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The Impact of Globalization on Law Libraries

BETTY HAUGEN*

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Background

Twenty years ago, most of the users at the University of Oslo's Faculty of Law Library (UOFL) were what we would call "Norwegians from Norway". They came to the library to find Norwegian domestic law to address issues of purely domestic concern. In recent years, bilateral, regional and global agreements have increasingly become an integral part of our domestic legal system.

UOFL users have become more mobile and hi-tech. They are studying and working abroad, establishing relationships with people from other countries, acquiring foreign properties, to name just a few activities that stress the international in their work.

Our universities have an increasing number of distant students, international students and visiting researchers. Our users are more involved in regional and international education and research programs. Interdisciplinary projects are becoming more common. This means that we need to be able to

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assist a more diverse group of users in finding not only domestic law, but also foreign law and international agreements pertaining to all aspects of both private and public law. We also need knowledge of non-law resources to support interdisciplinary approaches.

With the searching tools that were available in the past, we could not find as much as we can today; but what we did find, we were usually able to access. We dealt mostly with print materials; circulation and photocopying took place according to quite clearly established rules. Today we can find a wealth of sources, increasingly in digital form, but cannot always get access. What's more: rules for document delivery are unclear and inconsistent.

Definitions

The topic of this paper is the impact of internationalization on law schools and their libraries. Internationalization has been defined as “patterns of interaction and interconnectedness between two or more nation-states irrespective of their specific geographical location.”¹ As internationalization has sped – and spread – to envelop almost every corner of the globe, the term globalization has come into vogue. David Held and others have written that globalization implies “a *stretching* of social, political and economic activities across frontiers such that events, decisions and activities in one region of the world can come to have significance for individuals and communities in distant regions of the globe.”² I have chosen to use the term globalization, as the phenomenon we are facing has a truly global character.

Legal communication as bits and bytes

The globalization of information and communication enables people to locate information and exchange ideas with each other across national borders. The Internet, cell phones and e-mail give the possibility for and expectation of instantaneous responses. This transforms communication into what David J. Gerber calls the “dialogic form,” where messages are part of an ongoing process of relatively rapid responses.³ The dialogic form places severe time pressure on the process of communication, forcing the sender to respond quickly, briefly and informally. This form affects the nature of communication between legal professionals, and as Gerber rightfully fears,

¹ David Held et al., “Rethinking Globalization”, in *The Global Transformations Reader: An Introduction to the Globalization Debate* 54, 55 (David Held and Anthony McGrew, eds., 2000).

² *Id.*, at 54.

³ David J. Gerber, “Globalization and Legal Knowledge: Implications for Comparative Law” 75 *Tulane Law Review* 949, 956 (2001).

can lead to serious misunderstandings in conveying information about complicated legal matters.

Legal information in the public domain

Globalization has affected more than the speed and form of communication. Although digitalization has made the flow of information across national borders faster and easier, it has increased the inequality of access. Many people have called this disparity in access a digital divide, implying that better distribution of technical equipment would solve the problem. Colin Darch, however, has maintained that the political aspects of information inequalities are the core of the problem.⁴

The distribution of intellectual content is increasingly in the hands of private industrial corporations. What is good for these corporations is not necessarily good for research and education. Most of the legal materials are generated in public or academic institutions. As commercial vendors have taken over distribution, access has become restricted for these same public and academic institutions. Most database licenses restrict access to the subscribing institution's primary users, and many place limits on inter-library loans.

The cost of maintaining access is becoming prohibitive even for relatively affluent law libraries in the Northern Hemisphere, let alone for their poorer Southern counterparts. Not surprisingly, intellectual property rights and library services are on the agenda for global and regional agreements in the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO).⁵

New trends in legal education influence library services

Academic law librarians must keep informed so that they may adequately support the efforts of law schools in meeting the demands of globalization. In 2001, Nicholas Pengelley described a scenario of the law

⁴Colin Darch, "Digital Divide or Unequal Exchange?: How the Northern Intellectual Property Rights Regime Threatens the South" 32 *International Journal of Legal Information* 488, 497 (2004).

⁵I agree with Colin Darch when he says: "The outcome of [the political battles around intellectual property rights] will [...] determine the nature of the "library of the future" far more emphatically than such technical issues as the relationship between print and digital media, or the extension of Internet access to rural areas, urban slums, or places where English is not the language of daily use. *See*, Darch, *supra*.

school and the law library of 2021.⁶ The elements of his scenario for legal education included:

- web-based course materials, with hyper-links to full-text legislation, case law and secondary material;
- web-based lectures and discussion groups that facilitate remote participation;
- competition between the best institutions and professors to provide online courses for global audiences;
- the possibility of attending one physical campus, but selecting from a menu of courses taught online by professors elsewhere, perhaps assisted by local tutors.

In 2003, John Makdisi identified several trends in legal education.⁷ These trends indicate that many law schools are on the way to fulfilling Pengelley's prophecy:

- from traditional classroom to practice-oriented courses and on-line courses;
- more use of technology to enhance/replace classroom education, allowing participation from remote locations;
- long-distance education—not only students from other regions of our own country, but students from abroad.

Law librarians in the vanguard

John Makdisi has pointed out that “law librarians have the tools to guide law faculties and even deans towards new methods of education-delivery.”⁸ He proposes that law librarians stay on the forefront by introducing new technology in the library and actively informing the faculty of the possibilities of using technology to enhance classroom education and facilitate communication with students. In his opinion, it is essential that the tenure and promotions standards for law library directors include the need for a strong vision of the role of technology.

Pedagogical focus

While technology is a necessary tool, the content and focus of our library collections and user education must be adapted. Whatever technological solutions may become common in the future, the pedagogical focus in legal education should be, as Gerber emphasizes, on “developing

⁶ Nicholas Pengelley, “The Virtual Law School Library” 29 *International Journal of Legal Information* 615, 622 (2001).

⁷ John Makdisi, “Improving Education-Delivery in the Twenty-First Century: The Vital Role of the Law Librarian” 95 *Law Library Journal* 431, 432 (2003).

⁸Id.

abilities rather than transmitting data...The most valuable of these abilities is to know which kinds of questions to ask and where to look for information."⁹

Another consideration is language. Language proficiency will be an increasingly important prerequisite for library staff as well as for students. Knowledge of varying cultural context in which to interpret foreign legal materials and training in intercultural communication as a tool to facilitate cross-border transactions should be part of the law school curriculum. As Roger Goebel has pointed out: "the real barrier to successful international transactions is not language in the philological sense, but a failure to communicate adequately because of imperfect assumptions as to how the other party thinks about a problem."¹⁰

Building relations with international students, professors and colleagues

An increasing number of international students have been coming to Australia to study. To cope with the needs and expectations of these students, the University of Melbourne Library has developed a cultural awareness program to educate staff and students and create an environment that values cultural difference. The library's courses for these international students recognize the need to prepare for disparity in technological skills as well as such aspects as varying expectations of the teacher/student role.

Prue Presser describes these programs.¹¹ She emphasizes the importance of being flexible, and of developing a good relationship with students. One does this by showing an interest in, some knowledge of and respect for their countries of origin. These same considerations apply to our relations with foreign guest professors and colleagues.

Consequences for law libraries

To meet the demands of globalization, law libraries should also evaluate policies, collections and services. In setting up the following inventory I have drawn heavily on Pengelley's scenario for law libraries, as his enumeration left little to add.¹² Some of these elements will already have been implemented in many libraries, while others are still visions of a possible future. The chart below graphically depicts Pengelley's and my six elements

⁹ Gerber, note 3, at 973.

¹⁰ Roger J. Goebel, "Professional Qualification and Educational Requirements for Law Practice in a Foreign Country: Bridging the Cultural Gap" 63 *Tulane Law Review* 443, 448 (1989).

¹¹ Prue Presser, "Training the Trainers from Developing Countries: Issues for the Library" 28 *International Journal of Legal Information* 350 (2000).

¹² Pengelley, note 6, at 624-642.

in the left column and the various activities or other considerations associated with those areas in the right column.

Collections	<ul style="list-style-type: none"> • Not merely domestic, foreign and international law, but also materials that give cultural context. • Cancellation of print subscriptions in favor of electronic access, supplemented by designated national or regional repositories and international cooperation via reciprocal arrangements. • Scanning print holdings to make available electronically, supplemented by national or regional warehouses.
Technological tools	<ul style="list-style-type: none"> • Sufficient and reliable equipment and infrastructure for internet access, not only in the developed North, but world-wide. • Less (library-owned) computers, and more wireless connections. • Up-to-date, reliable, user-friendly databases for retrieval of domestic, regional and international legal materials. • Multi-jurisdictional sites to facilitate research online globally. • Increased importance of targeted high quality sources • Licenses that are easy to administer and allow both on-site and distant use. • Bigger, better, customized search engines that can comprehend research interests from the user's profile, personalization and search history.
Survival of the physical law library by reinventing our surroundings	<ul style="list-style-type: none"> • Large amounts of the space currently devoted to book stacks and computer labs replaced by work spaces and discussion rooms with wireless connections. • Learning resource centers, staffed in cooperation between library, technology and law specialists. • A café adjacent or on the premises to balance the desire for access to the new technologies with the desire to come together, interact, eat and drink.

User education	<ul style="list-style-type: none"> • Less teaching of general and basic IT skills. • Increased focus on information literacy skills: how to find, use, evaluate and discriminate between resources. • Integration of legal research skills into the curriculum at appropriate points. • Links to library resources and services as an integral part of law • Presentations custom-made to suit a variety of user needs such as: <ul style="list-style-type: none"> ○ Lectures and hands-on training for larger classes and small groups. ○ Increased demand for one-to-one reference help. ○ Live and web-based.
Law librarian's role	<ul style="list-style-type: none"> • Interpreter and guide to resources, available physically and virtually • Continued performance as collection builders, of both print and electronic resources • Increasingly proactive in furthering the provision of access to resources via the Web • More time devoted to value-added services such as research guides and web gateways • Course and curriculum web-pages.
Staff development	<ul style="list-style-type: none"> • Recruit and train staff to maintain a high level of competency in: <ul style="list-style-type: none"> ○ Domestic, foreign and international legal systems, including cultural context ○ Cultural awareness and skills in intercultural communication ○ Traditional library skills such as collection development and retrieval methods ○ Pedagogical methods ○ Technical tools • Fund and encourage staff to attend courses such as those arranged annually by IALL¹³ • Offer extended sabbaticals to allow 6-12 months for research or working on a particular library project, such as developing a comprehensive legal research guide

¹³ See, e.g., <http://www.iall.org>.

Networking

Librarians have always been more than willing to exchange information, whether through meetings, listservs, or one-to-one questions. This is essential to maintain as more “global” questions are being referred to all kinds of law librarians.

Networking, on a national, regional and international level, will remain one of our most important channels for orientation and cooperation. Through our networks we should do the following:

- Maintain reciprocal arrangements for inter-library loans (electronic delivery where possible)
- Engage in the political battle for public right of access to and use of legal information
- Take part in on-going efforts to establish alternative, open access channels for the delivery of academic and legal publications?
- Form consortiums to obtain better terms from commercial vendors
- Offer exchange possibilities such as fellowship grants
- Develop and support initiatives such as
 - SOSIG (Social Science Information Gateway)¹⁴
 - WorldLII (World Legal Information Institute)¹⁵
 - GLIN (Global Legal Information Network)¹⁶
 - ITN (Legal Information Transfer Network)¹⁷

Globalization has given law libraries not only challenges, but also opportunities. Let us grasp these opportunities to broaden our scope and provide our users with the best possible service.

¹⁴ <http://www.sosig.ac.uk/law>

¹⁵ <http://www.worldlii.org/>

¹⁶ <http://www.glin.gov/>

¹⁷ <http://www.law.nyu.edu/library/itn>