

'See Librarian':

University Libraries and Intellectual Freedoms

Alex Byrne
Northern Territory University

Chair of IFLA/FAIFE, 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), Chair of the Standing Committee on University Libraries and other General Research Libraries of IFLA, and a former President of the Council of Australian University Librarians.

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Abstract

The International Federation of Library Associations and Institutions (IFLA) recently approved a Statement on Libraries and Intellectual Freedom which provides a touchstone for all libraries, including university libraries, in Australia as elsewhere. It offers a foundation on which university libraries may build their policies and procedures to ensure that they strongly support both academic freedom and intellectual freedom. While the form of the challenges may have changed as we wade into the Internet's informational ocean, the need to adhere to our principled support for intellectual freedom is undiminished. All of us who work in university libraries should join the fight to preserve intellectual freedom. The IFLA Statement, approved by the Executive Board on 25 March 1999, should be displayed in our libraries and promoted to academic staff and students.

Academic and Intellectual Freedom

'Intellectual Freedom': a phrase to conjure with. Should it be 'intellectual freedom', 'Intellectual freedom' or 'Intellectual Freedom'? What does it have to do with university libraries?

Now, 'academic freedom' is an expression we understand. It is the freedom to research any topic and to report one's findings without fear of retribution. Academic freedom enables our researchers to investigate the unpopular and the unpalatable, to state their findings without fear or favour. As an ideal, it ensures that research is honest, free from tendentiousness, bias or coercion. It removes bias, both the subtle bias of ensuring one's career and the overt bias which can result from purpose specific funding, confidentiality agreements and political pressures.

But academic freedom does not come without responsibility. It bears the heavy responsibility of honesty: the responsibility to state the truth, the truth as the researcher understands it, but with all the understandings and qualifications that provide the context that limit the statement's application. While its relevance to research and consultancy is obvious, it is no less important in teaching and learning, where we expect our teachers honestly to explore alternative approaches and to enable our students to develop critical skills in a professional and ethical context.

Thus, academic freedom is fundamental to our universities. Without it they may, perhaps, offer training to the highest levels of skill, but could not aspire to develop those crucial qualities of independence and evaluation which enable our graduates to objectively pursue and simultaneously monitor and improve their professional practice.

Intellectual freedom encompasses academic freedom but extends beyond the academy to the essential principles of freedom of thought, freedom of inquiry and freedom of expression. Its spirit is caught in Article 19 of the Universal Declaration of Human Rights:

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.

In this context, we should appropriately capitalise it as 'Intellectual Freedom', 'IF' not 'if', a definite statement, not a conditional. Intellectual Freedom provides a principled basis for our professional practice as librarians, as we develop collections (physical or digital), provide access and delivery services, and offer support and information. It is no less important in guiding the administration of our libraries, in the policies and procedures we invoke, and in our interaction with staff members and clients.

A Glimpse at the 1930s

University libraries in Australia have been somewhat privileged, as they have been able to import directly from overseas and have been largely free of interference from authorities such as customs and police.

The tradition in Australia was well described by Leigh Scott, former Librarian at the Baillieu Library, University of Melbourne, during the censorship controversy in 1935:

The university library makes no distinction between books which are banned, and those which are not. Our only test is whether a book is necessary for the serious student's work. The present ridiculous censorship system has placed us in the position either of refusing to provide students with prescribed books or of obeying the Commonwealth censor. As an educational service we prefer to serve the students.

We have many books which were bought directly from London as a result of the comments of leading English reviewers and recommendations of English universities. These we make available for students regardless of whether they are censored or not. Usually they are on our shelves long before the Commonwealth ban has been imposed. These books are read freely by students, and are regarded by them as being essential for passing their examinations.¹

The widespread and impassioned protests objected to growing Commonwealth censorship of books, particularly on political subjects during that time of the great dictators. Although the Minister for Trade and Customs, Lieutenant-Colonel TW White, claimed that 'only about two books a month are banned and in nearly every case because of sheer indecency', the list extended to many literary and political works. It included such classics as Boccaccio's *Decameron* ('cheap editions only!'), Defoe's *Moll Flanders*, Huxley's *Brave New World* and Joyce's *Dubliners* and *Ulysses*. Political works featured Bukharin, Lenin and Stalin.² Leigh observed that, in his experience, 'students read political books, whether banned or not, most critically'.³

'See Librarian'

Australian university libraries continued to import books and other publications as needed but had to be careful to limit access to banned and other sensitive books by placing them on restricted access. Hence the catalogue entry 'See librarian', which has entertained generations of students, particularly in its amorous form, 'Sex - See librarian'.

Fortunately, those practices have faded since the revision of censorship policy in 1970 under Don Chipp, one of the hapless Lieutenant-Colonel White's successors. Although censorship and other

limits to free access to information remain, as highlighted in 1993 by Ken Dillon and Claire Williams,⁴ academic libraries seldom experience any difficulties.

We were consequently shocked to hear of the Mapplethorpe case which arose in Britain last year. A student at the University of Central England, in Birmingham, took photographs of illustrations in a book on the eminent photographer Mapplethorpe. 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.

While an Australian university library has not been similarly raided, the first few months of 1999 have seen a new impetus to censorship in Australia. Some Federal parliamentarians called for the banning of the new film version of *Lolita*, already restricted to adults by the Office of Film and Literature Classification. There were public demands for the Victoria Police to close down David Hare's play on Oscar Wilde, *The Judas Kiss*, while it was showing in Melbourne, and for the New South Wales Police to close an exhibition of photographs in Sydney. They followed such recent controversies as the exhibition of Serrano's *Piss Christ* (which outraged clerics), the *Rabelais* student newspaper article on shoplifting (which has been classified RC—Refused Classification), and Ian David's *Blue Murder* (a television account of police corruption in NSW which has yet to be broadcast in that state). While the arguments expressed in favour of such censorship still emphasise 'sheer indecency', as in the 1930s, these examples demonstrate that its scope again extends to political materials.

A New Battleground—the Internet

However, most seriously of all, the Federal Government has recently moved to introduce Internet censorship. In the spirit of Lieutenant-Colonel White, the current Minister for Communications, Information and the Arts, Senator Alston, has proposed a censorship regime which will place the onus on the delivery channel, including Internet service providers and content providers. At the time of writing, the *Broadcasting Services Amendment (Online Services) Bill 1999* is being considered by the Senate Select Committee on Information Technologies, which has been given the ludicrously short period of 18 days in which to seek submissions, hold hearings and report back to the Senate.⁵ Both this flawed legislation⁶ and the timeframe have evidently been designed to please the outgoing Senator Harradine in order to obtain his crucial vote for the Government's Goods and Services Tax legislation before he finishes his term in July. In pandering to ultra conservative elements in the Senate, the Minister and his government are placing Australia's democracy at risk. They propose to erect barriers at our intellectual frontiers, filtering what Australians may see.

Such measures strike at our right to know, our rights to freely access information and to openly express our views. They strike at the heart of librarianship, subverting the responsibility of libraries and information services to provide clients with the information they need, and to present all views without bias and in a balanced manner. They also strike at the core of our universities, at academic freedom itself. In taking care of us, will our guardians stop at sex, or extend their efforts to control all we might access? Will we celebrate this year's reopening of the Reichstag by reverting to 1930s style censorship?

The Internet undoubtedly provides access to much that many of us may find offensive, but the crude 'nanny' systems and the obtuse tools of the censor interpose a protective authority which presumes to override our judgement of what we may view, read and say.

Tendentious media comments feed such concerns, implying that our community is populated by impressionable innocents who will do terrible acts under the malign influence of the Internet—as in the suggestion that Internet use by the perpetrators may explain April's horrifying Columbine

school massacre in the USA. However, as Cameron Stewart pointed out in *The Weekend Australian*, millions of children play computer games like *Doom*, listen to Marilyn Manson, watch *South Park* and other violent television and films, and access the Internet 'without breaking the law, much less committing murder'.⁷ He suggested that availability of guns in the USA might better explain such events than the effects of violence on the media. Marilyn Manson himself noted sadly that: 'This tragedy was a product of ignorance, hatred and an access to guns. I hope the media's irresponsible fingerpointing doesn't create more discrimination against kids who look different.'⁸

Effectiveness of blocking Internet content

Imposition of Internet censorship, if the proposed tools worked, would limit access to information for research and study. In fact, the tools have been demonstrated by the CSIRO to be ineffective. In a study commissioned by the National Office for the Information Economy, CSIRO Mathematical and Information Sciences concluded that:

Packet level blocking is too indiscriminate, and its use would create unintended 'holes' all over the emerging global digital infrastructure, which could isolate Australia to a large degree in the emerging digital global infrastructure. It is inconsistent with Australia's desire to become an electronic commerce hub for South East Asia.

Application level blocking is technically possible, but it can easily be circumvented by users in more ways than can packet level blocking. Mandating its use may result in black lists becoming 'hot property', with the result that the black-listed sites may actually become more popular than if they were not black listed at all.

Our conclusion is that content blocking implemented purely by technological means will be ineffective, and neither of the above approaches should be mandated. Any technology-based solution can be worked around - purely as a result of the sheer pace of technology change on the Internet.⁹

The authors of that report go on to suggest that a preferable approach would be for Internet service providers to offer differentiated services to clients, *where there is market demand*, such as a 'clean' service which does not access the Internet freely but is operated via a proxy filter which uses a list of permitted URLs only, and/or a 'best effort' service based on a black list. Such services would enable those who wish to obtain a restricted service to do so without compromising intellectual freedom for the nation.

Controlling Internet access at universities

Some Australian universities have attempted to impose controls on access to 'improper' Internet sites. Studies of traffic have demonstrated that a significant, but variable, proportion can only be regarded as recreational. It includes popular music sites, current movie clips, pornography and games. All can generate very high traffic because they include digitised sound and images: traffic for which the receiving university must pay under AARNet charging policies. At a time when university libraries are cancelling many hundreds of thousands of dollars worth of serial subscriptions there is a very real concern about spending university funds on such recreational materials which would have to be purchased by the clients themselves in any medium other than the Internet.

Another concern is the potential for offence caused by the display of unacceptable images on public workstations in the university library and computer laboratories. Whether deliberately displayed to cause offence or inadvertently seen, such images can cause considerable distress, leading to complaints and allegations of harassment. The university has a duty of care to prevent any occasions of offence and harassment, especially to those under 18 years of age who may be enrolled at the university or visiting to use facilities such as the university library.

In addition, there is the frustration caused to students who have to wait to use a workstation in the university library or computer laboratories because some of those available are being used for recreation, sometimes for very extended periods, particularly when students are playing computer games. This represents a significant opportunity cost to the university as the cost of providing, housing and maintaining each workstation is considerable and availability is consequently always limited, particularly at during high demand periods.

Australian universities have taken a number of approaches to control such abuses. All have instituted policies to define acceptable use in accordance with the AARNet policy determined by the AVCC, which provides a framework for appropriate use in accordance with the provisions of the Telecommunications Act and the Ministerial exemption applying to AARNet. Such policies identify the purpose for providing computer facilities as to support university activities, and particularly study and research, and proscribe purely recreational use. Most, if not all, have banned the very resource intensive interactive games such as MUDD and disabled the automatic polling of the .alt newsgroups containing pornographic images. In a more general context, all have policies and procedures to curtail and deal with any incidents of harassment. Breaches of such policies can be (and are) prosecuted under student conduct by-laws and staff discipline provisions.

However, some institutions have felt that such policies and procedures are inadequate and have consequently imposed controls on access to information. Such controls have been introduced from a perspective that it is reasonable to limit access to those Web sites which are suitable to support study, to ensure that scarce resources are available to support scholarship. Their proponents argue that it is not sufficient to have the policies and procedures described above but that the university should actively institute controls on access to objectionable information, and pornography in particular, a view consistent with that expressed by Senator Alston. They also argue that university resources should not be used for private purposes, such as business dealings which might give those with access to university resources an unfair advantage, in contravention of the principle of competitive neutrality.

Thus, controls on access to information which is not considered relevant for research and study have been justified in order to:

- safeguard public funds provided to the university for educational purposes
- ensure competitive neutrality
- observe the provisions of the Telecommunications Act and the Ministerial exemption applying to AARNet
- avoid possible harassment of staff or students through the display of offensive materials on computer screens in the workplace.

Using current technologies, such controls rely on blocking specific sites. At one large metropolitan university, for example, staff and students are required to access the Internet via proxy servers so that links can be checked against a 'black list'. The black list is compiled each week by checking the top 150 sites by traffic, corresponding to about 50% of the total weekly traffic. The sites are assessed by information technology staff to judge their value for scholarship: clearly non-academic sites are added to the blacklist. Academic freedom is supposedly maintained by allowing that proscribed sites will be taken of the black list should any staff member write a letter justifying their release. The measures are justified by the argument that such material could not conceivably be of use for legitimate purposes of research or study and by noting that receipt of such data costs the university significant amounts. In fact, the saving is about 25% of the cost on the student proxy server, \$2600 pa, and about 11% on the staff proxy server, \$25,000 pa. With annual costs of about \$10,000, the nett saving at a very large university is estimated to be of the order of \$15,000 per annum.¹⁰

This nett saving is very small in relation to the millions of dollars the university spends on information services and resources: it could easily result in a nett increase in costs if a serious

challenge to the policy should be mounted through university or legal avenues. Even if realised, and applied to the university library's information resources, savings of that order would not make an appreciable difference to the cancellation of serials. The financial argument does not justify the abrogation of intellectual freedom.

The policy is dangerous because it compromises intellectual and academic freedom. While there is no doubt that the policy has been introduced with good intentions, its application is seriously flawed. On a weekly basis, the need for information technology staff members to make value judgements places them in an invidious position. It is also in-effective since, as has been found at other universities and in the CSIRO study discussed above, the controls can be easily circumvented by those determined to access or promote banned sites, remaining as an imposition and risk to others. They will be an encumbrance to serious students and scholars, possibly forcing them to justify their access to certain sites, while posing only a challenge to those seeking thrills.

Nevertheless, the aims of universities to prevent harassment and ensure the availability of scarce resources can, as indicated above, be achieved through the implementation of university policies and existing legal measures. Relevant university policies include those relating to harassment, student conduct and the use of information technology resources for research and study.

The application of university policies, and when necessary legal remedies, which is consistent with normal university methods for handling misbehaviour, upholds intellectual freedom while avoiding the considerable potential for abuse through blocking sites considered to be politically, scientifically, aesthetically or otherwise incorrect. It enables our universities to ensure appropriate use without becoming censors.

Defend Intellectual Freedom

Echoing Leigh Scott's confidence in the critical faculties of students, we should uphold intellectual freedom and foster wise and critical use of the Internet and all sources through relevant advice and appropriate information skills programs. We should foster scholarship by ensuring freedom of access to information and freedom of expression in all media.

While universal in its application to libraries, the IFLA Statement, approved by the Executive Board on 25 March 1999, includes a number of principles of particular relevance to university libraries. It begins, of course, by locating intellectual freedom as a fundamental human right which was articulated 50 years ago in the United Nations Universal Declaration of Human Rights, which Australia, together with most other nations, has ratified. This fundamental right has two aspects, the *right to know* and *freedom of expression*, both of which the library and information profession must promote and defend.

In university libraries, the defence of intellectual freedom is expressed through the unabashed provision of all the resources needed to support study and scholarship to all clients. But it needs to go further, as active support for freedom of expression. Our libraries should resound with many contending views, including the unacceptable, and indeed that which we might find hateful. In developing our collections, physical and virtual, we must keep this principle to the fore, actively making available controversial and contentious materials. These might, for example, include the works and Internet sites of the Holocaust deniers, as well as the many scholarly and personal testimonies of the Holocaust. In science, they might include the polemical works of 'creation science' as well as taxonomic studies. In making such materials available, even those that we may find repugnant or just nonsensical, we are not endorsing their arguments, but upholding the essential principle of intellectual freedom. We are endeavouring to 'make available the widest variety of materials, reflecting the plurality and diversity of society' and to 'ensure that the selection and availability of library materials and services is governed by professional considerations and not by political, moral and religious views'.

In promoting the principle's dual aspects of the right to know and freedom of expression, we need to recognise the privacy of university library clients, to ensure that their interests do not become the subject of speculation or gossip. It is not for us to feed the controversies or to hold our clients up to questioning or ridicule. Our role is to ensure that our clients can access the information required to pursue their interests and to ensure that the diversity of views and opinion are accessible. From the perspective of professional ethics, we need to ensure that we place the client's interests first. This extends further, to ensuring that all clients have access to the information they need.

In noting that 'Libraries provide essential support for lifelong learning, independent decision-making and cultural development for both individuals and groups', the IFLA Statement has particular relevance for academic libraries. It reminds us that we are not only supporting immediate course-based needs, but also the broader intellectual growth of our clients. It challenges us to feed that growth by providing rich intellectual soil in our university libraries.

These challenges lie within our normal professional practice and sit comfortably within the responsibilities of our university libraries to support the teaching and learning, research and scholarship, and community activities of our universities. But the IFLA Statement goes further, enjoining us to note that 'Libraries contribute to the development and maintenance of intellectual freedom and help to safeguard basic democratic values and universal civil rights' and that 'Libraries shall acquire, organize and disseminate freely and oppose any form of censorship'. Those points urge us to resist censorship beyond our own libraries, in the national interest. In the current climate, they encourage us, not only to ensure intellectual freedom in our own libraries, but also to speak out against attempts to limit intellectual freedom in the wider community, as in the current moves to censor Internet access.

All of us who work in university libraries should join the fight to preserve intellectual freedom. The IFLA Statement is a good place to start. Let's display it in our libraries, promote it to academic staff and students, stand up for the rights both to access information and to express our views, and oppose censorship on the Internet and elsewhere.

Editorial Note: The *Broadcasting Services Amendment (Online Services) Bill 1999* was passed by the Commonwealth Parliament on 26 May 1999.

Notes

1. 'Banned books needed for study' *Argus* 10 February 1935
2. 'Classics & Text Books Condemned Alike For "Sheer Indecency"' *Argus* 5 February 1935
3. 'This "Ridiculous Censorship": University Librarian's View' *Argus* 11 February 1935
4. CL Williams and K Dillon *Brought to Book: Censorship and School Libraries in Australia* Port Melbourne ALIA-Thorpe 1993
5. *Broadcasting Services Amendment (Online Services) Bill 1999* and *Explanatory Memorandum*, see www.aph.gov.au/senate/committee/advert/online2.htm
6. B Scott 'The Dawn of a New Dark Age—Censorship and Amendments to the Broadcasting Services Act' Gilbert & Tobin April 1999 www.gtlaw.com.au/pubs/newdarkage.html; R Haywood 'A Commented Summary on *Broadcasting Services Amendment (Online Services) Bill 1999*' 22 April 1999 <http://gomed.rodos.net/censor/bill-summary.html>; and the submissions to the Senate Committee and other documents listed on Electronic Frontiers Australia 'Australian Net Censorship Legislation 1999: Information, Resources and Links' www.efa.org.au/Campaigns/99.html
7. C Stewart 'Satan or Scapegoat' *The Weekend Australian* 24-25 April 1999 pp 19 and 24
8. 'Worth quoting' *The Australian* 30 April 1999
9. P McCrea, B Smart and M Andrews 'Blocking Content on the Internet: A Technical Perspective' CSIRO Mathematical and Information Sciences June 1998 www.tdce.com.au/~terry/reports/blocking/

10. S Young and M Shortis 'A Pragmatic Approach to Managing Improper Use of the Web' paper presented at *People and Technology: Doing IT Right EDUCAUSE in Australia Conference Sydney 18-21 April 1999*.