Review

Ethics and legal issues in the library: A review

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This paper has defined ethics as it applied to library and information profession. The purpose of this study was to examine the ethical and legal values of library services in relation to library and information science perspectives and why information professional should exercise moral judgement in performing their duties. It has also examined the notion of social responsibility as an ethical issue.

Key words: Information Science, librarians, ethics.

INTRODUCTION

Library and information centres participate in a certain social mission and act in accordance to a given set of values. The purpose of achieving these goals has much to do with the ethical conduct and this recognizes information professionals as morals agents, who are responsible among their colleagues, others and the society at large.

Epistemology of information ethics largely resides in applied ethic, which provides the basic theoretical framework on which the pedagogical foundation and practice of ethics can be contrived and applied. Ethical theories that define what right actions and wrong actions people may take under different circumstances are generally accommodated under four widely known theories: Consequence-based theories, Duty-based theories, Right based theories and Virtue based theories. These theories demonstrate the difficulties and contradictions that arise in the conceptualization and contextualization of ethics.

An alternative or supplementary approach to the question of ethical theories can be found in the relationship and tensions between morals ethics and laws. (Froehlich, 1997:1,2). He distinguished these three concepts when he noted that morals, ethics and laws may contravene one another. Ultimately the nature, level and challenges of such contravention must be understood by the information professional.

Background Information

Ethics in information profession has grown over the years, information profession has now been seen as a confluence of ethical concerns of media, Journalism, library and information science, computer ethics, management information system, business and the internet information system. It discusses issues like Ethics in confidentiality of information, bias in information provided to clients or consumers, the quality of data supplied by online vendors and the use of work facilities.

Information ethics has evolved over the years into a multi-threaded phenomenon, in part stimulated by the convergence of many disciplines on issues associated with the internet. In the past there existed a clear distinction between ethical issues which involves print media, such as newspapers, and the credibility of sources as in the field of librarianship.

Tracing the development of ethics and legal issues has been an area of concern for information professionals because it has helped in identifying the factors that are responsible for the evolution of ethical behavior. Prior to 1960, ethical and legal issues in librarianship were of concern and it was because of the rise of the social responsibility debate that caused ethical concerns to become something of major importance to librarians and other information professionals.

The concept of social responsibility is fundamentally an ethical concept. It deals with the changing notions of how human needs should be met and emphasizes a concern with the social dimensions of information service that has to do with improving the quality of life. What
professionals do in terms of pursuing social goals depends on what or whom they believe are responsible. There never has been established any simple right wrong dichotomy to help information professional make decisions regarding their appropriate domains for ethically responsible action.

LITERATURE REVIEW

From the definition, ethics seems to focus primarily on the norms and standards of behavior of individuals or groups within a society based on normative conduct and moral judgement principles wrong and right; “moral consequences of human action” (Wojtak, 2002) and responsibility and accountability (Sembok, 2004).

Ethical values of library services is seen to provide a critical framework for considering the moral issues concerning informational privacy, collection, recording, distribution, processing of information especially ownership and copyright.

Don Fallis (2007:23) citing Doyle, Goarogian, Nesta and Blake, Baldwin, Wolkoff, Hannabas and Pendagnerst considered some of these ethical values in library and information science.

Should books donated by a racist smells bad be allowed to make use of library? The study of ethics in information professions is a subset of ethics in general. Ethics is the art of determining what is right or good. It is used in three different but related ways and this signifies (a) a general pattern or “way of life” (b) a set off rules of conduct or moral code and (c) inquiry about ways of life and rules of conduct (Dwivedi 1987, 22).

As a concept, the purpose of ethics in library and information science is to establish the principles of behavior that help people make choice among alternative modes of action and in making such choices because these are marked by multiple and non-comparable dimensions, these dimensions are the results – both benefit and harms that are going to affect the organization, the society and the individual as a result of a decision or action. (Hoser 1988, 10)

Ethics in the information professions is concerned with the application of moral standards to the conduct of librarians and other information professionals who are involved in information dissemination. It is a type of applied ethics concerned with clarity of obligations and professionals who make decisions regarding the acquisition, processing and dissemination of information to individuals, groups and society at large.

The concept of social responsibility is fundamentally an ethical concept. It involves changing motions of how human needs should be met and emphasize a concern with the social dimensions of information service that has to do with improving the quality of life. Social responsibility provides a way for the information professionals of library service to be aware of the social impact of that service.

Librarians saw that their major responsibility was collection, and caving for the materials within the library building (Du. Mont. 1977, 24). Many modern information professionals now acknowledge that they are responsible to any individual or group (i.e. stakeholder) with an information need. These stakeholders can be constituency in the library’s environment – users, non users, employees, suppliers, government agencies, public interest groups and host communities.

Librarians as managers are constantly making decisions which bothers on legal and ethical issues. They are constantly and directly involved with people toward or away from information resources that may directly impact their ability to enhance their lives on the life of their community. Decisions about information access can affect man well being and social welfare, having ethical impacts that are significant for all those touched by the decisions.

Ngulube (2000) opined that ethics seeks to establish principles of right behavior that may serve as guides for individuals and groups. Trushina (2004) pointed out that ethics provides a basic for actual value attitude, and ethical principles govern professional conducts in situation free from rigid social standards, such as legal. Library ethics has become a familiar term giving birth to library profession code of conduct also known as code of ethics as a supporting tool. According to Ball and Oppenheim (2005) “a library profession’s code typically includes the need to protect the public, the need to be responsible to the profession and to one’s employer, the need to support and guide professional and the need to express its service orientation.

The profession of library and information science survive on ethics which the professionals observe in their conduct with clients.

Zimbabwe library and information professional are not immune to ethical dilemmas irrespective of library that is academic, public and special library. The ethical issue presented in Zimbabwe concern is plagiarism. Due to the big environment at University of Zimbabwe, it becomes difficult for the librarians to control, thereby creating an ethical challenge similarly dealing with copyright issue. In today’s information environment it is difficult in Zimbabwe particularly against the myth, to access is difficult in Zimbabwe particularly as against the right to access to information as described in the United Nation Universal Declaration of Human Rights. The librarian’s dilemma relates to access versus interpreting copyright and Neighbouring Act which restricts the reproduction of published material at will.

Access to information has been coined as a universal and key issue for many international organizations. Aforementioned instances create an ethical dilemma for an information professional in Zimbabwe, worth pointing out is the continual suppression of information for the gay and lesbian society who also seek information from
various centres but due to the fact that the government of Zimbabwe does not tolerate such practice and therefore does not promote access to information for such groups.

Library and information professionals in Zimbabwe have an obligation to the society they stand to serve for free flow of information and ideas to present and future generations and committed to intellectual freedom.

The information professional’s ethical responsibilities may be determined by a variety of factors. It includes social ethics: the standards and we are expected to conform to and as information professions, it is our duty to serve and promote professional standards and we also owe a duty to the users in our dealings to recognize and accommodate their expectations.

The problem is that these factors will sometimes have conflict; and the challenge is how to respond to the dilemma that have resulted. Foskett (1962) discussed the apparent contradiction between the librarians need for a strong personal commitment to a particular set of beliefs and importance of showing sympathy and understanding for the client’s expectations and views. To demonstrate what this could connot in practice, Hauptman described the willingness of the reference librarians without any evident ethical reservations to supply information to a potential bomb maker.

The term “the librarian” itself is open to a lot of interpretations, if a very junior probably unqualified library assistant supplies information to a medical personnel, the standards of proficiency that will be expected of the junior staff will be much lower than those expected of a qualified information professional. In supplying information to the patrons, information professional heavily rely on the materials they have which include, printed literature, databases, word of mouth, however there are limitations to these and allowances must be made for these to make sure that our clients are made equally aware of them.

Some of the ethical principles observed by the information professionals/librarians are listed:

i. To serve all clients equally in accordance with the mandate and legal bases.
ii. Provide users access to library holdings and publicly accessible information resources informing and advising clients objectively, impartially and courteously and also assist them in retrieving the information they need.
iii. Treating all clients with equal respect, regardless of their origin, race, age, social status, creed, gender or sexual orientation and observing the principles of barrier free accessibility.
iv. Encourage the shaping of opinion and free flow of information as well as the existence of libraries and information services to facilitate free access to all kinds of information resources provided by our democratic society.
v. Providing information on the internet as data and full texts within the legal limits to increase accessibility.

vi. Recognizing the rights of creations and copyright holders of copyright-protected library information material.

Librarian and information scientists are imbued to serve people through the provision of access to quality information resources in either print or electronic formats through which people standard of living are improved, dreams are actualized, education is sustained, sound decisions are made and executed, freedom of expression enhanced and information resources are preserved for posterity. The proliferation of information in different formats and the attendant complexity in retrieval processes have promoted and sustained the needs for society to share resources, work, ideas and information.

The library as an institution exists for the benefit of a given constituency whether it is the citizens of a community, members of an educational institution or some large or more specialized group. Those who enter the library and information profession assume an obligation to maintain ethical standards of behavior in relation to the governing authority under which they work to the library constituency, to the library as an institution, to fellow workers, to colleagues and to society at large (IFLA 2011).

The Librarians Registration Council of Nigeria LRCN Act 12 1995, describes library’s vision to be a world class regulatory body that provides a platform for the delivery of quality library and information services in Nigeria. It also pursues the attainment of professional excellence by determining who is a librarian, the standard of knowledge and skills required for registration and practice; guidelines accreditation and minimum standard for libraries. Under the LRCN Act 12 of 1995, the objectives of the code of conduct for librarians and information professionals include:

1. Guiding the librarian to maintain standards of ethical behavior in his relationship with state and society, clients, profession and colleagues and oneself.
2. To guide registered librarians in terms of safeguarding the interest of the community served, especially as they are engaged in the processes of providing access to information.
3. To build a strong moral and ethical foundation for the actualization of an information society.

CONCLUSION AND RECOMMENDATIONS

Librarians must be encouraged to think more broadly and highly of their task. Observing Ethical and legal values does not mean that one should take no action but information professionals/librarians should be ethically responsible and take actions that are socially just.

In most case the librarian would not know what to do as they also have a mandate to provide access to
information but still want to do their job in an ethical manner.

Ethical dilemma emerges when values count that and are “often shaped most significantly by custom and habits thus only appear with special circumstances (Fernandez – Moline 2000).

For librarians and information professionals in Nigeria to conduct themselves in the most legal, ethical, moral and professional manner as well as adhering to the best standards of the LRCN regarding the quality of professional, all librarians and information professionals shall be guided and bound by the rules contained in the librarians professionals conduct. They must not compromise the quality and standards of reading decisions when selecting materials. Librarians/information professionals should respect copyright and treat intellectual property rights of authors and creators according to legal rules. Librarians/information professionals should collect, organize, preserve and proffer library materials on the bias of professional knowledge and judgement. They should consciously promote the image of profession though services rendered to users and by engaging in active advocacy. They should keep their reputation above reproach and should conduct themselves to gain public esteem and respect for the library and the profession.

REFERENCES


