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**The Antaeus Column*:
Can new laws make public services better?
Reflections on diversity legislation for libraries.**

* The title of the 'Antaeus' column derives from the name of the mythical giant, Antaeus or Antaios. The son of Gaia (whose name means 'land' or 'earth'), Antaeus was undefeatable in combat so long as he remained in contact with the earth. Once grounded by contact with the soil, he vanquished all opponents. However, in order to disempower Antaeus, Heracles simply lifted him from the earth, overcoming him totally. Thus, many times through the centuries, Antaeus has been used as a symbolic figure showing how any human aspiration must remain grounded in order to succeed. LIS research must therefore retain its contact with the 'ground' of everyday practice in order to fulfil its potential as a sophisticated research discipline – it must remain empowered by its relevance to practitioners.

**Can new laws make public services better?
Reflections on diversity legislation for libraries.**

Abstract

<i>Purpose of this paper</i>	This paper argues that government-led social legislation inspired by Victorian ideals of paternalistic law-making is still an appropriate way of intervening to promote citizenship and equity in the information society of the twenty first century. However, to do so effectively is more complex than traditional models suggest and needs ongoing and energetic participation from the LIS profession to ensure good laws are put on to the statute book.
<i>Design/methodology/approach</i>	A detailed review of certain targeted aspects of the relevant legislation, put into the context of broad concepts of social reform from UK history.
<i>Findings</i>	That the outcomes of recent legislation in the area of intellectual property protection and disability discrimination have not been as beneficial as they could have been had the insights of the LIS profession been incorporated into the process of law-making.
<i>Research limitations/Implications</i>	The international comparative dimension of legislation in this area could give scope for further academic research.
<i>Practical implications</i>	This paper suggests ways in which the UK library and information professionals' association, CILIP, can be supported in its work to improve the quality of laws relating to library services and practice in the UK.
<i>What is original/value of the paper?</i>	This paper combines a number of different perspectives – historical, informational and legal – in an attempt to give insight on some important contemporary social and political issues of particular interest to Library and Information practitioners.

Paper type: General review

Keywords: Libraries; information services; diversity; legislation.

Note: This paper is based on a presentation to be given to the UC&R Scotland meeting, part of the CILIP Scotland Annual Conference, held at Peebles in the Scottish Borders (11-13 Jun 2007). None of the statements in this paper should be construed as giving legal advice: for such guidance readers should seek the services of a qualified legal practitioner. The opinions expressed are entirely personal to the author, and are not representative of the official position of any of the bodies to which the author is institutionally affiliated.

Introduction

The modern notion of 'social improvement' often hinges on the belief that 'The State' can make us into better people. It does so by passing effective laws: these laws compel us to modify our behaviour in desirable ways on pain of legal redress. For example, in the UK, the Nineteenth Century saw some noble demonstrations by great Victorian law-makers of the value of social legislation. The Victorian Factory Acts, Public Health Act, and laws to ban the use of child labour in mines reverberate loudly in the collective memory (Allingham, 2006), and are perpetual reminders of how we can take action through law-making to make everyone's life better.

However, there has always been a counter-argument to the notion of social improvement. This sceptical school of thought asks us to be wary of government's legislative interference in society, because it can make things a lot worse, in spite of the good intentions motivating it.

Prior to the great British period of Victorian social legislation, Adam Smith was the Eighteenth Century thinker who is now most often associated by us today with scepticism about the legalistic meddling of the 'nanny state'. In 'The Wealth of Nations' he was very careful to define quite narrowly the acceptable role of the state in governing society, and criticised the 'profusion' of government, that is, its wanton expenditure on valueless activity that damaged national life rather than improving it:

"though the profusion of government must, undoubtedly, have retarded the natural progress of England towards wealth and improvement, it has not been able to stop it." (Smith, 1776a)

An excess of government can therefore lead to a worsening of social ills, not their remedying:

"a famine has never arisen from any other cause but the violence of government attempting, by improper means, to remedy the inconveniences of a dearth." (Smith, 1776b)

Eminent Victorians such as Lord Shaftesbury did not agree. As President of the Health Section, he addressed the 1858 Social Science Congress in Liverpool, to argue very strongly in favour of government public health legislation:

"Now, we may be told by some that these things are but in the course of nature, and we ought not to interfere; on such we will turn our backs; we will not listen to such a representation." (Lord Shaftesbury, quoted by Roberts, 2000)

This is a topic that can be discussed at great length in profound philosophical terms. However, let us avoid profundity at all costs, and look rather at the practical effects of some recent, well intended UK social legislation in its particular impact on library services.

As we do so, we should bear in mind the weight of history that unconsciously bears down on us: many of us have images from school history lessons of unalleviated and bitter 19th Century famine, which we associate with the heartless beliefs of the Adam Smith 'school', and heroic images of those such as Shaftesbury who saved the lives and improved the health, lives and working conditions of millions. These are issues

about which it is difficult to be objective but, even so, we must discuss them with a clear head.

The Labour Party Manifestos, 1997 – 2005 (Kimber, 2007)

The party of government in the UK since 1997, the British Labour Party, could be said, at least to some extent, to stand in the tradition of the Victorian social reformers. It believes that government can do things to make our collective life better. At the same time, the flavour of Labour that has occupied the seat of power, so-called 'New Labour', is also keen to ally itself to 'market' solutions, perhaps invoking the hybrid European concept of 'the social market'.

This hybridity is reflected in three particular commitments in recent Labour Party manifestos, ones which are of interest to library and information practitioners. Two of them are issues of 'social' legislation with a LIS dimension, the third is a 'free market' issue with a LIS dimension.

The two social issues focus on improving diversity and promoting the inclusion of the disadvantaged in the broader information society:

1) The Digital Divide

1997 Manifesto:

"Realising the potential of new technology:

We have agreed with British Telecom and the cable companies that they will wire up schools, libraries, colleges and hospitals to the information superhighway free of charge...We have also secured agreement to make access charges as low as possible. [We commit ourselves to] the provision for every child of an individual email address.

"Our initiatives to link all schools to the information superhighway will ensure that children in rural areas have access to the best educational resources."

2001 Manifesto:

*"Modernising our infrastructure for the information age
Digital nation*

The infrastructure of the future includes fast, efficient and affordable communication – telecommunications, the internet and broadcasting. That requires the best competitive environment, effective regulation and continued public and private investment in the technologies of the future.

"A 'digital divide' would hurt business as well as individuals: universal access is vital to effective markets... We will put all government services on-line by 2005, to improve access to services and spur business on-line...We will work to ensure that broadband, which allows fast internet access, is accessible in all parts of the country."

2) Disability Discrimination

1997 Manifesto:

"Real rights for citizens:

We will seek to end unjustifiable discrimination wherever it exists.

For example, we support comprehensive, enforceable civil rights for disabled people against discrimination in society or at work, developed in partnership with all interested parties."

Although these statements were made at different points in the life of the post-1997 government, it is fair to say that these preoccupations have been present throughout the decade 1997-2007.

The third issue focuses on an exclusive group, those fortunate enough to own intellectual property:

3) Intellectual Property

2005 Manifesto:

"We will modernise copyright and other forms of protection of intellectual property rights so that they are appropriate for the digital age.

"We will use our presidency of the EU to look at how to ensure content creators can protect their innovations in a digital age."

Although these statements were made at different points in the life of the post-1997 government, it is fair to say that these preoccupations have been present throughout the decade 1997-2007.

The first two impact on the provision of information to all parts of society. Those denied access to the national digital information infrastructure must be included in the information society, which for LIS workers means that Library and Information Services have to be available diversely and pervasively to all parts of society as far as is possible. Similarly, if information – be it print or electronic – is not made available in the appropriate format to the disabled, they too will languish on the wrong side of the digital divide. This is another factor compelling greater diversity in the use of library and information services and a proactive commitment to enhancing social inclusion on the part of the profession (Train et al., 2000).

However, the third excerpt above is in the tradition of Adam Smith, making a commitment to protect the rights of property owners: "We will modernise ... intellectual property rights so that they are appropriate for the digital age." Here things start to get a little difficult – on the one hand, you need to free up access to information to those who don't have it, on the other hand you want to restrict the flow of information so that IP owners aren't unfairly deprived of the benefit of digital enterprise and innovation. This social market idea now starts to look like a bit of challenge, and there may even be a danger of trying to face in two different directions at the same time.

So reconciling the market and social justice is not easy. It is fair to ask then, how has legislation derived from these commitments been framed in order to make all these various policy strands sit together in a single structure of 'joined up government'. What have the practical results actually been?

Disability legislation

The history of disability legislation under the Labour administration (1997 – 2007) in fact goes back to pre-Labour days, in 1995, when the first Disability Discrimination Act (DDA) was passed. In truth, the DDA 1995 should be regarded historically as a milestone of equivalent importance to the great Victorian Acts of social legislation. Moreover, it is an act of particular importance to librarians, because educational and informational empowerment is at the heart of much of this disability legislation: thus,

it is a significant legal instrument for UK LIS practitioners, one which we should look to with pride and gratitude.

However, before any librarian reading this becomes too overcome with emotion, can I suggest that they look at the chronology of how the subsequent waves of legislation that the DDA brought forward between 1995 and 2007 have developed (DRC, 2007)? And may I, as a humble British library and information practitioner, who truly does look back with pride and gratitude on the 1995 Disability Discrimination Act as a significant legal instrument empowering my profession, here state as a matter of record that the chronology of the DDA appears to me to be very confusing.

There seems to have been a significant development in the evolution of this law, on average, once every year since 1995. And some of these developments seem to reverse or change previous aspects of the legislation. This gradual, evolutionary approach to the law is probably intended to be helpful, easing service providers into each improving stage of provision by increments.

But in trying to be helpful, this chronology is also extremely disconcerting, giving you the impression that what you understood last year, you no longer understand this year, and you certainly will have even less hope of understanding the law next year, when something else falls into place (didn't Adam Smith say something about disaster arising from government, in its 'profusion', attempting, by the wrong means, to remedy the inconveniences of a problem, and so just making that problem worse?).

One particularly difficult aspect of this gradually unfolding law was that, at the outset, disability discrimination in education – where so many library and information services are based – should have been unacceptable in terms of a straightforward iteration of the Act. Except that, education was, like the transport sector, specifically exempted. And then in turn, when the negative effects of that exemption for the disabled became apparent, that exemption was removed (education became exempt from the exemption – is that clear?).

In fact, additional educational legislation was put in place to 'hang off' the original Disability Discrimination Act: the Special Educational Needs and Disability Act 2001 (SENDA, 2001) made it quite plain that educational service providers did have comprehensive obligations to the disabled, and attempted to define those obligations. At the time, many who understood the nature of this legislation, referred to the Special Educational Needs and Disability Act as an integral part of the Disability Discrimination Act. So it may not be correct to refer to the SENDA as 'hanging off' the DDA, since in fact they are apparently seamlessly integrated, if not one and the same thing.

At the end of which, we can say one thing for sure. Librarians in the UK, both inside and outside education, do have to make their services accessible to the disabled as a statutory obligation. The difficult question to answer in a full and transparent way, is 'How' does the law impose that obligation upon us, 'What' is the nature of that obligation, and 'How' do we fulfil that obligation in the most efficacious, practical and reasonable way possible? And above all, how do we do all this without being sued?

This is a particularly pressing concern, given that we now have legal obligations to extend access to digital materials whose use is constrained by copyright law. We are

to be held to account as if we were the owners of these materials: yet we don't own them. It is not a great position to be in.

Copyright Law

So, let us now add to this rich mix of legislative complexity some of the obligations imposed upon the Library and Information community by recent copyright legislation. And we should remind ourselves that restricting access to intellectual property (IP) in order to protect the rights of IP owners, while promoting diversity in service provision (that is, while making information more accessible) is a difficult circle to square. This means that this whole project should be approached with great humility by those in government who frame the legislation that affects our lives.

Digital Rights Management

Thus, "to ensure content creators can protect their innovations in a digital age." current copyright law in the UK, in common with other jurisdictions, makes it illegal to remove digital rights management (DRM) features from files which are so protected. However, one of the unfortunate effects of DRM protection is that it renders files of digital text unusable by the types of 'accessible text' software packages that visually impaired library users need to read electronic book and electronic journal materials.

So a Library which wishes to comply with the DDA must make its e-books and e-journals proactively usable by accessible text reading packages, in order to anticipate the demands of the disabled. Removing DRM protection is a good way to do this – it's certainly the least expensive and least laborious. But a Library that also wants to obey current UK copyright law, must not remove DRM protection, even if it is to help a blind reader. So a library might think that it has a legal obligation to remove DRM protection, and also not to remove DRM protection. How does a Library make sense of this difficulty?

Our insightful legislators had foreseen this difficulty, and UK copyright legislation does allow individual appeal to the UK Secretary of State to get specific permission for circumventing DRM. However, this is such a cumbersome remedy, that, as far as anyone knows, no-one has ever written a letter asking the Secretary of State for help in getting round DRM protection.

Ironically, this obstacle to fulfilling the rights of the visually impaired was noted as being less than ideal in the recent Gowers review of copyright, which took place under at the behest of the UK Treasury (Gowers, 2006). This document came up with the rather unimpressive suggestion that maybe an email form on a web page could be made available to facilitate the process of letter-writing to the Secretary of State! Somehow I doubt whether the flood gates have been opened by this idea. If this is the best that government can do to square the circle of extending and restricting access at the same time, then they could do a lot better.

In the meantime, librarians are caught in the middle between two competing groups, the disabled who need accessible text and the rights holders who put information control above information accessibility. The way the legislation works is that, whichever group is legally disadvantaged, it is the library that gets sued by whoever is wronged. So, however you look at it, libraries lose.

Reporting and record-keeping obligations

Another tension between the DDA and UK copyright law lies in the reporting obligations incumbent upon libraries who use certain legal instruments designed to facilitate service provision to the visually impaired.

Unlike in the USA, where the concept of 'fair use' enables libraries to provide significant amounts of digital text to all users without keeping records of what they are providing, in the UK, detailed accounts of the digital text derived from print originals must be maintained and made available to the relevant UK authorities. These reports reassure rights holders that copying activity is appropriate, and give the bodies distributing the revenue generated from the licence fee data about who should receive this income in proportion to reported use. Thus, both the CVIP Act 2002 (CVIP, 2002) and the Copyright Licensing Agency's licensing schemes (CLA, 2007) provide legal means for librarians to provide digitised texts to readers, and in particular to visually impaired readers.

However, the reporting obligations of each legal instrument are different, and this is confusing. The CVIP Act has detailed reporting obligations recorded in the very text of the statute itself. However, the Act makes the use of a licence, where available, obligatory, so the most important record-keeping obligations are not the record-keeping obligations listed in the Act. There is a full Visually Impaired Persons' licence available – which gives a framework for implementing the services made possible by the CVIP 2002, but which has its own clauses describing its own reporting and record-keeping systems. If the aim of the licence is to do the same as the CVIP Act, why are the reporting systems not defined in the same way, one may ask?

But even then, the Full VIP licence is only really suitable for public bodies supplying digital text to disabled persons who are external to the organisation (e.g. members of the general public). Many public bodies have their own sector-specific general licence schemes which are designed to facilitate internal delivery of services (as with academic libraries supplying services to any and all of their own students). Such licences may and do have their own separate reporting and record-keeping systems, although these reporting systems are general and not disabled-specific.

In such cases a Partial VIP licence may be integrated into the broader licence structure. The wording of the Partial VIP licence does not make it clear if there are reporting and record-keeping obligations specific to the Partial VIP licence, or whether the reporting systems of the general (non-VIP) licence in which the Partial licence may inhere, take precedence over VIP-specific systems of the original legislation which the Partial licence is meant to implement.

If this sounds confusing, it is.

However, to take a step back from the bureaucracy of implementing these pieces of legislation, the complexity seems to arise from trying to do two very different things at the same time: extend access and restrict access. Every process of permission is accompanied by a raft of restrictions and reporting obligations, as if the government has twin impulses towards control and empowerment which are locked in a death struggle. We can only hope that the library profession doesn't in some way become a casualty of this struggle!

Discussion

We have travelled from a very broad consideration of big historical ideas to the nitty-gritty of how librarians set up operational systems of recording tasks on a day to day

basis. This is some leap. Can the big historical perspective help us, if not chart some sort of way out of the difficulties created by these issues, at least understand them better?

Well, one noteworthy feature of the Labour manifesto's attitude to the digital divide is the way in which it evokes past models of social legislation in which the benefits of industrialization were extended to the socially excluded. This model is heavily dependent on the notion of laying down bigger and better infrastructure to increase social access to important services.

In other words, to give people better public health, you create a better, wider infrastructure for supplying clean water (it is a familiar fact, worth restating, that Victorian public health achievements were as much due to civil engineers installing pipes, as to doctors improving treatment of the ill). This ensured greater diversity of access to the basic requirements of decent living.

If extending and improving public health infrastructure helped the excluded in the first industrial age, then by direct analogy, information infrastructure needs to be extended to those who are the excluded of the information age (hence the manifesto statements, "We have agreed with British Telecom and the cable companies that they will wire up schools, libraries, colleges and hospitals to the information superhighway free of charge ... [and] we will work to ensure that broadband, which allows fast internet access, is accessible in all parts of the country.")

Unfortunately, the analogy is only limited. Information is not like water flowing down pipes, something tangible and material that needs to be supplied in greater amounts to those who don't have enough of it. The beneficiaries of Victorian plumbing systems only needed to know how to turn on a tap to use it. By contrast, information users need to be information literate to use information to best effect.

But politicians' manifesto commitments focus on improving the material flow of data across the digital divide and make no mention of improving national levels of information literacy. To change the analogy, this view of information treats it like a consignment of Red Cross parcels to be dropped on to areas of famine, whereas information simply isn't like that.

More specifically, to look at just one particular type of information, the creation of statutory obligations to proactively supply 'accessible text' to those who don't have enough of it, this is also an example of treating something virtual as a simple material thing. Potentially, every visually impaired person (VIP) in the country might require a different type of accessible text in a unique format (for example, only black print on yellow background for one; only Braille for another; only Daisy books for one; only a specifically formatted type of Word file for another). Knowing beforehand what text format will be required in every instance, and keeping a multiple parallel universe of VIP library collections prepared in those formats, is impractical.

To some extent therefore one has to wait for a special need to be presented and then react, since every accessibly formatted file is a personally formatted file, and nothing can be personalised until you've met the person. Certain file formats give you the best chance of providing a tailored format with maximum despatch – image with hidden text pdfs are a good generic format for print to digital output, but the hidden text will need a good deal of further improving and formatting before it can be used by most visually impaired users. Information resources are thus not

objective entities with determinate qualities, they are subjective constructs whose nature is only defined relative to the user.

Hopefully, this sense of historical perspective does shed some light on these issues. Just as generals are always condemned to fight the war immediately preceding the present one, the political classes always wish to emulate the best remembered actions of the past in order to create their legacy for the future. And, pace Adam Smith, the idea of imitating past social reforms is admirable: it is no bad thing to want to be remembered like a modern-day Shaftesbury or Wilberforce. But when this desire to emulate contains a fatal streak of mechanical imitation of the past, the end results can be distorted by failure to acknowledge all the unique features of the present.

Put quite simply, you know things have gone wrong when the legislation that results doesn't fit real-life practice that well. First versions of statutes will have to be revised, while unanticipated clashes between other strands of seemingly unrelated legislation will produce unexpected problems (e.g. the disability versus copyright clash).

Conclusions

There are two possible conclusions to be drawn from all this. One is the sceptical free market conclusion that well-intentioned social legislation is part of the 'profusion' of government, and results in expensive but ineffective laws. As the gap between vision and reality becomes more apparent, the control freaks in government indulge in greater amounts of detailed legislation in order to define more closely on paper the social reality they wish to bring into being. But all to no avail. Our collective life simply groans under the weight of discredited and impossible regulation.

But that is too gloomy an outcome. The other conclusion (which I would like to support) is that social legislation in a post-industrial information society can be effective, but it is a lot more difficult than in previous times. Effective social reform is not possible on the back of the naïve belief that one-off legal interventions generated by self-regarding politicians with a 'great man' view of history can produce straightforward benefits. Single, simple acts of insightful paternalism handed down from on high just don't work any more.

Rather, we need a gradualist approach to reform, with a legalistic light touch that allows much of the detail of new practice to be worked out by service users and service providers working together in a mutually respectful community of practice and service.

In particular, it is very difficult to make and learn from mistakes when service providers are terrified of being sued – of being reported to tribunals or taken to court. The threat of litigation does not help professionals deliver good services when those services are new, complex and still in the process of being developed. This dilemma is well illustrated by something a respected and sympathetic enforcement officer recently told me: 'Don't worry too much about the detail of this library legislation – but remember, if we're going to sue you, we'll do it by the letter of the law!' As a result, I've been worried ever since.

Far better to acknowledge the fact that government legislation can facilitate this process of service development but cannot control it. And sadly for the political classes, because they cannot control this process, they may not even be able to

claim the credit for what is achieved (which their spin doctors won't like!). They will have to discover another traditional Victorian value – that virtue is its own reward.

Recommendations

Support your professional association

If we conclude that this 'hybrid' model of social legislation is the sensible way forward, then it offers a vital role for professional associations. If there is to be an iterative and cooperative approach to regulation and reform then the community of practitioners needs a single voice with which it can conduct its conversation with government. In the Library and Information community of practice in the UK, this role is best fulfilled by CILIP, the Chartered Institute of Library and Information Professionals. CILIP has a good track record on furthering debate about the impact of government legislation on library and information (CILIP, 2002), but can only influence government to good effect with the intelligent and pervasive support of the broad mass of LIS practitioners.

A professional association has a number of perspectives it can offer to government. For a start it can raise awareness of other models of legislation, for example models that work well in other countries.

A US librarian once said about UK IP and diversity laws, 'The Brits may not have the best laws in the world, but they certainly have the most!' CILIP can make this point to government more soberly by showing how, in the USA, the notion of 'fair use' enables libraries more easily to provide a greater range of digital text to all library users.

The US notion of fair use is thus more inclusive, because it embraces not just the visually impaired and but also the reading impaired, who as a consequence do not need the complex, disability-related accommodations of UK library law (although the lack of UK provision for the reading impaired is in a way a blessing in disguise since British law makes service provision to the visually impaired so onerous that to extend this style of provision to the reading impaired would be prohibitively time-consuming). The absence of laborious recording and reporting obligations in the USA means that the time saved can be redirected to service delivery, into personalising the formats of accessible text files.* A review of all national approaches to this area of legislation is a fruitful avenue for extended academic research with a genuine practical benefit, falling into in the fields of Library and Information Science or Comparative International Law, or both.

As any regular user of Librarians' email lists will testify, librarians are very good at not reinventing the wheel. Our first response to a problem is to say, 'How do other libraries do this? And if it works, can we copy it?' This may be a consequence of our innate timidity, but it is only common sense. By contrast, the innate egoism of government seems to compel a process of legislation from scratch rather than learning from other jurisdictions. Librarians have a better approach which our professional association can offer to government: ask others first, borrow from them,

* Moving beyond the UK and US context, wider research into the relevant legislation in this area created under a whole range of different national jurisdictions would be worth undertaking. It would in all likelihood at least generate valuable insights, with the added possibility of discovering practical solutions to some of the problems described in this paper.

and stick to what works now rather than what sounds good, or what used to work in the past.

Protecting the interests of the professional

Above all, a well supported professional association can champion the needs of LIS professionals in all of this.

If politicians view elections as all about making promises they may never have to keep, then government may seem to consist of finding a group beyond the blame zone of government who can be held responsible for delivering those manifesto commitments. In much recent law-making, librarians have ended up with the albatross of 'delivery' hanging round their neck, when others should have been put in the frame more appropriately.

Accessibility in libraries centres on a triangular relationship between the disabled, the librarian and the IP owner. Yet the legal burden for connecting what the IP owner owns with the disabled person falls mainly on the librarian. This is unfair and wasteful.

Most print published items are delivered in the first instance to publishers as electronic text, which is then turned into hard copy output, or hybrid digital/hardcopy output. With 'print only' items, there is no legal obligation on the publisher to make that primary digital version available to the disabled. The legal obligation is on the librarian or similar intermediary to turn the published print output back into a digital output, because, in the majority of cases, the most accessible output will be the digital version.

As a result, the librarian will probably be using far more public funds to turn what was once digital back into digital form from its published print form, than would have been spent by the publisher obeying a law of digital accessible deposit (e.g. sending all their digital production copies to the RNIB or British Library for distribution only to the visually impaired or reading impaired). Just as the idea of open access and self publication of research promotes direct access to original digital source materials, a law of digital deposit for the disabled would connect the visually impaired directly with the original source of the digital materials which they need. Thus, publishers should make what they receive at source as 'born digital' available directly and digitally to the disabled. The current system involves a pointless waste of public funds.

Surely it is the role of government to avoid wasting public funds in furthering the interests of the least empowered in society? But in this case it appears that the role of government is to exempt intellectual property owners from making small and reasonable adjustments to the way they do business and to impose burdensome, resource-intensive legal obligations on public service providers. This in turn disadvantages the disabled as well as the LIS practitioner in order to protect the interests of powerful commercial publishing interests.

This does not sound much like government acting in emulation of the great traditions of social reform. Rather, it sounds like government saying one thing while doing another – talking like a socially responsive administration, while cultivating those moneyed interests whose goodwill is vital to maintaining its grip on power.

The intermediary/librarian is thus left to carry the can for the government's Janus-like ability to face in two directions at the same time. We should not be marooned in this position, and our professional association is the best and most appropriate vehicle through which we can lobby to change this sorry state of affairs.

So, to sum up, the overall message from this survey of the effects of legislation designed to promote the inclusiveness of library services, is not a pessimistic one. Rather it is to recommend our profession's wholehearted support for the principle of government intervention in favour of the disadvantaged. We should also work to ensure long-term, committed partnership between law-makers and groups such as CILIP to improve the quality of what legislators put onto the statute book. In creating such partnerships, our professional association is not simply safeguarding the interests of the profession. Rather, by safeguarding the role of the library and information practitioner in promoting diversity legislation, the interests of those we serve are also protected.

The end result should be the most socially inclusive legislation possible, legislation that is fit for the diverse information society of the twenty first century. This is not what we have at the moment – but it is fully in the hands of library and information professionals to change this situation for the better.

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