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Ethics, freedom of access to information and freedom of expression in the academic library.

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IFLA – the International Federation of Library Associations and Institutions - has long had a specific and specialist committee looking at Freedom of Access to Information and Freedom of Expression, or FAIFE. This has recently changed from being a stand-alone committee to one which specifically advises IFLA's Governing Board on freedom of access to information and freedom of expression issues, including ethical issues. As Chair of FAIFE I have both a longstanding professional and personal interest in the issue of ethics and libraries.

Our own profession, library and information work, has always been a profession rooted in ethics. A profession which is focused on bringing people together with the information and knowledge they need and are searching for could not be anything else. And it follows that libraries must be ethical organisations too.

What are ethics? The Oxford Dictionary defines ethics as “moral principles that govern a person's behaviour or the conducting of an activity” and “the moral correctness of specified conduct”. They spell out the behaviour expected of professionals and indeed the organisations for which they work.

The first code of ethics for librarians was produced by the American Library Association in 1938 and although they caused much interest they did not become widespread until the latter part of the twentieth century. They then became more common in Europe and then elsewhere.

Elisabeth Simon, in the introduction to a book about codes of ethics across the world published in Berlin in 2011, has a clear view that the growth in interest in codes of ethics provided a counter balance to political and social changes around the world.

During the 1980's and 1990's, there was a growth in managerialism in the public sector in western countries, with a demand that a more business-like approach should be adopted. Libraries developed mission statements, used strategic planning, and monitored their progress against targets. In this environment where services had to more clearly justify their purpose and achievements to receive funding, codes of ethics were seen as a professional counter balance to that managerialism and maintain the Library oriented towards its core purposes.

Simon also linked the growth in codes of ethics to the rapid changes that have happened in many parts of the world following the fall of the Berlin Wall. “When limits and frontiers tumble, freedom will be welcome”, she argues. When a central administration falls, and rules that administered the country and controlled access to information are no longer valid, codes of ethics are needed to provide a clear mission and purpose for libraries and the profession.

There has also been a growing interest in codes of ethics in areas of the world where democracy is weak or absent with the aim of clarifying issues such as access to information. However, in many countries such as these some of the elements of the code are inevitably at risk of dilution and self-censorship.

However, codes of ethics are now common, and many countries now have their own code for library and information workers. The IFLA website include 62 codes many of which are translated into English. The site is worth a look if you are interested in looking at the range that have been published. The site also includes a world map showing which countries have codes.

So, why are codes of ethics important?

The International Federation of Library Associations and Institutions has identified three main functions for codes of ethics:

- encouraging reflection on principles on which librarians and other information workers can form policies and handle dilemmas
- improving professional self-awareness
- providing transparency to users and society in general.

In 2012 IFLA developed its own Code of Ethics for Librarians and other Information Workers. This is not intended to replace national codes of ethics, but is intended to act as a personal guide for individuals as well as a for consideration by national Library Associations when reviewing – or establishing – their own code of ethics. However, it is equally relevant to libraries as organisations.

The Code is based around six core principles which should be included in all national codes of ethics, although they can be – and are - presented in a number of way. IFLA identifies them as:

- Access to information
- Responsibility towards individuals and society
- Privacy, secrecy and transparency
- Open access and intellectual property
- Neutrality, personal integrity and professional skills
- Colleague and employer/employee relationships

The IFLA Code has a clear assumption against censorship and makes a strong statement against the denial or restriction of access to information and ideas whether by states, governments, or religious or civil society institutions. It particularly reflects IFLA's support the United Nations Universal Declaration of Human Rights. This is the foundation document for human rights, and of particular importance to our discussion today is Article 19 which states that:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

In Europe, this has been re-inforced by two other key documents which confirm our human rights. The first is the European Convention on Human Rights. In this document Article 10 confirms the right to Freedom of Expression:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The second is the Charter of Fundamental Rights of The European Union. Article 10 states:

Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

Together these documents strongly re-inforce that freedom of access to information and freedom of expression is a fundamental human right. So why is it of particular importance in education and research? Here the term intellectual freedom is more commonly used.

For a definition of intellectual freedom I turned to the source that many of us now use – Wikipedia. Interestingly this has separate entries for intellectual freedom and academic freedom. Intellectual freedom is defined in a way that very much reflects the definitions used in human rights:

Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas without restriction. Viewed as an integral component of a democratic society, intellectual freedom protect's an individual's right to access, explore, consider, and express ideas and information as the basis for a self-governing, well-informed citizenry. Intellectual freedom comprises the bedrock for freedoms of expression, speech, and the press and relates to freedoms of information and privacy.

Academic freedom takes this principle of intellectual freedom and applies it within the academic context: it *“is the conviction that the freedom of inquiry by faculty members is essential to the mission of the academy as well as the principles of academia, and that scholars should have freedom to teach or communicate ideas or facts (including those that are inconvenient to external political groups or to authorities) without being targeted for repression, job loss, or imprisonment”*.

Why is this important? Well, let us consider the role of the University, including research. In 2010, in a wide-ranging reflection on the role of universities, Drew Faust, then President of Harvard, emphasised “*the university's place as a paramount player in a global system increasingly driven by knowledge, information and ideas*”, and that they were organisations that combined “*innovation and interpretation*”.

The mission statements of two of Scotland’s major universities reflect this: Glasgow University’s mission is “To bring inspiring people together and create a world-class environment for learning and research, empowering staff and students to discover and share knowledge that can change the world”. Rather more concisely, Edinburgh University writes that “*The University’s mission is the creation, dissemination and curation of knowledge*”.

These universities, and indeed all educational and research institutions cannot succeed in their role if there is any external influence or constraint on intellectual freedom. Without intellectual freedom teaching and learning become increasingly like indoctrination, and research cannot succeed if only certain outcomes can be approved in advance.

So the right to freedom of access to information and freedom of expression, which is clearly established in the declarations of human rights, is also vital and in higher education must be protected throughout the creation and sharing of knowledge.

Jodie Ginsberg from the Index on Censorship sums it up well when he quotes John Stuart Mill, a 19th century British philosopher talking of free expression being fundamental to the “*permanent interests of man as a progressive being*.”

“*The particular evil of silencing the expression of an opinion,*” Mill argued in *On Liberty*, “*is that it is robbing the human race... If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth produced by its collision with error.*”

However, whilst freedom of access to information and freedom of expression is a fundamental right, it has to be remembered that rights are not absolute. There are times when there can be a tension between rights or they can actually conflict with each other. rights can conflict with each other. – for example freedom of access to information and the right to privacy can sometimes provide for very different priorities - and there can be real issues when the assertion of rights by one individual could come at the expense of another’s rights.

For example, the right to privacy. This is also enshrined in the Universal Declaration of Human Rights at Article 12 which states:

“*No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.*”

This right is also included in the European Convention on Human Rights at Article 8 which concerns the Right to respect for private and family life, and Article 7 of the Charter of Fundamental Rights of The European Union which states that “*everyone has the right to respect for his or her private and family life, home and communications*”.

This is the basis of the 2014 decision by the Court of Justice of the European Union regarding the right to be forgotten.

In other cases the right to freedom of access to information and freedom of expression can be actively challenged, for example through monitoring and surveillance. Data about library users is now widely collected by the library itself, by the university or education institution, by the suppliers of library systems and e-content, and often by the state itself. Awareness of this can have a chilling effect on the willingness of researchers and authors. In 2014 PEN America undertook some research following the Snowden revelations about the American Government’s surveillance of personal use of the internet. This showed that 1 in 6 authors had avoided writing or speaking about a topic that they thought would subject them to surveillance.

Another challenge which is becoming increasingly common in the United States and in Europe is the growing debate the impact on right to intellectual freedom of the use of “trigger warnings” about the content of certain lectures or books, and the demand for “safe spaces” as well as the banning of allegedly controversial speakers.

Academic and libraries and librarians are clearly in a potentially difficult position where they must manage the dilemmas that are created whilst they defend the right to freedom of access to information and freedom of expression in a context where this right may conflict with other rights, and where there may be other pressures. How do we manage demands to remove titles from our libraries? How do we ensure that our users are aware of the collection of personal data in libraries and academic institutions? Are we clear about the consequences of some of our e-content licenses and are we comfortable with some of the consequences? What do we do if someone wants to cancel a debate or speaker at the Library? What do we do about CCTV in the Library?

These are real challenges, but should not be seen as problems. They are ethical dilemmas which we manage in our day to day work – it is what we do. And there is help and guidance out there.

IFLA has made a number of policy statements which are useful. These are all based upon the IFLA Code of Ethics and provide a bank of valuable advice and information to support ethical decision making and include statements on Intellectual Freedom, Privacy, the Right to be Forgotten, Open Access, and an Internet Manifesto. These all provide sound and useful background information in these areas.

As I said at the start of this presentation, library and information work is an ethical profession. And the national code of ethics – which we all sign up to as a member of the professional body – provides the basis of our actions. They lie at the heart of our work as professional librarians.

I am sure you are all familiar with the Croatian Library Association Code of Ethics. This clearly provides the framework for ethical behaviour, with strong support freedom of access to information and freedom of expression, including:

- equal access to information for all users, irrespective of their individual characteristics, special needs and disabilities, gender, national affiliation, religious affiliation, political orientation and social standing
- professional judgement, free of political, moral or religious prejudice or material interest
- confrontation and rejection of any form of censorship
- respect for rights to users' personal privacy and anonymity continuing professional education and lifelong learning professional involvement in teaching, scientific and cultural life of the community
- cooperation and loyalty to members of the same and other related professions
- preserving status, dignity and integrity of the profession

The core mission of librarians and information workers, and hence libraries, is defined in the IFLA Code of Ethics very effectively as:

“to ensure that people have access to the information and knowledge they want and need “for personal development, education, cultural enrichment, leisure, economic activity and informed participation in and enhancement of democracy”.

This can only be achieved with a commitment to freedom of access and freedom of expression. We have a vital and active role to play in ensuring that our users can exert this right, and our codes of ethics remind us this cannot be achieved and maintained without effort and diligence, and as librarians, we have our own distinctive and essential role to play.

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