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Introduction

Information professionals argue tirelessly for the right to access to information that is free from censorship as well as technological and economic barriers; it is quite surprising that their call for unobstructed access to information is not more ubiquitously answered by individuals outside of the profession. Disagreement on this issue becomes especially dangerous when entrepreneurial interests outweigh the public good and as corporations anticipate financial gain from placing limitations on information access. Similarly, there is a general concurrence among information professionals regarding the importance of privacy, even though arguments for the permissibility of privacy invasion purport user benefits and fortified security through the tracking of personal information such as individual search habits and reading histories.

Unfortunately, the ethical convictions of information professionals are not always easily and clearly transmissible. This stems from the generality of professional codes of ethics which leave guidelines open to interpretation, making them less normative and thereby weakening their ethical action-guiding force. The information profession can benefit from a grounding of its core values in a robust moral framework that can be easily communicated and can coherently place demands on interested parties. We argue that grounding the core values of privacy and ubiquitous access to information in a needs-based theory of rights is most suitable within the unique context of the information profession. Although the theory we propose has broader moral implications,
including a thorough reconceptualization of the notion of personhood, our aim in this paper (due to space constraints) is to sketch a theory of rights that best suits the information profession.

Grounding Rights

Rights have traditionally been understood as entitlements, a concept which most philosophers agree on despite contention regarding how such entitlements are to be theoretically grounded. Mill (1861) writes:

> When we call anything a person’s right, we mean that he has a valid claim on society to protect him in the possession of it, either by the force of law, or by that of education and opinion…To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of. (p. 54)

One general, but useful distinction is between positive and negative rights, where the first oblige others toward certain actions while the latter are rights to noninterference. Rights to education or welfare are positive rights, while rights against being assaulted or killed, for example, are classic instances of negative rights (Narveson, 2001). In the context of information, an example of a positive right would be the right to access to information, while an example of a negative right would be the right to privacy.

Rights can be understood as consisting of two integral parts, the first being their structure, or how they arise and are related to a particular context within which they exist, and the second being their function, or what they do for those who have them. Different approaches to understanding these two aspects of rights produce different accounts of rights.

Although there are various accounts of rights, due to space restrictions, we have opted to survey the theoretical landscape along well established moral lines, namely approaches to theories of rights that fall into the Deontological (Kantian) and Utilitarian traditions as well as a Needs-Based Approach, the latter of which is the focus of this paper. We begin with the first two: (1) Contract-based rights (see Rawls, 1971) are deeply rooted in the concepts of rationality and autonomy and thus contract theorists insist that a right makes an individual into “a small scale sovereign” (Hart, 1982, p. 183) insofar as that which the right guarantees falls within the domain of the right holder. Such approaches are often grounded in the Kantian (1785) conception of personhood and deontological approach to morality. The function of a right on this approach is to give the holder of a right control over the duty others ought to have toward her. (2) Interest-based rights, on the other hand, deriving their origin from thinkers such as Jeremy Bentham (1789, 1796), focus on outcomes that best
meet the right holder’s interests. The function of a right on the interest approach is to further the right-holder interests in order to make the right holder better off.

Although both approaches are classical proposals and both enjoy the status of orthodoxy, they nevertheless have serious failings. The contract-based approach entails a conception of right holders that is highly exclusionary since it relies on a very stringent notion of rationality and autonomy, which many humans lack. The reason for this is that rights, on this approach, are agreements meant to restrict actions and constrain freedoms so as to benefit all who enter into them. Such agreements are supposed to be fair and impartial and thus are assumed to be made between equals.

However, not all people stand in equal relations to others; many people find themselves in relations of dependence and some, especially those with cognitive disabilities or severely debilitating physical ailments, are heavily dependent on their care providers. The rationality and autonomy necessary to secure rights on the contract-based account leave a large number of people without a properly grounded set of rights, meaning that their moral worth, along with the accompanying rights, is grounded in a lesser moral standing (the distinction between moral agents and moral patients is often used to delineate this difference in the source of a person’s moral worth).

The interest-based approach avoids the elitism of which most contract-based accounts are guilty. However, the interest-based account suffers from another shortcoming, namely the problem that there are many interests that do not guarantee or necessitate rights, such as the interest to vacation in a luxury resort. The interest-based approach understands interests in a broad sense where preferences, desires, as well as needs are included under the term ‘interests.’ As we argue, a narrow understanding of the term ‘interests’ as signifying ‘needs’ can, within an appropriate theoretical structure, avoid the problem the interest approach encounters.

Moreover, neither of the above approaches are particularly well suited to the information profession. The contract-based account is too exclusive due to its built in ratio-centricity and thus fails to encompass the right to information access of every library user, including those with cognitive disabilities (for discussions of ratio-centric conceptions of personhood and rights in connection to disability studies see Kittay, 2003a; Lenart, 2014; Wilson & Lenart, in press). Moreover, the contractarian approach assumes that an agreement is made between two parties, which fails to capture the objective and universal nature of the core values that define and guide practice within information professions. The American Library Association (2014) states that:

All information resources that are provided directly or indirectly by the library, regardless of technology, format, or methods of delivery, should
be readily, equally, and equitably accessible to all library users. The ALA opposes any legislative or regulatory attempt to impose content restrictions on library resources, or to limit user access to information, as a condition of funding for publicly supported libraries and information services. (B.2.1.14)

The ALA is concerned with ubiquitous access to information for all library users regardless of their ability or willingness to enter into binding or restrictive contracts.

Although the interest-based approach may be better suited to the purposes of the information profession than the contractarian approach, it too fails to fully grasp a core value deeply rooted within the field. The goals of libraries are much more nuanced and are thus inadequately captured by simply focusing on interest satisfaction; the goal of the information profession is to stand in a relation of need identification and service provision based on an assessment of possible barriers to the satisfaction of information needs. Libraries, therefore, stand in a special relation to citizens whose information needs they serve, where citizens depend on the services and resources libraries offer. A needs-based approach to the right to information access can ground ALA values in a moral theoretical framework that focuses on relations between agents as well as communities of agents rather than on contracts or mere interest satisfaction.

What Are Needs-Based Rights?

The needs-based approach is usually referred to as the care approach or the care-ethical approach to morality and rights. Care ethics is a relatively recent addition to the pantheon of moral theories, but what makes it distinctive is that rather than voicing disagreement on particular aspects of a well-established tradition, it critically analyzes the tradition itself. Although initially dubbed as a feminist ethic (Gilligan, 1982), a better way of conceiving of the enormous program of this emerging tradition is to understand it as a way of bringing relationships into the foreground of moral theorizing (Baier, 1987; Grimshaw, 1992). This serves to acknowledge the origin of moral thinking as having a beginning in the home (Noddings, 2002; Ruddick, 1983, 1989), placing an emphasis on the early moral development of children. Furthermore, the care approach places emotionality, empathy, and dependency (Jaworski, 2010; Kittay, 1999, 2003b; Slote, 2007) on an equal moral footing with such concepts as rationality and autonomy, which traditionally enjoyed an elevated moral status, while arguing that the concept of autonomy is ridden with relational dependencies. Moreover, care ethicists argue that entering into certain care relations gives rise to obligations and rights (Held, 1983; Miller, 2005; Noddings, 2002).
So how do rights arise from needs? Noddings (2002) offers a familiar example:

Ms. A is at her wit’s end with the noise in her house. Finally, getting everyone’s attention, she says, “Mommy has a right to some peace and quiet!” How is this “right” justified (if it is)? Supposing that the group addressed contains at least one person old enough to understand Ms. A’s claim, the argument may be laid out as follows:

1. There is a situation, a set of conditions, that gives rise to a need.
2. The need is communicated in clear terms.
3. At least someone in the group of hearers interprets the statement of need accurately and sympathetically. The reaction is “I can see that...”
4. Having acknowledged the legitimacy of the need, the group now examines its own role in producing the noise and its (potential) power to reduce it. The response is “We can do that.”
5. The need is formally granted as a right; that is, the group of hearers recognizes the legitimacy of the need and its own power to meet the need: “We should meet this need.” (p. 54)

Figure 1 shows an illustration of the structure of a needs-based right:

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Figure 1: From *Shadow People: Relational Personhood, Extended Diachronic Personal Identity, and Our Moral Obligations Toward Fragile Persons*, p. 291, by B. Lenart, 2014.

**Information as a Needs-Based Right**

Information, abstracted from the need for it, is not a right. In other words, there is nothing about information, in and of itself, that makes it a right or an entitlement. Thus access to information is not essentially a right. Moreover,
there are negative rights owed to individuals that restrict access to a great deal of information, such as private information pertaining to search habits or to other personal details that individuals have the negative right to maintain undisclosed. The ALA (2014) is quite sensitive to this fact; for example, it states that “[p]rotecting user privacy and confidentiality is necessary for intellectual freedom and fundamental to the ethics and practice of librarianship” (B.2.1.16).

A needs-based account of rights is a perfect fit in the information profession precisely because such an approach bars unauthorized access to information by only granting access based on genuine need, where a mere desire or interest to access someone else’s private information does not qualify. Rather, the needs-based approach buttresses the ALA’s established policies and already delineated core values.

A needs-based approach, then, not only ensures that privacy remains a library user’s right, but also that unnecessary privatization of information or other unwarranted limitations to access of information will be judged morally unjustified. Furthermore, libraries are in a remarkable position to initiate special relations with library users in virtue of their unique ability to satisfy information needs. Information professionals work hard to recognize various information needs and, with the aid of the resources of libraries and library systems, information professionals are in a position to satisfy those needs. This unique context transforms a library user’s need into a right, which, in turn, morally compels action.

**Information as a Basic Right**

Although there is little question regarding whether access to information is a democratic right, one may wonder if it can genuinely be understood as a basic human right. Before addressing the latter question, we would like to flesh out the first claim. Lankes (2012) makes the connection between a healthy democratic society and its stance on information accessibility. He writes:

To be clear, you can have libraries without democracy and democracy without libraries—one need only look through history. However, I would argue that in order to have a true liberal democracy, libraries are a requirement...Why are libraries so important for a liberal democracy? The short answer is that a true democracy requires the participation of an informed citizenry. The core mission of libraries, public and otherwise, is creating a nation of informed and active citizens. (p. 20)

Understood within the needs-based approach, Lankes’ argument not only speaks to our political inclinations, but also to our moral faculties. Citizens of
a true democracy need access to information in order to be properly informed, which in turn is necessary for an active exercise of the citizens’ democratic rights. Libraries, in virtue of their resources, are in a position to provide services that can satisfy the citizens’ information needs. Therefore, libraries, being in a unique position to address the democratic need for access to information, transform the citizens’ needs to be informed into moral, and not merely political, entitlements to access to information.

Of course, citizens of various nations have many entitlements unique to their particular societies, including rights that human beings qua Homo sapiens are not entitled to merely in virtue of their species membership. For example, the right to vote is a right only citizens of a nation or members of a particular group possess. And insofar as information is necessary to such activities as voting, those particular citizens or members of those particular groups have a right to the necessary information in virtue of their specific need for it.

However, the question of interest here is whether access to information is similarly linked to what we commonly consider basic human rights, such as the right to food, drinkable water, shelter, and a basic level of health care? Such a link, if it exists, entails that all humans have a moral entitlement to information. We think that such a link does indeed exist, but before we can discuss it, a brief analysis of the nature of information will prove useful.

Classically, information was defined as a process of being informed. The Platonic notion of forms is closely related to this understanding of information.

This is the oldest meaning one finds in the writings of authors like Cicero (106–43 BCE) and Augustine (354–430 CE) and it is lost in the modern discourse, although the association of information with processes (i.e., computing, flowing or sending a message) still exists. In classical philosophy one could say that when I recognize a horse as such, then the ‘form’ of a horse is planted in my mind. This process is my ‘information’ of the nature of the horse. Also the act of teaching could be referred to as the ‘information’ of a pupil. In the same sense one could say that a sculptor creates a sculpture by ‘informing’ a piece of marble. (Adriaans, 2013, 2.4)

In modern conceptions of ‘information,’ one of the basic intuitions about how to measure the amount of information contained in something is the fact that information reduces uncertainty. “When we are absolutely certain about a state of affairs we cannot receive new information about it” (Adriaans, 2013, p. 3).

Returning to such basic needs as the need for food, drinkable water, shelter, and basic medical care, which are basic human rights in virtue of various
dependency relations capable of satisfying these needs, one thing all such needs have in common is the fact that without access to correct information, such needs cannot be satisfied properly. For example: (1) such things, among a myriad of others, as information regarding the sanitary standards of a favourite restaurant, the internal temperature of chicken at which salmonella no longer poses a threat, or information regarding the toxicity of native plants, mushrooms, and berries are all essential for an appropriate satisfaction of the basic human right to food; (2) the need for drinkable water cannot be satisfied by the granting of access to polluted water, which entails that the access to clean water requires information regarding the water’s source; (3) informative details pertaining to the safety of building material, such as whether asbestos was used, are essential to the selection of shelters that fulfil their proper functions, which is to protect; and (4) access to appropriate health care necessitates access to information about health practitioners, such as their credentials, as well as other salient information that can have a serious bearing on human welfare, such as the various medical procedures and treatments, along with their potential risks and side effects, that are available to patients.

More generally speaking, according to Adriaans’ conception of information, wherever there is uncertainty regarding nutritional choices, water sources, safety concerns pertaining to shelter, or issues arising around medical care, there is a need for information. Where there is a need for information, and where that information can be provided, there is, on the needs-based approach, a right to access to that information.

This means that insofar as our basic human rights cannot be genuinely honoured without some necessary information, we have a right to access information that will genuinely allow us to enjoy the rights to which we commonly assume we are entitled. Libraries, in virtue of their unique purpose, ought to function as places where all individuals have equal access to that kind of information; this entails that the role of information professionals, with the aid of the resources of libraries, is to enable basic human rights, which, without the necessary information are inert relics of beneficent minds.

Although understanding information as a right enabling is enough to merit entitlement to it, we think that information is better understood as constitutive of such basic entitlements as the right to nutritious food, drinkable water, safe shelter, and basic medical care. That is, without access to the appropriate information, basic human rights cannot be fully realized.

However, there is more. In virtue of our deep dependency on information, human beings have a genuine need for the ability to navigate the enormous amount of information that floods, and sometimes overwhelms, them on a daily basis. Not only is there a need for information professionals who can assist in accessing, navigating, and acquiring pertinent information, but there is a need for information literacy education. Information professionals, in virtue of their
unique position as information experts and in virtue of their close relations with library users, are in a special position to provide such services. Information professionals are, therefore, instrumental in transforming the public need for information and information literacy into a right to access to information and a right to the educational resources to acquire the ability to properly and efficiently navigate the information made available.

Conclusion: Implications

When grounded in the needs-based account of rights, the unique dependency relations between libraries and their users entail three things: (1) library users have a basic human right of access to, and the utility of, information as well as a basic right to information literacy education, (2) libraries and information professionals, given the moral framework we propose, have a duty (in virtue of standing in a unique relation to information users) to ensure those rights are being respected, (3) the need for adequate funding for libraries and information professionals is a social entitlement all citizens have against unwarranted funding cuts.

A broader implication of our argument that rights should be understood as entitlements grounded in relational contexts that prioritize needs over contracts is that such an approach to rights challenges the conception of rights utilized in jurisprudence. A needs-based account of rights entails a re-evaluation of the language of rights utilized in both the moral and legal spheres to guarantee that the needs of the underprivileged and marginalized are just as morally considerable as those of the privileged and well represented.

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