Introduction

The purpose of this course is to discuss issues in intellectual freedom. The general scope of the course are the concepts of free expression and censorship, along with issues in library and information policy, such as information access, information policy, information privacy, and contemporary issues such as network neutrality, etc., and information ethics. While library and, more generally, information policy issues regarding intellectual freedom are central to this course, to understand these issues we must understand broader issues of, intellectual freedom, culturally and socially understood, and with historical context. Thus, we do not limit ourselves to simple professional edicts because these issues are historically grounded in, and are only analyzeable for both understanding and criticism, within broader historical and cultural/social contexts.

For the purpose of context, we will refer to a previous version of this syllabus from an earlier class, written by Howard Rosenbaum:

Intellectual freedom has been a cornerstone of library practice throughout this century and has faced and withstood many challenges. It does, however, embody a paradox; the core of this concept is rather simple to express and extremely difficult to use as a basis for professional activities. According to the Office of Intellectual Freedom of the American Library Association (1996; xiii), intellectual freedom rests on the conditions that:

--All individuals have the right to hold any belief on any subject and to convey ideas in any form the individual deems appropriate; and

--Society makes an equal commitment to the right of unrestricted access to information and ideas regardless of the communication medium used, the content of the work, and the viewpoints of both the author and receiver of information.

This concept has been incorporated into an Interpretation of the Library Bill of Rights which has been expanded to include the networked information environment (ALA, 1996):

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the
corollary right to receive information. These rights extend to children as well as adults.

Libraries and librarians exist to facilitate the exercise of these rights by selecting, producing, providing access to, identifying, retrieving, organizing, providing instruction in the use of, and preserving recorded expression regardless of the format or technology.

It is clear that libraries have an important role to play as institutions that provide unrestricted access to information and attempt to create and maintain the conditions that support a "climate of intellectual freedom." Challenges to this role have arisen in the form of censorship disputes, access issues, privacy issues, and collection development.

However, the problems that coalesce around the concept of intellectual freedom have moved far beyond the walls of the library. Branscomb (1994; 174) points out that the issue of the ownership and control of information is intricately intertwined with the concept of intellectual freedom and developments are occurring in society at a rate which far outpaces the ability of the legal system to keep up; as a consequence, "controversy over the ownership and control of information is rampant today." There are important decisions being made in the courts, in the legislative and regulatory branches of government, and in the private sector that will affect the public's access to, control over, and use of information. For example,

--To what extent are you able to control your personal information? What rights to you have to control this information once it is outside of your personal sphere of influence?

--To what extent and for what purposes is surveillance justifiable, in public, in your home, and in the workplace?

--How can we best manage the tension between the desire to preserve our civil liberties and the desire to live in a safe and secure society?

A third arena where some of these issues are being discussed and, in some cases fought over, is the Internet, where, some argue, the traditional concepts of intellectual property protection and copyright no longer hold. The Internet, the argument continues, may be the last preserve of intellectual freedom. How long this situation may hold, however, is an open question, since there are a number of challenges to intellectual freedom arising in the networked information environment. These involve the such events as the ongoing series of court cases in which the RIAA sued people who were operating peer-to-peer network nodes from their campus computers and others who were accused of trading copyright-protected music files, the revision of the Patriot Act, which greatly extends the ability of the Federal Government to monitor online and offline activities, the
Federal Government warrantless spying program, the controversy over what has become known as "cyberporn," and the growing debate over a fee-for-service internet. Some current issues that are moving to the center of the debate include:

--The tension between the protection of the right to free speech and the desire to protect children from pornographic materials available on the web

--The protection of intellectual property in a networked digital environment

--The increasing technological ability to monitor the online activities of net users

--The challenge represented by the Free and Open Source movement

Why should these events be of concern to information professionals and to the public at large, who must now be, in a sense, information professionals?

The library and information professions are deeply involved in the acquisition, storage, and dissemination of a wide range of print, traditional non-print, and electronic information, so familiarity with the issues involved in the ownership of and provision of access to information in a networked environment will have personal and professional benefits for you.

It is now commonplace that this environment has become well integrated into libraries and information centers, so a concern for the problem of intellectual freedom in this environment is simply an extension of traditional concerns, and as future professionals, you should be aware of the issues that will arise as the struggle for the ownership and control over different type of information unfolds over the next decade.

Notes:


**Course Objectives**

By the end of this course, you will:

- Understand the historical and the socio-cultural background and development of the concept of intellectual freedom and its impact on the information professions;

- Be aware of the challenges to intellectual freedom that are emerging in society in general and in the networked electronic information environment.

**Course Requirements**

**What is means to participate in a seminar**

This course is run as a seminar, which means that the success or failure of the class depends, to a great extent, on your participation throughout the semester. The class will not be run in a lecture format after the first class and will thereafter involve discussions and active interchanges among the people in the class. This means that you have a greater responsibility to take control of your own education, both in and outside of class. In class, you should be prepared to discuss the topics that are scheduled for each afternoon. Outside of class, you should make the time to read and think about the material placed on reserve.

Although the syllabus follows a predetermined schedule, the seminar format provides a degree of flexibility that will allow the class to spend more time on those topics that are capturing our interest. The course content can therefore evolve as we begin to explore the concept of intellectual freedom and its related issues.

**Other requirements**

To receive a passing grade in this course, you must turn in all of the assignments and participate in class discussions. You cannot pass this course without doing all of the assigned work, however, turning in all of the work is not a guarantee that you will pass the course. Grades of <I>(Incomplete)</I> may be assigned in this course after discussion with the instructor, but, depending on the circumstances, there will be a penalty applied at the discretion of the instructor.
All papers and assignments must be submitted on the dates specified in this syllabus. If you cannot submit an assignment or cannot deliver a presentation on the date it is due, it is your responsibility to discuss your situation with the instructor, preferably in advance. Given that your reasons or problems are legitimate, arrangements for the completion of the outstanding work can be made; this will occur, however, at the discretion of the instructor. There will be a penalty for work turned in after the assigned date, and this will also be applied at the discretion of the instructor.

Your written, web-based, and oral work will be evaluated according to four criteria; it must:

--Be clearly written or presented;

--Demonstrate a degree of insight into the concepts, issues, and trends in both the areas you investigate in the assignments and in the course content;

--Demonstrate a degree of originality in your assignments and the term project; and

--Display some familiarity with the appropriate current and/or classic literatures.

Borderline grades will be decided (up or down) on the basis of class contributions and participation throughout the semester.

Other Important Information

You can get in touch with me by emailing me at: roday@indiana.edu
Unless I am away, I check email several times a day.

******LAPTOPS ARE NOT REQUIRED IN THIS CLASS AND ARE NOT ALLOWED.******

Assignments

You will be evaluated on the basis class participation and a final paper or access project report (as below), as well as a presentation on this final project in class on the last day. These assignments are described below, and will be discussed in greater detail in class.
1. Class participation (30% of the final grade)

You must read the materials beforehand and participate in discussion in class.

2. Final paper OR Access Project report (50% of the final grade)

Please discuss with me the topic beforehand, by the midterm. Paper or report can follow APA or MLA style. This paper or project report is due one week after the last meeting of this class in hardcopy in my mailbox. You will need to give a summary of your paper and its argument or findings during the last day of class.

Option #1: Final Paper:

Investigate an intellectual freedom topic in some depth in a final paper of 20 pages.

For the term paper:

--Carefully define the problem, issue, controversy, or domain that you wish to investigate

--Investigate relevant literature, both on and offline, that helps you understand the topic you are investigating

--Clearly explain the ways in which intellectual freedom issues are raised by or in this topic.

--Develop and defend an argument about this topic where you take a position on the topic.

Option #2: The access project:

Recently the Courts in the US have been a setting where an intense debate over the question of access to digital information is being played out in a succession of legal battles. Librarians and public school educators find themselves in the middle of this debate.

For this project, you will attempt to determine the ways in which public and school librarians in the area are coming to grips with this issue. For this project you will:

--Document the positions taken in public libraries and schools towards the access to digital information.
--Describe the main policy issues involved in the problem of providing and restricting access to digital information in these settings

This will involve determining

--What the main positions are with respect to the issue

--Who the main stakeholders are

--What is actually at stake in this issue

--What the outcomes might be

--Summarize the relevant existing and proposed legislation at any level of government and relevant court cases that affect the ability of these organizations to allow and prohibit access to digital information

--Take an informed position on this issue based on the research you have done

You will write a paper of about 20 pages summarizing your research. Follow the format above.

3. Presentation on the last day (20% of the grade).

You will be required to present the progress/or completion of your research in short presentation to the class on the last day of the class.

Required Texts

There are no required texts for this course. Readings will be made available through the instructor and may be found on the web. If a journal reading is accidently missing from the files sent to you, then you will have to retrieve it.

Topic Outline, Reading Schedule and Assignment Due Dates

Class 1: Introduction:
Introduction to class

Leading a week's assignment in class

Final project discussed in class

**Part I: Conceptual tools for analysis**—in order to better understand the Library and Information Science topics in the context of issues of freedom of expression and freedom of access, we will spend a few weeks reading some texts that will give us tools for understanding the history and theory of the relation of expression to the political State.

**Class 2: Historical roots: The Enlightenment and English Liberalism**

The roots of Intellectual freedom:

Immanual Kant, *An Answer to the Question: ‘What is Enlightenment?’* (available widely on the Internet)
Michel Foucault, *What is Enlightenment?*,

[http://www.bartleby.com/130/2.html](http://www.bartleby.com/130/2.html)


**Class 3: Ideology and Propaganda:**


- The Herman-Chomsky Propoganda model:


**Class 4: The State of Exception/State of Emergency**
. Walter Benjamin, Critique of Violence
. Giorgio Agamben, State of Exception—Chapters one and two.

Optional:
. Jacques Derrida, Force of Law: The Mystical Foundation of Authority

Walter Benjamin. Historical Materialism 17 (1): 126-144.

PART II: Particular issues involving intellectual freedom in libraries and other environments.

Class 5: Social Justice/ Responsibility in Libraries


Statements from the ALA:
Social Responsibilities Round Table (SSRT) of the American Library Association:
Overview. Available at: http://libr.org/srrt/
Read the summary of all the task forces, then click on at least one and read in more detail.

Economic barriers to information access: An interpretation of the Library Bill of Rights. Available at:
http://ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/economicbarriers.cfm

Guidelines for the development of policies and procedures regarding user behavior and library usage. Available at:
http://ala.org/ala/aboutala/offices/oif/statementspols/otherpolicies/guidelinesdevelopment.cfm

Library Bill of Rights:
http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/librarybillrights.cfm

Interpretations of the Library Bill of Rights:
http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/default.cfm

**Class 6:** Intellectual Freedom impacts on librarianship and information professions:


http://www.ala.org/ala/aboutala/offices/oif/basics/notcensorship.cfm

- Statements from ALA.
Library Bill of Rights. Available at:
http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/librarybillrights.cfm

Freedom to read statement. Available at:
http://ala.org/ala/aboutala/offices/oif/statementspols/ftrstatement/freedomreadstatement.cfm

Libraries: An American value. Available at:
http://ala.org/ala/aboutala/offices/oif/statementspols/americanvalue/librariesamerican.cfm

Restricted access to library materials: An interpretation of the Library Bill of Rights. Available at:
http://ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/restrictedaccess.cfm

Intellectual freedom and censorship Q&A. Available at:
http://ala.org/ala/aboutala/offices/oif/basics/ifcensorshipqanda.cfm
Class 7: Freedom of Speech

First Amendment of the Constitution of the United States of America. Available at: http://www.law.cornell.edu/constitution/constitution.billofrights.html#amendment1

- Summaries of First Amendment issues from the ALA. ALA intellectual freedom policies and the First Amendment. Available at: http://ala.org/ala/aboutala/offices/oif/basics/alaintellectual.cfm
- Summaries of First Amendment issues from the FindLaw Supreme Court Center. Freedom of Expression: The philosophical basis. Available at: http://supreme.lp.findlaw.com/constitution/amendment01/07.html#1

Maintenance of national security and the first amendment. Available at: http://supreme.lp.findlaw.com/constitution/amendment01/13.html#1

Case study: Wikileaks:

Class 8: Censorship

- Freedom to read statement. Available at: http://ala.org/ala/aboutala/offices/oif/statementspols/frtstatement/freedomreadstatement.cfm
- Intellectual freedom and censorship Q&A. Available at: http://ala.org/ala/aboutala/offices/oif/basics/ifcensorshipqanda.cfm
Strategies and tips for dealing with challenges to library materials. Available at:
http://www.ala.org/ala/issuesadvocacy/banned/challengeslibrarymaterials/copingwithchallenges/strategiestips/index.cfm

Interpretations of the Library Bill of Rights. Available at:
http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/default.cfm


Family Friendly Libraries (FFL):
  Home page: http://www.fflibraries.org/index.html
  Standards for public libraries: http://www.fflibraries.org/Public_Library_Standards.html
  Laws affecting library policy: http://www.fflibraries.org/laws.html
  Issues addressed by FFL: http://www.fflibraries.org/Overview.html
  Frequently asked questions: http://www.fflibraries.org/FAQs.html

Parents Against Bad Books in Schools (PABBIS):
  Home page: http://www.pabbis.com
  Up-front informed parental consent: http://www.pabbis.com/upfront.html

Pornography and free speech: Miller v. California:

Class 9: Access and Privacy

Electronic Privacy Information Center (EPIC): http://epic.org/
  http://www.media-awareness.ca/english/issues/privacy/

http://www.usa.gov/Topics/Reference_Shelf/FOIA.shtml

The Freedom of Information Act. 5 U.S.C. 552. Available at:
http://www.hhs.gov/ocr/privacy/

  Privacy and Confidentiality. Available at: 
  [http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=77687](http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=77687)
  Privacy: An interpretation of the Library Bill of Rights. Available at: 
  [http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/privacy.cfm](http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/privacy.cfm)

**Class 10:** Surveillance and the Patriot act:


. U.S. Department of Justice.
  Highlights of the USA PATRIOT Act. Available at: 
  [http://www.usdoj.gov/archive/ll/highlights.htm](http://www.usdoj.gov/archive/ll/highlights.htm)
  Preserving life and liberty: Dispelling the myths. Available at: 
Statements from the ALA about the USA PATRIOT Act.
The USA PATRIOT Act in the library. Available at:
http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=32307
Resolution reaffirming the principles of intellectual freedom in the aftermath of the terrorist attacks. Available at:
http://www.ala.org/Template.cfm?Section=ifresolutions&Template=/ContentManagement/ContentDisplay.cfm&ContentID=78173

Con: Gonzalez, A. (pp. 203-209).
Pro: Podesta, J. (pp. 208-214).
Con: Rosenzweig, P. (pp. 209-215).
Con: Taylor, Jr., S. (pp. 217-223).

Class 11: Copyright and Open Access and the Future of the Internet

In Chapter One, read sections 101-108.


Statements from ALA about copyright:
http://www.acrl.org/ala/issuesadvocacy/copyright/index.cfm

JISC Open Access Briefing paper:
http://www.jisc.ac.uk/publications/documents/pub_openaccess.aspx

General information: http://www.eprints.org/openaccess/
http://www.dlib.org/dlib/march05/harnad/03harnad.html

Open access news blog: http://www.earlham.edu/~peters/fos/fosblog.html

. ALA Statement on Open Access. Available at: http://www.ala.org/ala/aboutala/offices/wo/woissues/copyrightb/openaccesstoresearch/openaccess.cfm

Class 12: Net neutrality

http://www.freepress.net/


Class 13: Information Inequity:


http://archive.ifla.org/IV/ifla65/papers/126-72e.htm

Class 14: Ethics and the information professions

Readings

http://www.ala.org/ala/oif/statementspols/codeofethics/codeethics.htm


Class 15: Presentation of final projects

Assignments:

Final projects due one week after last class.
‘Grading rubric’:

A-Excellent paper. Goes beyond expectations. Attended and participated in class.

A-Less excellent paper. Meets or goes a little below expectations. Attended and participated in class.

B+-Average effort in paper. Didn’t participate in or attend class very much.

B/B- Poor paper. Didn’t attend or participate in class very much.

C– Poor paper. Didn’t attend or participate in class very much.

C-- or below – Terrible paper and/or rarely was in class

***This syllabus may be changed with notice******