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ADVOCATING A UTILITARIAN PROFESSION IN A KANTIAN WORLD? LIS ETHICAL REFLECTION AND THE CHALLENGES OF POLITICAL PHILOSOPHY

David McMenemy

[The] ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed, the world is ruled by little else. Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist.

J.M. Keynes, 1936.

6.1 Introduction

Any popular movement be it political, professional, or social will be partly a product of the values that led to its formation; public librarianship¹ is no different, expanding as a profession out of a desire to ensure wide access to information and works of the imagination for the benefit of society.

The challenge for professions such as librarianship, which largely grew out of the period of history where utilitarianism was the over-

¹ Editor's note: "Librarianship" is the common denomination for Library and Information Science (LIS) including also the field of information science.

arching driver of society, is to be relevant in an era where maximising benefit for the majority is of secondary concern to the rights of individuals.

Highlighting the current concerns of the UK public library system as an example, this paper explores how political philosophy and professional ethics intermix in an ongoing debate as to the purpose and efficacy of public libraries. It will be argued that an informed engagement in such debates is vital for our own ethical reflection as we seek to both understand and address concerns presented to us from philosophical perspectives that are arguably different to our own.

The ethical parameters of a profession are embedded in their codes of ethics, and while no single code covers all countries, studies have indicated there are themes that cut across most. Based on their study of 37 separate ethical codes in our own discipline, Koehler and Pemberton identified six categories that most of the ethical codes covered, namely:

1. Client/patron rights and privileges
2. Selection issues
3. Professional practice
4. Access issues
5. Employer responsibility
6. Social issues (Koehler and Pemberton, 2000, p.34)

A 2012 study by Foster and McMenemy examined the links between 36 ethical codes and Michael Gorman's seminal study on the values of librarianship, and found the most popular across all of his eight values were: service, privacy, equity of access, stewardship and intellectual freedom (Foster and McMenemy, 2012).

It is important to understand that ethical viewpoints and political philosophy interconnect in important areas, largely influenced by the same philosophers and philosophical stances. It is how these concepts are interpreted that is the key issue.

6.1.1 Consequentialism

Consequentialism relates to the potential outcomes of an action and the ethical ramifications of said action. What is important for the consequentialist is that the outcome is satisfactory, not necessarily how that outcome has been achieved. The main consequentialist ethical theory is *utilitarianism*.

Utilitarianism is a political philosophy that informed much of the period of history from the Victorian era to the 1970s. Based primarily on the thinking of firstly Jeremy Bentham and latterly John Stuart Mill the over-arching concept is that the most effective way to social justice is to maximise utility, or happiness, for the largest possible number of people. From an ethical standpoint it is classed as a *consequentialist* philosophy because the focus is on the consequences of the action. i.e. provision of public libraries maximises the utility of the majority of people and is therefore justified because of this.

6.1.2 Deontological Ethics

Deontological ethics relate to the concept that there are certain values or actions that are inherently good or bad. Deontological, or duty-based, ethics are primarily based around the theories of Immanuel Kant, a German 18th century philosopher. Kant believed that actions were either inherently good or bad and that this, not the consequences of the actions, were what is important. A key maxim of Kant was that human beings should be treated as ends in themselves and never as means to an end. To treat another human being as a means to an end was to behave unethically.

In the modern era the emphasis of a deontological or Kantian approach has been based around the notion of individual rights. Therefore the rights each citizen should expect to be afforded is what forms the main concern of rights-based philosophers. These are considered from myriad standpoints, such as the right of the individual

not to have their interests interfered with by society or organisations, as well as the right to maximise one's own happiness first and foremost.

As may be obvious, rights-based approaches can clash somewhat with consequentialism in some of their manifestations. Indeed, the right of individuals versus the rights of the largest number could be seen to be one of the most persistent philosophical debates of the past 40 or so years, since political philosophy from the 1970s onwards has been heavily influenced by rights-based notions of individual freedom, especially related to free-markets.

6.1.3 Types of Right

An important aspect of such rights-based theories relate to the concepts of *negative and positive rights*.

Negative rights inform the thinking of many who label their beliefs as libertarian in origin, and can often mean mistrust of state intervention, publically-funded services, and taxation. Indeed one of the key thinkers in the area, Robert Nozick, has labelled taxation as tantamount to making the taxpayer a slave of the state (Nozick, 1974).

For negative rights philosophers, the concept of self-ownership is of paramount importance, and the freedom to choose how their interests are advanced should be theirs and theirs alone.

Positive rights consider the notion that citizens have a set of expectations as to the services they should receive from the state. Often referred to as *welfare rights*, they incorporate issues such as education, health, unemployment benefits and the like. In opposition to positive rights, negative rights are based around the notion that people's interests should not be unjustly interfered with, and that the over-riding maxim should be one of freedom to pursue one's own interest first and foremost. Any interference by other individuals or the state in the pursuit of those interests is seen as being ethically unjustifiable.

6.2 To a Market Society?

The focus on individual rights as the prevailing organiser for society has seen then the expansion of the free market society into all aspects of our lives. This in turn has impacted on professions such as librarianship as they seek to be seen as a relevant in a market society. The space does not exist in this paper to explore the impact of this on librarianship, though readers wishing to do so can find excellent treatments of various aspects of it in the work of Buschman (2003), Budd (1997), D'Angelo (2006), and Usherwood (2007), among others, and an excellent critique of the impact on society can be found in Sandel (2012).

For the purposes of this paper I would like to focus on the issue of advocacy, and argue that our own profession (as well as many others) have misinterpreted the ends of the market society. The political philosophy that favours a market society does not have the maximum economic impact on society as its goal; such a concern would be consequentialist in nature. The overarching thesis that has seen the move to a market society is the importance of the individual rational agent unencumbered by societal concerns. The rights of the individual are of fundamental importance, societal benefit is secondary to that. This distinction is a vital one to appreciate if we are to learn how to advocate effectively.

6.3 The End of a Utilitarian Justification?

We are very much a profession, then, that has grounded itself in a utilitarian mandate, and arguably continue to do so. Consequently, no pun intended, we have largely set ourselves against the prevailing political philosophy of the time. In the UK we have increasingly seen how our utilitarian-minded profession misunderstands what the prevailing political philosophy means in terms of how it seeks to survive in a world that has individualism for its main end. The marketisation of public services that has occurred in the UK since the 1980s onwards has

seen a new language and new approach adopted by public professionals. I would suggest that because of a misunderstanding of the ends envisaged by the politicians who have been implementing this, we seek a new version of a consequentialist justification of services by focusing on societal economic benefit.

We need to look back no further than 2013 for another example of how competing notions of political philosophy have very publically influenced the debate on public libraries. For a rights-based philosopher public libraries can be criticised from an ethical perspective on at least two fronts. Firstly, by providing free access to books and other materials they deprive the creators of those resources, and those who publish them and sell them, from their right to maximise their income. Simply put, if people are borrowing materials then there is no need to purchase them. A second critique of public libraries is that public taxation is being used to provide services that should be provided by the market, rather than the taxpayer. The issue of public libraries depriving authors and publishers of income is one that has recently been prominently highlighted in the UK. The issue is not a new one, it has been used as a critique of public libraries for a long time, and indeed legislation has been adopted in several countries including the UK and Germany to ensure authors are compensated for public libraries lending their material. The key reason the debate became press-worthy in the UK was not necessarily the message, but the messenger. The best-selling author of the *Horrible Histories* series, Terry Deary, raised the issue by suggesting that public libraries do indeed deprive authors, publishers and booksellers of income and that the concept of the free public library was one that belonged in a bygone age:

Because it's been 150 years, we've got this idea that we've got an entitlement to read books for free, at the expense of authors, publishers and council tax payers. This is not the Victorian age, when we wanted to allow the impoverished

access to literature. We pay for compulsory schooling to do that.... Books aren't public property, and writers aren't Enid Blyton, middle-class women indulging in a pleasant little hobby. They've got to make a living. Authors, booksellers and publishers need to eat.

Flood, 2013.

For many in the library and information world and even in the wider publishing world these views were disagreeable; but they represent a logical, viable viewpoint shared by many who have a rights-based approach to ethical thinking that informs their world-view. Deary's viewpoint is not *wrong*, it is merely another way of looking at an issue of rights that those who disagree need to find appropriate ways of debating without coming across as unreasonable. Responses to Deary's stance ranged from reasoned argument advocating the benefits of public libraries to society, to hate mail and an online petition to remove his books from public libraries, which was later removed.

Let us boil this conflict of ethical stances down to its core components. The key issue at stake is the *right* of the author and publisher of a work to be free to maximise their income from their own outputs versus the benefits to society of having books lent. Public libraries as sources of a free supply interfere with this individual right and thus impact on the potential income of both author and publisher. Even in a country where a public lending right exists, like the UK, the income derived from the loan of a book in no way would equate to the income derived from the sale of a book. In addition, in the public lending right scheme used in the UK it is only the author of the book who receives a contribution when a book is lent by a library, therefore the publisher's income from a library is only from the copies sold to lend. The existence of public lending right as a concept at all is an acknowledgement that the author deserves recompense for books lent and not sold. Arguably, then, the premise from Deary is one that has

already been accepted, or else public lending right would not exist. As highlighted above, what is crucially important from an ethical perspective is understanding the arguments of critics like Deary, reacting appropriately to them, and being able to formulate valid counter-arguments that can be presented to and understood by those in power.

6.4 Towards a *Right to a Public Library Service*?

If a consequentialist defence of public libraries is no longer viable, how can we advocate for public libraries? The table below illustrates some examples of how we *could* frame arguments for public libraries considering the two key political philosophies under discussion:

Pro public libraries	Against public libraries
Utilitarian view (Consequentialism) Provision of free public libraries benefits the majority at the expense of the minority. <i>Benefit can be interpreted in a range of ways, intrinsic, social, economic, etc.</i>	Rights-based theory (Deontological) The author and publisher of a work have the <i>negative</i> right to not have their financial interests damaged through lending of their materials
Rights-based theory (Deontological) Citizens have the <i>positive</i> right to a state-funded library service.	Rights-based theory (Deontological) The taxpayer has the <i>negative right</i> not have their taxes spent on a public service they may not use that therefore does not benefit their interests

Table 1 - Potential ethical stances on free public libraries

I would argue that our thinking must now begin to form around a *positive rights* justification for public library services. Access to a public library as a right of citizenship should be our prevailing point of advocacy, arguing for the belief that the services we provide are vital for citizens to take their role in society. A free, rational agent taking their place in a market society needs certain resources to be truly effective.

They may have natural gifts such as intelligence or talent that allows them to maximise their success; they may well come from a wealthy family and benefit from the advantages that brings. If they do not have any of these benefits, then to be truly free in such a society the state must allow them to maximise their place. Thus arguments for free access to libraries and information *can* be made, if we focus on the positive rights of individuals as citizens. Libraries as social educational institutions should be our key thesis; not libraries primarily as commercially-inspired entertainment centres. The later focus, despite the beliefs of some in our profession, have no real traction in a society based around individual rights. Only advocacy focussed around the benefit to *individual* growth and attainment will succeed.

Ironically the over-arching *means* for libraries are the same today as they were in 1850; active involvement in the growth of the individual. The key conclusion, however, is that the *ends* of this are now the *rights* of the individual, not the *utility* to society. This distinction is not a minor one when it comes to advocacy.

In terms of our own ethical codes and statements of values, we also need to become bolder and more intelligent in how we allow these documents to be usable for our profession. We need to develop case studies that are formulated on an understanding of the differing ethical stances that are in play, and these case studies need to be understandable and translatable in our university lecture rooms for our professionals under training, and in our libraries and information services where the advocacy is happening. In addition we need more local consideration in our professional literature from both the academy and practising professionals, interpreting the ethical codes for our geographic regions in the political climate of each region. We do not write and reflect nearly enough on ethical issues in our profession, and it is a grave danger to our efficacy.

6.5 Conclusion

The arguments we use to advocate for our services are important, but even more important is understanding the ethical starting point of those arguments, and their place in the current thinking of those who rule. Consequentialist arguments of any shape or form are, I would suggest, automatically going to be arguing against the prevailing view of politics, and it is in such misinterpretations of that prevailing view that we run the danger of advocating weakly for our profession and the services we provide.

The LIS profession must begin to engage with the widest possible concept of how political philosophy impacts on our ethical framework. Rather than what appears to be a limited interpretation of the marketisation of public services as about maximising economic impact, we need to begin to formulate an alternative to this emerging consequentialist argument by focussing on citizens' rights.

The *positive right* to access information in a free society should be the backbone of our advocacy, not the tangled notion of the economic impact of libraries on society, or how much in pounds, dollars and pence that access to a library service may be *worth* to the citizen. Such an approach not only damages the concept of the library service by reducing its intrinsic value, it also completely misinterprets the ends envisaged by the politicians who base their entire concept on the rational individual and their ability and right to choose in a free market. It is conceivable that for a Kantian-inspired politician the argument that a library service provides economic value to a community is almost as questionable as the argument that libraries should exist for their intrinsic value. That many in our profession do not seem to understand this is as much a danger to our future as any Libertarian politician's quest to reduce the size of the state.

This paper has placed no value judgement on the expansion of the market society, and indeed lots has been and still could be written on

this topic. In the paper I have focussed solely on the binary concern between rights-based and consequentialist concepts of social justice. However an emerging concern for the profession will be the growing interest in parties of both left and right of the notion of *communitarianism* which seeks to ground the justification of social justice within community values. How this will ultimately influence our ethical thinking is for another paper at another time.

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