

Freedom of Access to Information and Freedom of Expression in a Pluralistic World

By Alex Byrne

Chair of the Committee on Free Access to Information and Freedom of Expression of the International Federation of Library Associations and Institutions. Pro Vice-Chancellor (Information Resources) at the Northern Territory University, Darwin, Australia, the President of the Council of Australian University Librarians and Chair of the Standing Committee on University Libraries and other General Research Libraries of IFLA.

Paper invited for The New Norcia Library Lecture, New Norcia, Western Australia, 17 September 1998

Abstract

The enormous population movements of the last century and a half have created a pluralistic world in which many faiths, races and languages intermingle. This is a world in which tolerance is crucial, a world in which respect for human rights is fundamental. These rights are expressed in the Universal Declaration of Human Rights, and particularly Article 19 on freedom of expression and of access to information. What is the rôle of libraries in such a world? Is it simply to provide the information requested and to suppress that which is not favoured? In responding to the views of the societies and organisations in which they have been established, should libraries accept that some information may be restricted or even suppressed? Is it possible to adopt a tolerant and sensitive recognition of diversity while holding fast to a commitment to preserve and provide access to the documentary record? IFLA has responded to this challenge in regard to libraries and information by establishing IFLA/FAIFE, the committee on Free Access to Information and Freedom of Expression, in August 1997.

A Pluralistic World

Thank you for the invitation to give the New Norcia Library Lecture for 1998. It is indeed an honour, and a wonderful opportunity to speak on matters which are very dear to me and fundamental to the profession of librarianship.

When I visited New Norcia some years ago, I was struck, as all visitors must be, by its beauty and singularity. There is a very pleasing incongruity in the placement of these venerable and holy walls among the eucalypts of Western Australia. The dark portraits in the gallery contrast with the searing brightness outside. The walls make a statement of the permanence and stability of faith set against the extended, ancient landscape.

Dom Salvado and Dom Serra, who ventured far from their native Spain on their mission to the Aborigines of this region in 1846, must have wished to make such a statement. But they would have expressed it in different terms. They, and their fellow Benedictines, came to proselytize, to convert, carrying their religion with them and encountering the ancient beliefs of the Aboriginal peoples of the region.

Incidentally, both Dom Serra and Dom Salvado had a tenuous connection with the Top End, where I live: both were appointed, successively, Bishop of the Victoria Settlement at Port Essington on Cobourg Peninsula, north of Darwin. Neither, however, ever visited the settlement before its dissolution.

The monks brought with them a wealth of knowledge: religious, technological and linguistic. Some showed a curiosity about Aboriginal languages and practices. The Aboriginal community which grew next to the monastery provided succour as the white settlers intruded into Western Australia but the foreigners also intruded into Aboriginal beliefs and ways.

In its singular way, New Norcia highlights for us the plurality of the world in which we find ourselves. It is a world of many voices, many peoples, many beliefs, intermingled. Australia is a prime example, a continent to which peoples from most nations have come to join the long established Aboriginal and Torres Strait Islander peoples and to attempt to build a tolerant and wise nation. But the experience of migration, mingling, and pluralism is not new. Our world has seen many, many population movements, large and small. One Italo-Australian family's experience will illustrate this: a friend of mine, Australian born, can trace his ancestry through the Venetian lagoon to the Sephardic Jews who fled the persecution which grew in Spain from 1492 – coincidentally the very same year in which Columbus sailed to the New World. They had, of course established themselves there in the Diaspora which followed the destruction of the Temple in Jerusalem in 70 AD.

The last century and a half has seen tremendous population movements as millions of refugees escape war and barbarity while others move to improve their opportunities. Relatively cheap and easy mass transportation has enabled many to resettle in remote countries from which they can maintain contact with their homelands via relatively cheap and very easy communication systems. These enormous population movements have created a pluralistic world in which many faiths, races and languages intermingle. Broadly speaking, it has been achieved with remarkable success, notably in Australia, despite occasional outbreaks of anti migrant rhetoric and, sometimes, violence. But the century has also seen tremendous ethnic, religious and racial hatred unleashed through barbarous outbreaks of violence and the dreadful 'technological' efficiency of the Holocaust. Such outbreaks continue to the present, in events large and small, from the massacres of Rwanda and Cambodia to the bombings in Ireland and Kashmir.

The right to freedom of expression and of information

This is a world in which tolerance is crucial, a world in which respect for human rights is fundamental. Through tolerance we respect each other's dignity and human rights, each other's right to be *different*. These rights are expressed in the Universal Declaration of Human Rights, the fiftieth anniversary of which we celebrate this year.

Article 19 expresses the right which librarians must hold most dear, the right which is at the very heart of librarianship:

Everyone has the right to freedom of 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.

These rights have been confirmed by the United Nations International Covenant on Civil and Political Rights (Article 19), the African Charter on Human and People's Rights (Article 9), the [European] Convention for the Protection of Human Rights and Fundamental Freedoms (Article 10), the International Covenant on Economic, Social and Cultural Rights, the Commonwealth Human Rights Initiative and other similar conventions.

In respecting human rights, we must be tolerant of others, gloriously enjoying diversity and seeking

to appreciate the beliefs and opinions of others. Expecting our views to be respected, we must respect those of others. Incitement to racial hatred and violence has no part in a world which respects human rights.

A frame of reference for libraries

But, what does all of this have to do with libraries? Surely our job is just to create good, well stocked libraries and to serve our clientele without fear or favour? Surely we are fair minded and objective professionals who discharge our duties in a neutral fashion, without favouring any special interests? Cannot we simply serve our clients without thinking of such big issues? Which we surely cannot change?

No! Ours is a noble profession, an ancient profession, long linked to the finders and holders of knowledge, particularly the priests and scientists. We gather, preserve and make accessible information. Our scope and means vary, depending on the rôles of our libraries and the clients which we serve, but the ethic of providing information is at the core. We do not discharge these responsibilities in a neutral context. We discharge them within a frame of understandings, an ethic of service and a context of society. In a pluralistic world, this context needs a frame of reference, a shared context. The Universal Declaration of Human Rights, and Article 19 in particular, provides this frame.

Some might argue that the Universal Declaration is a Western, Judeo-Christian, construct which is of little relevance to communities with other beliefs, other ideologies. For example, the Prime Minister of Malaysia, Dr Mahathir Mohamad, in his visionary pursuit of the potential of information technology and the Internet to enrich the lives of Malaysians, has noted that:

Before we adopt the Internet culture as the standard culture for the world, we should know the possible contents of that culture, and how to deal with them or influence them in a practical way. The Information Age should result in a world civilisation greater than any civilisation we have known in the past. But ... [in] the face of the information onslaught, we should adopt a proactive approach to counter-balance Western dominance of cyber space. Being digital, IT literate and technologically advanced does not mean that our Asian values are irrelevant. If anything, they will be even more relevant for our men and women as they search for their own niche and identities in a borderless environment.

The concept of a consistent set of 'Asian values' is a doubtful proposition when we consider the diversity of 'Asian' cultures across Buddhist Myanmar, Hindu Bali, Islamic Brunei and secular Singapore in Southeast Asia alone. However, while the existence of 'Asian values' might be questioned, it must be recognised that the apparent dominion of the current 'American age' does not mean that American values are universal, let alone eternal.

Western societies place extremely high value on individual autonomy while other societies place greater stress on community and social cohesion. Dr Mahathir may be quite correct in suggesting that "our Asian values ... will be even more relevant for our men and women as they search for their own niche and identities in a borderless environment" but that does not justify the suppression of individual liberty, the abrogation of human rights. It does not justify the control of the media we have seen in recent weeks since the dismissal of Dr Mahathir's deputy and protégé, Anwar Ibrahim.

The human rights expressed in the Universal Declaration are fundamental. They provide a foundation for individual liberty. Their expression may differ from country to country, society to society. In some, they may be more brashly, more stridently, displayed; in others, they will be more subtly expressed within a community bound by strong religious or cultural ties. Nevertheless they are universal in asserting the right of the individual to be respected and to be able to choose how

to live his or her life.

For libraries, this means that we must be able to provide all people with access to the information they want because access to and transmission of information are essential cornerstones of human rights.

Information is fundamental

I live and work in Darwin which is, I believe, the only city in the world named for an eminent scientist. Charles Darwin did not, in fact, visit Darwin although his ship, HMS Beagle did, some years after his momentous voyage to the Galapagos Islands. Darwin, of course, is remembered for his famous book, *The Origin of Species* which unveiled his theory of evolution offering a scientific explanation for the rich environmental diversity which we enjoy today. That explanation has provided the foundation for this century's wondrous advances in medical and biological sciences.

Popularising those developments in his recent book, *The Fifth Miracle*, Professor Paul Davies explores the miracle of life, investigating its origins through physics, chemistry and molecular biology. In distinguishing what is alive, he identifies a number of characteristics (pp 9-11): autonomy, reproduction, nutrition, metabolism, organised complexity, growth and development, permanence and change and information content. Davies identifies two of these factors as crucial, *metabolism* and *reproduction*, the capacities both to keep living and to perpetuate the life form. But he notes that the key characteristic is *information*. It is the ability to hold, use and pass on information which distinguishes life from physical systems. Through the ancient and marvelous system of DNA, living entities can pass on their characteristics, can perpetuate their existence. Errors in replication lead to change. Some changes are fatal and consequently not perpetuated, others are beneficial, leading to evolutionary advantage and are hence preserved. Those with greater advantages become dominant, adapting to environmental change and sometimes displacing others.

We can transfer these insights to the social sphere. Humans, and the communities in which we live, likewise depend vitally on information. At a basic level, some is imprinted – the instinct which makes a baby suck from a proffered breast, a hand pull away from a flame. While scientists seek to understand what it is that is innate, such as our pattern seeking behaviour, it is clear that we learn as we grow. Much of what we learn, consciously and unconsciously, is useful and vital for survival. Other learning is pathological, perpetuating old hatreds and divisions.

Among the useful is the knowledge of dangerous plants and animals (such as the freshwater mangrove in the Top End which can cause awful skin irritation) or the understanding of the city which tells us to walk carefully in dark and deserted places, as well as the understanding of our literary, artistic and musical heritages which so enrich our lives.

But such useful, and positive, information is shadowed by a dark side, the negative, destructive imagery that we also learn in childhood. It includes the old hates and fears, based on race, colour, nationality and faith. It is seldom based in fact but rather in half remembered, whispered memories of past wrongs, real and imagined, but always distorted, magnified and one sided. To our shame, we see these in the continuing horrors of the land of my grandparents, Ireland, the fratricidal hatreds of Cambodia and Rwanda, the generational conflicts of the Balkans. We look at the nightly news, shake our heads, and think: "How can they do such things? ...Can't they stop? ...Why are they so different from us?"

But, scratch our skins. Are we so different? Is our much vaunted tolerance in the 'land of the fair go' more than skin deep?

The Limits to Tolerance

We have had a sobering reminder in the last few months that we Australians are perhaps not as tolerant as we thought we were. The voices of intolerance have been raised in the guise of One Nation, a new political party which revives the rhetoric we have seen so many times in our past: "Australia for the White Man" as was emblazoned on the mast head of *The Bulletin* and embodied in the policies of the Australian Labor Party in earlier times. Its manifesto echoes that of M. Le Pen's National Front in France, La Rouche in the United States and similar parties in many nations.

Even without One Nation, we would have to query our national commitment to tolerance and equality. Seven years on from the Report of the Royal Commission into Aboriginal Deaths in Custody we continue to experience a high rate of Aboriginal deaths in custody. Meanwhile state governments hesitate to implement the Commission's recommendations and vociferously advocate 'truth in sentencing', 'mandatory imprisonment' and 'three strikes and you are out' legislation – measures which impact inequitably on indigenous peoples, dramatically increasing their rates of incarceration. With the notable exceptions of the National Archives and some libraries, including the Library and Information Service of Western Australia (LISWA), few of us have addressed the consequences of the Report's recommendation in regard to access to information. The consequences of that recommendation are discussed below.

At an individual level, who of us can honestly claim to be free of prejudice and intolerance? Xenophobia is the human condition, our mark of Cain. Perhaps wired biologically into us so that we will be able to defend ourselves against foreign threats, it exposes us to strange and ancient prejudices. Prejudices which that infamous Venetian, Shylock, so poignantly describes:

*You call me misbeliever, cut-throat dog,
And spit upon my Jewish gaberdine,
... void your rheum upon my beard,
And foot me as you spurn a stranger cur.*

But he also exposes his own spite:

*I hate him for he is a Christian...
I will feed fat the ancient grudge I bear him.
He hates our sacred nation; and he rails
Even there where merchants most do congregate,
On me, my bargains, and my well-won thrift,
Which he calls interest. Cursed be my tribe,
If I forgive him!*

Issues affecting libraries

What is the rôle of libraries in such a world? Is it simply to provide the information requested and to suppress that which is not favoured? In responding to the views of the societies and organisations in which they have been established, should libraries accept that some information may be restricted or even suppressed?

A few recent examples might help us explore these questions:

- Last year, the National Front won power in a number of municipalities in the south of France. The newly elected councils demanded that their libraries should cease to offer "left wing" publications, including some daily newspapers, but should offer instead publications associated with the National Front. In the ensuing furore, the libraries were accused of "left wing" bias, the councils arguing that they were advocating balance. The matter has calmed somewhat since the libraries showed that they could not cancel the newspapers as they had long term subscription contracts and also agreed to stock the publications sympathetic to the National Front. It has not, however, gone away.

- Earlier this year, a student at the University of Central England, in Birmingham, took photographs of illustrations in a book on the eminent photographer Mapplethorpe which had been published by Jonathan Cape. She dropped the film off for developing at a pharmacy. The shopkeeper decided the photographs were obscene, informed the police, who demanded the book from the University and subsequently laid an information with the Office of Criminal Prosecutions. It is not clear whether a prosecution will be brought against the University or the student.
- Two months ago, at Yekaterinberg in Russia, books by modern philosophers were burnt by order of the bishop who was evidently alarmed by developments in modern Russia.
- In Afghanistan, the Taliban are driving women from public life, denying them individual human rights, including the rights to access information and to speak out in such areas as their own health.
- In Indonesia, there has been a heartening improvement in access to information and freedom of expression since the resignation of former President Suharto. Several journals have resumed publication and details of the atrocities in Aceh are being circulated. For those with the resources and language skills to access them, the Internet and satellite television services provide ready access to information from other countries. But there are still limits on both freedom of expression and access to information, particularly for the poor and those outside the main centres. The current currency and economic crisis will render it impossible for all but a few libraries to purchase overseas publications.
- Among the books censored in public and school libraries in the USA in 1996 were Mark Twain's *Huckleberry Finn*, Herman Melville's *Moby Dick*, Alex Comfort's *The Joy of Sex*, John Grisham's *The Client*, Toni Morrison's *Beloved*, AM Homes's *Jack* and Kevin O'Malley's *Froggy Went A-Courtin'*. The most common reason was "conflicts with the values of the community".
- Closer to home, Western Australia and the Northern Territory have enacted legislation to impose penalties on those who make 'objectionable' (undefined) material available to minors via the Internet. The responsibility is placed primarily on the delivery channel.

We could, perhaps, imagine the first example happening in Australia if a similar extremist party came to power, perhaps Pauline Hanson's One Nation. Would our librarians have the courage to resist a duly elected council or government? Could we imagine a book being seized from a university library? Would it be acceptable if the contents were as confronting as are Mapplethorpe's photographs? What might we (do we?) exclude from our school libraries? Why would we do it: because a parent did not find the novel "proper to be in the library due to the language" as in the case of *Jack*? Surely we wouldn't burn books, would we? Might we stop girls obtaining information on their sexuality and contraception? Can we imagine a school or public library being prosecuted for permitting young students to access pornographic images via the Internet?

Is there a line we can draw? Can we say that some materials are definitely beyond the pale? Always?

The Internet

We hear much in the media about pornography and other objectionable material on the Internet. In one recent example, several Northern Territory police officers were taken to task for forwarding Internet derived pornographic images across the Government's intranet. In another, a hoard of pedophilic imagery was seized by Western Australian police. Reports of such materials on the Internet raise concerns about the dangers of ready access to the Internet, particularly by children and those who might be depraved or corrupted by exposure to such content. Indeed, many of us

may be concerned at the moral bankruptcy of those who trade in it. Ironically, and even more recently, we have the sordid details of 'Slick Willy' Clinton's philandering posted to the 'Net for all to see in the name of public probity – though it looks more like public salaciousness and prurience.

However, the reality is that millions of people use the Internet daily to express themselves and to seek information for study, work or pleasure, without the slightest interest in such 'nasties'. In just a few years, the World Wide Web has turned the Internet from a communications channel for specialists into a commonplace household and business tool. Although it is still in an early growth phase, its astonishingly rapid adoption has changed the future for commerce, education and entertainment. Teachers, for example, now have to remind school students to refer to sources other than the Web; small business is regularly warned that it must embrace the Web or die from the competition which is growing rapidly on it.

In many ways the Internet can be seen as the Venice of our time. Just as Venice grew rich as the crossroads, the trading centre of awakening renaissance Europe, the Internet is the crossroads, the interchange of the global information age. And, just as the trade in spices through Venice changed the culinary habits of Europe, the free flow of information today is changing our world.

This tumultuous change has consequences, as I wrote in a recent article:

Not surprisingly, this rapid adoption brings fears: fears of change, of the unknown and of real nasties, lurking in the recesses of the Web. In popular, and political, imagination the Web is a fearsome place in which poisonous creatures lie ready to expose themselves to the innocent surfer or to feed the unhealthy interests of the prurient.

There are real nasties on the Web. It includes hate filled propaganda sites (such as the Holocaust revisionists) and confronting, explicit sexual material.

Western Australia and the Northern Territory, as was mentioned above, have enacted legislation to impose penalties on those who make 'objectionable' (undefined) material available to minors via the Internet. Many jurisdictions, including other Australian states and the USA have attempted or are considering such legislation. Others have promoted labeling systems, with nanny software to screen out undesirable sites but their methods are crude, eliminating breast health together with sexually explicit sites, for instance. Extraordinarily, the Australian Library and Information Association has rejected such software not because it abrogates the human right of freedom of access to information, but because it "cannot provide guarantees that all objectionable online information can be blocked.... [because the Association] believes that the use of filtering technologies in libraries introduces a false sense of security for parents, guardians and internet users" .

As we are all aware, the Web is multidimensional, interlinked, accessible day or night, from any location. It includes an extraordinary variety of information from naïve personal pages and crude advertising sites to highly organised electronic libraries. The spectrum extends to the anarchic, personal, eclectic reflections of individuals, sometimes useful, sometimes not, and to highly structured datastores. It presents the best of our knowledge and the vilest propaganda and pornography. Can we, should we, censor it?

In my view, well meant attempts to restrict access are extremely dangerous. They undermine the glorious freedom of access to information offered by the Web, the quality which places the student in an isolated Aboriginal community on a par with a scholar in Boston. While focussed initially on 'nasties', such measures can justify restrictions for political or ideological reasons, directly challenging the human right to know. We need to recognise that the Web is a new medium and old solutions will not work (if they ever did). This is not to ignore the truly exploitative nasties but to argue that the offence is their publication, not stumbling across them nor inadvertently providing access to them. The key lies in 'duty of care'; the ways in which we promote access to high quality

information and help users identify that which is of value, a core rôle of librarians.

Dark places

There is another aspect of accessing information in 'dark places', to use Kate Grenville's evocative book title. It is the need to understand. While a purported need to understand can mask salacious interest, it is only by understanding the 'night of the soul' that we may counter it. In Dante's words:

*But if I would show the good that came of it
I must talk about things other than the good.*

We must indeed "talk of things other than the good" as Kate Grenville showed us in her moving exploration of the dark places of Albion Gidley Singer and Gabrielle Lord, more popularly depicted in her thriller *Whipping Boy*. How can we understand such behaviour, if we do not, can not, obtain information on it?

This is surely the work of libraries, archives and those who work in them. We must be responsible for providing access to all information so that humanity may remember and may understand. Relevant information is not only factual, not only the statistics, crime reports and psychological profiles, but also imaginative work which seek to enter the mind of the perpetrator.

Since the collapse of the USSR, many things have come to light. One of the most fascinating for writers and librarians is the story of literary repression as documented in the KGB's own archives. Some 1500 writers perished, many were tortured, most died in isolation in the Gulag. The nature, and even the dates, of their deaths were suppressed. But their manuscripts were often preserved. Buried deep inside the Lubyanka were the stories of such great figures as Isaak Babel, Boris Pilnyak, Pavel Florensky and Osip Mandelstam. Should such stories be suppressed because they are horrible, or because they implicate important people? Should we not investigate such a dark place, exposing the horror to view, but also exposing the literary treasures which had been preserved in that tragic site?

A few years ago, in a cause celebre, allegations of war crimes were brought against Dr Kurt Waldheim, former Secretary General of the United Nations and subsequently President of Austria. He stood accused publicly of war crimes committed while serving with the Wehrmacht in the Balkans during the Second World War. Ultimately, an international committee of historians concluded that Dr Waldheim did not directly commit war crimes but that he certainly knew of atrocities, a conclusion which he has strenuously denied. They could reach their conclusion because of the records preserved in archives of the period.

The story was undoubtedly sensationalised and was also exploited by many to support their condemnation of Nazism and its barbarities. The author of a book on the case, Michael Palumbo, concludes that

The story of Kurt Waldheim is not a pleasant one. There are no heroes. There is, in fact, more than enough blame to be shared in generous amounts ...[by all involved including] the press in too many countries to mention

The horrors of the Holocaust are indeed a dark place, a place we hope never to revisit in life. But we must revisit it in imagination and in history to remember, and seek to understand, its horror.

Our Australian dark places are many, despite our country's short recorded history. They are not to be forgotten or trivialised, in our Prime Minister's phrase, as the "black armband version of history". It is important that we remember, and seek to understand, our own 'hidden histories', our own dark places. Thanks to the work of Henry Reynolds and other historians over the nearly two decades since the publication of *The other side of the frontier*, we have learned and now understand much

more of the holocaust experienced by Aboriginal peoples. His work, and that of his colleagues and their students, was made possible by the work of librarians and archivists as well as the cooperation of Aboriginal peoples.

Libraries and indigenous peoples

Some years ago, several of us realised that there were many issues in regard to Aboriginal and Torres Strait Islander peoples' information and information use which had not been adequately addressed by libraries and archives. In pursuing those issues, in consultation with major libraries, interested librarians and indigenous people, we developed the *Aboriginal and Torres Strait Islander protocols for libraries, archives and information services*. They addressed many issues, including those arising from the *Report of the Royal Commission into Aboriginal Deaths in Custody*. They were intended to guide libraries, archives and information services in appropriate ways:

- to interact with Aboriginal and Torres Strait Islander people in the communities which the organisations serve, and
-