

PRESIDENT'S PAGE

Towards a Philosophy of Law Librarianship

I have long felt that one of the great weaknesses of librarianship in general and of law librarianship in particular has been our failure to give adequate attention to the basic assumptions on which we function. I think we would deal better with our daily tasks if we thought a little more often and a little harder about the principles and purposes that underlie our work. We librarians are pragmatic people—we are creatures of routine, and victims of the fight for day-to-day survival. We work in a morass of administrative, technical, and bibliographic problems. Perhaps, because of this daily struggle to keep our heads above the mounting piles of books and papers, we tend to neglect planning, conceptualizing, and self-scrutiny. We live for the moment and frequently think only for the moment. We overlook the continuity implied in our traditions and fail to plan our steps for the future. We often do not even see ourselves as links in a chain of development that has a past and hopefully a future.

The literature of law librarianship has been relatively barren of serious attempts at formulating a philosophy of our art or science. Much of what we have produced along those lines has tended to be weak, frequently romantic, and often superficial. I don't mean to imply that there have been no serious formulations of a philosophy of librarianship. Certainly the great Indian librarian, Dr. Ranganathan, made an important attempt with his reduction of librarianship to five basic laws: *Books Are for Use; Every Book Its Reader; Every Reader His Book; Save the Time of the Reader; The Library Is a Growing Organism*. One could spend many hours pondering the implications of those brief aphorisms. I know that some librarians consider them profound, but many others find them trite and vacuous.

Lacking the wisdom for such brevity, I would like to offer my more rambling thoughts on those principles which I consider fundamental to law librarianship—to call them a philosophy of law librarianship sounds much grander and more presumptuous than I intend. I should note that these assumptions are meant to apply to *all* law libraries, not just to large research libraries. Bear in mind, however, that they are still ideals or models of what law librarians should be and not yet, perhaps, accurate reflections of the present state of our profession.

The *first* of my principles, one which I derive from the great English librarian, D. J. Foskett, is that libraries must carry out the purpose for which they are established, and that that purpose is the implementation, through books and other materials, of the policy of the organization to which the library belongs. That assumption seems so basic as to obviate the necessity of discussion, but sometimes the most simple is the easiest to overlook. Frequently we formulate policy for our particular library on the basis of assumptions, interests, and pressures that have little to do with the purposes of the organizations we serve. The policy of any library, including a law library, must, however, be determined in the light of the needs and goals of the parent institution. A library's policies with regard to reference, acquisitions, cataloging, classification, and circulation must all serve to implement the purposes of the particular institution it serves. Thus, for instance, in a law library serving a law school, the acquisitions policy would be formulated in the light of the curriculum and research program of that school—very differently than in a law firm library or a court library. Similarly, the classification problems of a law firm library would differ markedly, in the light of the purposes of that organization and the resultant needs of its users, from that of an academic library. We could go through every aspect of law librarianship and agree that our obligation to

further the purposes and policies of our individual institutions should affect every aspect of our professional work.

I do not mean by this proposition to exaggerate our differences or to fragment our profession, but if we remember why our respective libraries were established and what purposes they were meant to serve, perhaps we can develop a librarianship truer to the needs of our users.

Secondly, I suggest that the fulfillment of a librarian's responsibility depends upon certain specialized knowledge, which it is his continuing obligation to obtain and enlarge. From my first proposition, it follows that law librarians must know the policies and purposes of their institution, but they must also know their readers and the nature and content of *their* work. He must know how the lawyer's crafts are performed, particularly those relating to legal research, and on what substantive problems and issues they are focused. In order to gain that knowledge, the librarian must live in the world of his readers. He must be one of them—talk with them, attend their meetings, and share their concerns. Only then can he implement the policies and purposes of his school, firm, court, or whatever the organization involved. To serve the needs of our patrons, we must *learn* those needs, and that involves an intimacy which we haven't always sought and, when sought, have not always achieved.

The *third* assumption I make is that, by virtue of his special relationship to legal literature, the law librarian is the natural teacher of legal bibliography and of the methods of legal research. Every area of librarianship is directly shaped and influenced by the literature with which it is concerned. Because of the unique characteristics of legal literature, and the historical development of our profession, we have been more involved with the materials and methods of our bibliography than is true of most other fields of librarianship. We have devoted much time and effort to the scholarship and pedagogy of legal bibliography and have, I think, a duty to continue to do so. For a variety of reasons we have assumed the role of being *the* experts on the literature of the law and, having done so, it is now clear that no other group is so well equipped to handle that responsibility.

This teaching obligation is not limited to formal instruction in legal bibliography in law schools. Rather, it applies to every type of law librarian and in many different settings—by lectures and classes, but also by exhibits, by education through reference service, by explanatory guides and manuals, and by other means appropriate beyond the classroom. Our success in this educational function makes the other aspects of our job easier and more interesting, but that is not its only rationale. It stems rather from the intimacy we have developed with materials that have grown complex and difficult for the nonspecialist to use. Regardless of its rationale, teaching legal bibliography is now part of the professional obligation of law librarians generally.

My *fourth* principle is that law librarians must *assure* their readers access to the materials they collect and administer. Foskett reminds us that librarians are the *guardians*, not the *owners*, of knowledge. Guardianship implies a duty to provide access, not merely to preserve. Providing access may involve considerations of two kinds: the *administrative* and the *bibliographic*. The first, the administrative side, is generally *within* our control. It concerns rules and procedures, usually of *our* making, which define how and under what conditions readers and books meet. We accept responsibility for that area, although some of us do not always strive to assure maximum access. The second aspect is the *bibliographic* and concerns the form and effectiveness of the search books and finding tools available in our library—an area which we usually consider *beyond* our control. We seem to feel that bibliographic access is the responsibility of the law book publishers who supply the digests, codes, indexes, and citators upon which our users rely. We buy them and service them, but feel no

professional responsibility for their adequacy. Yet they are no less important to our readers than the rules and procedures of library use that we have established for our library. They may indeed be *more* important. I submit that our obligation in this respect extends to both the bibliographic problem of providing *effective* access to legal literature and to the administrative problem of providing access to shelves and volumes. Without *both* physical access to the books *and* bibliographic access to the information within them, our readers cannot be adequately served.

We in law librarianship are rarely professionally affected by problems of censorship. Most of us subscribe to the much-heralded right to read and other principles of intellectual freedom. We rarely, however, think of them as immediate concerns of law librarianship. There is very little censorship in law libraries, either direct or indirect, formal or informal—not in the usual sense of a conscious decision to restrict or prohibit readers access to a particular book or area of literature. I wonder, however, if there isn't another kind of access problem about which we *must* be concerned. No matter how enlightened we are in providing convenient physical access to our books by offering open stacks, satellite collections, liberal circulation privileges, etc., I think we still have an obligation to concern ourselves with the *bibliographic* aspects of the right to read.

Are the digests and codes and services, for which we (or our sponsors) spend large sums, providing adequate access to the voluminous literature of the law? Can we sit back and complacently accept the business-as-usual approach of most of our good friends in the law publishing industry? Since the publishers do not seem to be developing new techniques or bibliographic forms to handle today's explosion of legal literature, perhaps we librarians have to take some responsibility in this area. Liberal rules for library use are not enough unless our readers have actual and effective access to the materials of law. That access may depend on *our* ability to devise or encourage new methods of retrieval and research in law. The real threat to freedom to read in law libraries comes not from some heavy-handed censor, but rather from the cumbersome weight of accumulated court decisions and statutes and from the creaking efforts of yesterday's search books and finding tools to meet the needs of today's legal research.

The *fifth* principle I would propose is that the librarian has the obligation (and the right) to decide what shall be in his library and how it is to be organized. That may seem obvious today, but in many law libraries those essential functions have been taken away from the librarian and are handled by others. Such a practice emasculates the librarian, fragments the administration of the library, and is inconsistent with the proper performance of the law librarian's professional responsibility.

The librarian, however, must make himself worthy of that trust. The responsibility for book selection and organization of the collection requires a responsiveness to readers. It involves attention, expertise, and the exercise of critical faculties, which the librarian must be prepared to offer. The development and maintenance of a law library today requires sophisticated judgments based on the conscientious exercise of informed choices. Law librarians must make those critical judgments in the light of the policies and purposes of their organizations and, within those policies and purposes, they must select materials to meet the needs of their users, both present and future. No library in the world and certainly no *law* library, can buy everything being published; not even the Harvard Law Library or the Library of Congress is a repository of *all* legal publications. We must each assume responsibility for the development and the arrangement of our library, but we must then exercise that responsibility consciously and with a critical intelligence.

Finally, the librarian has an obligation to advance his art. It is not enough to develop his library and serve his readers. He must also contribute to the development or improvement of law librarianship in whatever way he can. Such a duty can be exercised in professional thinking and discussion, in the literature of the field, or by the way in which the librarian administers his particular library. The great bibliographic scholarship produced by law librarians exemplifies that contribution, but important developments in law librarianship can also come about through improvements in the regular operation of a single law library. Librarians who innovate and raise the level of librarianship in that way can make a professional contribution as significant as those who talk or write or participate in other activities.

We all know that the structure of legal literature is changing both quantitatively and qualitatively. We know that the needs of our users are also changing both quantitatively and qualitatively. Unless there are commensurate changes in law librarianship to meet these developments, the field will stagnate and every law library will be adversely affected. The changes necessary to meet the challenge of the future can come about only through the energetic and imaginative efforts of law librarians. For that, we must educate ourselves and activate ourselves and, most of all, we must accept responsibility for the future of our profession.

Thus, in summary, I offer these six principles for law librarianship today:

1. Law librarians must carry out the policies and purposes of the organizations they serve.
2. Law librarians must know those purposes and policies and must also know their readers and the work of their readers.
3. Law librarians must be teachers of legal bibliography and of the methods of legal research.
4. Law librarians must provide access to materials through whatever administrative or bibliographic techniques are necessary to meet their readers' needs.
5. Law librarians have the primary responsibility for developing and organizing their libraries' collections and must make conscientious and informed critical judgments in fulfilling that responsibility.
6. Law librarians have a duty to advance their art and their profession in whatever way they can be most effective.

These propositions may seem axiomatic or even mundane, but I think it is useful for us to restate our basic assumptions and *then*, what is perhaps more difficult, to test our performance by those standards. These six principles certainly lack the elegance of Dr. Ranganathan's five laws, but they represent only a first effort at formulating one law librarian's view of what we are about. Your comments and reactions can help improve them. Perhaps they will stimulate wiser heads than mine to focus their attention on this problem, for the benefit of all of us.

A prophet once warned his people to consider three things: to know from whence they came, whither they were going, and to whom they would have to render accounts. It seems to me that we law librarians could make those questions the foundation of our professional philosophy. That is, we must consider carefully from whence we have come; the directions in which we are going; and to whom it is that we must render our accounts. Perhaps we can thereby assure for ourselves a profession that will challenge and excite us, as well as satisfy and serve our readers.

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