

INFS 326: COLLECTION DEVELOPMENT

Lecture 11 – Legal & Ethical Issues in Collection Development

Lecturer: Mrs. Florence O. Entsua-Mensah, DIS
Contact Information: fentsua-mensah@ug.edu.gh



School of Information & Communication
UNIVERSITY OF GHANA
Department of Information Studies

Lecture Overview

- In this session, special attention is given to the legal and ethical settings that influences a library's collection development process.
- The session discusses issues pertaining to copyright, intellectual freedom and censorship; and their influence of aspects of the collection development process.



Lecture Outline

The key topics to be covered in the session are as follows:

- Topic One: Ethics & Legalities in Librarianship
- Topic Two: Intellectual Freedom (IF)
- Topic Three: Censorship
- Topic Four: Copyright

Reading List

IFLA. (2003). Information for All: The Key Role of Libraries in the Information Society. In World Summit on the Information Society (pp. 1–17). Switzerland; Netherlands.

IFLA. (2012). *IFLA Code of Ethics for Librarians and other Information Workers*. Retrieved from [http://www.ifla.org/files/faife/publications/IFLA Code of Ethics - Long_0.pdf](http://www.ifla.org/files/faife/publications/IFLA%20Code%20of%20Ethics%20-%20Long_0.pdf)

Ethics and legalities in librarianship

Topic One

Ethics & Morality

- **Ethics** is set of theories that provide general rules or principles to be used in making moral decisions.
-
- **Morality** is a set of rules for right conduct, a system used to modify and regulate our behavior.
- It is a quality system in human acts by which we judge them right or wrong, good or bad.

Points From the Code of Ethics of the ALA and the GLA.

- unbiased, and courteous responses to all request.
- protect each library user's right to privacy and confidentiality.
- recognize and respect intellectual property rights
- do not advance private interests at the expense of library use.

Legal Issues

- Legalities on the other hand are not mere guidance about right or wrong.
- They are backed by laws.
- i.e. they are legally enforceable.
- Unlike issues of morality you can get punished for going against the law.
- Some of the legal issues include:
 - **Intellectual Freedom | Censorship | Copyright**

Intellectual Freedom

Topic 2

Lecturer: Florence O. Entsua-
Mensah



School of Information & Communication
UNIVERSITY OF GHANA
Department of Information Studies

INTELLECTUAL FREEDOM - 1

- Simply stated, intellectual freedom mean that people have both the freedom and the right to think as they like and say what they please, without governmental interferences, except where there is a possible danger to others in the community.

INTELLECTUAL FREEDOM - 2

- Intellectual freedom is the right to seek, receive, hold, and disseminate information from all points of view without restriction. “it provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored”

INTELLECTUAL FREEDOM - 3

Article 19 of the United Nations Universal Declaration of Human Rights.

- “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference and to seek , receive and impart information and ideas through many media and regardless of frontiers”

The Purpose of Intellectual Freedom

13

- All human beings have the fundamental right to have access to all expressions of knowledge, creativity and intellectual activity, and to express their thoughts in public.
- The principles of intellectual freedom are hallmarks of the library and education professionals.
- For Democracy to thrive there must be free and open access to ideas

A Challenge to IF

14

- Librarians and teachers sometimes face strong opinions regarding what material people think is appropriate for children and teenagers to have access to in a school library, public library, or classroom.

Implication of I. F. to Collection Development

15

- It means the Librarians must understand the principles of intellectual freedom, and also how those principles are applied in the real world.
- They must be willing to acknowledge their own biases and fears and then move beyond them.
- And they must be prepared to defend the rights of children and teens for whom they have a professional responsibility.

Summing up on I. F.

- Libraries have recognized that the atmosphere of free enquiry and exposure to wide range of viewpoints is essential to the education of students in order for them to thoughtfully participate in a democratic society
- However, occasionally, objections to some materials may be made.

CENSORSHIP

Topic 3

Lecturer: Florence O. Entsua-
Mensah



School of Information & Communication
UNIVERSITY OF GHANA
Department of Information Studies

Definition of Censorship

- Censorship is the attempt to restrict types of materials that are disseminated to the public.
- Censorship is a change in the access status of material, based on the content of the work and made by a governing authority or its representatives. Such changes include exclusion, restriction, removal, or age/grade level changes. –ALA Intellectual Freedom Committee.

Implications of Censorship to Collection Development

- censorship becomes a major restriction to the provision of books for all readers because an important principle in librarianship is that “books are for all”.



Types of Censorship

- Religious Censorship
- Political Censorship
- Moral Censorship
- Crime and violence

Religious Censorship

21

- This takes the form of obtaining materials that provide negative information on certain religions or pose a challenge to some religious group.
 - For example; Salman Rushdie's Satanic Verses.
 - The novel provoked a lot of controversies especially in the Muslim communities.

Political Censorship

- In the field of politics, censorship can take the form of banning or restricting the circulation of materials that provide negative propaganda on the ruling government.
- For example, George Orwell's Animal Farm.

Moral Censorship

- This often involves materials relating to obscenity, profanity, pornography and indecent exposure. Moral censorship attempts to prevent the exposure of these materials to the general public. For example; Playboy Magazine and Blue Films.

Crime and violence

- In some countries, attempts are made to restrict the circulation of books, films and magazines that show too much crime and violence. This is because of their negative influence on the society.

Censorship and the Librarian

- Censorship affects the librarian in the selection of materials for the library.
 - Although it is realized that the librarian should not compromise his/her professional principles with religious or political activities, this has not always been the case.

Censorship and the Library contd.

- Governments, religious groups or civil society groups have protested over the inclusion of some materials in libraries.
 - For instance, in the case of children's and public libraries where parents can openly protest the inclusion of certain materials unfavourable for children.

Censorship and the Library contd.

- The idea of censorship thus restricts librarians from providing information for all.
- It must however, be realized that the librarian owes allegiance to the government of the day.

In conclusion . . .

Ethics & Legalities

- These help in ensuring sanity in the dispensation of the librarian's job.
- An information professional must be aware of what the norms of the profession suggest and what the laws regarding the profession are.
- IPs must therefore ensure a fair balance between ethics, law and job responsibilities

COPYRIGHT

Topic 4

Lecturer: Florence O. Entsua-
Mensah

Definition of Copyright

- Copyright refers to ownership vested in the creator of intellectual property by law and for which he or she gets paid duly for the inventiveness of the imagination expended.
- An intellectual property may be in the form of;
 - book, article, piece of music, film, theatre production ...

Rational for the Copyright Law - 1

- When books were made by hand, published materials were few in number. Therefore the need to preserve the intellectual property of authors was not strongly felt.
- This meant that any printer or publisher could reproduce the whole or a substantial part of another person's work without any permission.

(Alemna, 2009)

Rational for the Copyright Law - 2

- There were no laws against such reproduction.
- Sometimes, copying was even encouraged as a means of spreading knowledge.

Rational for the Copyright Law - 3

- With the introduction of printing press by Gutenberg, books became very cheap to produce and knowledge spread very fast.
- That was when authors and writers begun to seek way of protecting their intellectual property.
- As a result copyright has become very important in recent times.
- Anyone who breaks this law commits a crime of **Plagiarism** or **Piracy**.

Purpose of Copyright

- The intention of copyright is not to restrict free spreading of information or knowledge.
- It is to protect the author's right so that he/she can enjoy the benefits of his/her intellectual creation.

Pre-requisite to Copyright

- For any work to be covered by copyright:
 - It should be the original creation of the author.
 - It must also have been written down, recorded or taped, or otherwise reduced to material terms.
- One cannot therefore claim copyright on an unwritten speech.

COPYRIGHT & THE LIBRARY

- Effects of Copyright on the Library
- Effects of Copyright on the Library User

Effects of Copyright on the Library - 1

- The library might need to copy some materials for another library on the basis of library cooperation.
 - The copyright law makes it difficult to copy such materials for exchange purposes.
 - Such exchanges have helped in building up the collection of libraries that specialise in certain collection such as Africana.

Effects of Copyright on the Library - 2

- Sometimes the library might also need to replace mutilated original copies in the collection that are very difficult to come by.
 - The law places restrictions on the number of pages to be made.

Effects of Copyright on the Library User - 1

- The principal purpose of libraries is to disseminate information. Library users often argue that photocopying of materials is part of information dissemination.
- This is especially in the case of Developing Countries that face acute shortage of up-to-date materials.

(Alemna, 2009)

Effects of Copyright on the Library User - 2

- But unfortunately, libraries have to withhold copying facilities from users because when the library allows more than a certain amount of photocopying, then they infringe upon the copyright law.

(Alemna, 2009)

SOLUTIONS TO COPYRIGHT

Some developing countries have suggested the following solutions to the copyright problem:

- Copy the materials without permission.
- Obtain the necessary authorization before copying.

Solutions to Copyright *contd.*

- Take a “gentleman’s agreement” of the principles of fair use.
- Refuse to sign any international copyright agreements.

(Alemna, 2009)

Summary

- The session discussed the various legal and ethical issues that emerge when developing or managing a library's collection.

Activity 11.1

- Discuss the legal issues surrounding collection development in the 21st century.



References

- IFLA. (2003). Information for All: The Key Role of Libraries in the Information Society. In World Summit on the Information Society (pp. 1–17). Switzerland; Netherlands.
- IFLA. (2012). *IFLA Code of Ethics for Librarians and other Information Workers*. Retrieved from [http://www.ifla.org/files/faife/publications/IFLA Code of Ethics - Long_0.pdf](http://www.ifla.org/files/faife/publications/IFLA%20Code%20of%20Ethics%20-%20Long_0.pdf)