG* 55 (2005/4), S 448–450.

der SAGW) würdigte den Kodex aus der Sicht der Schweizerischen Akademie der Geistes- und Sozialwissenschaften und der Jurist Ulrich Zimmerli (a. Ständerat und Präsident Förderverein Bundesarchiv) erläuterte die politische Perspektive. Anschliessend verabschiedete die Generalversammlung den Ethik-Kodex einstimmig[17]. Dieser bildet zusammen mit den *Grundsätzen zur Freiheit der wissenschaftlichen historischen Forschung und Lehre* die Antwort der SGG auf die durch rechtliche, politische und moralische Auseinandersetzungen zunehmend feststellbare Verrechtlichung der Geschichte. Beide Grundlagenpapiere sollen zur Qualitätssicherung und Sorgfalt in der Geschichtswissenschaft beitragen sowie das Vertrauen der Öffentlichkeit in die Profession stärken.

17 Die Abteilung hat schliesslich zuhanden des Gesellschaftsrates eine sprachlich verbesserte französische Fassung des Kodex erarbeitet, die im Web unter <http://www.sgg-ssh.ch> zugänglich ist.

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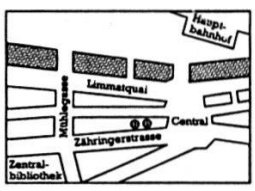

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