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James M. Donovan

ABSTRACT. In this brief response to Richard A. Danner's "Skating with Donovan: Thoughts on Librarianship as a Profession," the author finds new reasons to doubt the merits of a "weak" model of librarianship that overemphasizes user demands at the expense of professional ethical commitments to collect, organize, and preserve.

KEYWORDS. Library profession, tenure, category prototypes

I thank Richard Danner for his thoughtful response to my article, "Skating on Thin Intermediation: Can Libraries Survive?"¹ Though we could not differ more on our positions, I think we share a belief that these pieces represent the kind of conversations that should be occurring more broadly throughout our profession.

Such discussions are important because often it is not enough to do the right things; to claim acts as truly our own we must do them for the right reasons. We can hardly congratulate ourselves if we merely stumble into what in retrospect proves to be the "right" kind of librarianship, rather than deliberately choosing it. So on with the debate.

To fully address the issues raised in my essay, Danner has two challenges he must meet. First, he must convince us that his version of weak librarianship² constitutes a coherent, internally consistent model of

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professional practice. Achieving that, he must then persuade us that his model is—by some generally relevant measure—superior to the strong model I prefer. In other words, the weak model must not simply be available for adoption; it must be of the kind that, with full knowledge of its costs and benefits, and of those of its competitors, we (as rational choosers) would pursue it rather than any other known to us. Looking at the record available to us, however, there are grounds to suspect that the weak model is flawed beyond even the able defense of a champion of Danner's caliber.

THE COHERENCE ARGUMENT

The fault line for the coherence analysis is whether a user-centric ethic provides sufficient basis on which to form a legitimate professional model. Danner believes that it can, whereas I suspect that the attempt is self-contradictory. To the arguments I offer in the original essay, I can add the following drawing upon the new details of Danner's reply. In his review of the grounds for his weak model, he cites authority for the claim that "[t]he professions all exist on one level" and "[w]hat really matters about an occupation—librarianship or any other—is its relation to the work that it does."³ Danner needs both of these premises if he hopes to avoid the implications for his model of professionalism from the counterexamples offered by law and medicine, which challenge his assertion that a profession can be "based in service" only. Unfortunately, both statements are probably false, at least given any ordinary meaning of the term *profession*.

Under the analysis of the second assertion, whether an occupation is a profession appears to be determined solely by its internal attributes; this, we are told, is "what really matters." What Danner overlooks is that occupations cannot, of their own whimsy, become professions through sheer self-definition. Professions are a function of social recognition, not self-labeling. Through recognition by the broader society, an occupation acquires the powers and prerogatives that set professions apart from mere occupations. That recognition, in turn, is a function of proximity to the category prototypes, including law and medicine. In order for a candidate occupation to be recognized as a profession, it must look like occupations that have already received that status.

This claim leads into the critique of the first claim that all professions are "on one level." My discussion treats the category of "profession" as structured according to Eleanor Rosch's prototype theory centered on a cue-maximizing basic level rather than by Aristotelian necessary and sufficient

definitional criteria.⁴ For example, rather than trying to define a “bird” as necessarily possessing certain attributes (feathers, beaks, ability to fly), the category is centered around a prototypical exemplar (“robin”), from which as conceptual distance increases, the token becomes a less-good example of the category (“penguin”).

From this view, “medicine” and “law” occupy the center of the category of “profession,” with other occupations being less-good members of the category to the extent that they differ from these prototypes. The claim that “all [professions] exist on one level” makes sense only by assigning the category an Aristotelian rather than a prototypical structure, an uphill endeavor within any contemporary understanding of semantics. In the more accepted approach to understanding category structure, the only occupations that are equal to the prototypical instances of law and medicine will be ones that share the same conceptual attributes (including social recognition). Since the goal of Danner’s writings is to show how this is not the case for librarianship, whatever else is to be said for its category prospects, it is not that it is on the same level with law and medicine. Indeed—and this is the gist of my argument—Danner may have done such a good job of distancing librarianship from the prototypical center that it has fallen out of the category altogether, and certainly so far that society will have difficulty recognizing that this outlier should still qualify for recognition as a profession.

For many purposes the denial of social recognition of professional status is without consequence. Ethical standards, skills based on theoretical knowledge, and professional associations are examples of attributes expected of professions that fall fully within the capabilities of the occupations themselves. Others, however, do not. Among the characteristics of true professions is some right of monopoly over the exercise of the relevant expertise. This right to monopoly need not go so far as the licensure required for law and medicine, but it does presume some kind of professional closure. This is the point behind asking whether opening full AALL membership to all comers advances or frustrates the image of law librarianship as a profession. Accepting as full members any who apply denies that we have the requisite closure expected of real professions. There may be counterbalancing arguments that support such open membership, but one cannot simultaneously refute that the move undermines the public perception of our librarianship as a profession.

Because I assume the category of “profession” to be non-Aristotelian, it is not required that every member have every correlated attribute. But there does come a point when, lacking enough of those criteria, it

becomes a strain to defend the occupation's status as a profession. The result of Danner's argument, as I read it, is to deny to librarianship just enough of those attributes so that society has no good reason to recognize it as a profession. Even if scholarly authorities abound who say that it should be otherwise, that is wholly beside the point. Unless society recognizes librarianship to be a profession, it is not. By advocating a librarianship that no longer requires advanced education, an association that no longer limits full membership to those inculcated into its ethical values, and an ideal that denies the autonomy of librarians to control the exercise of their expertise—all ordinary concomitants of what it means to be a "professional"—Danner leaves the likelihood that weak model librarianship can rise to a profession as vanishingly small. At that point one is merely applying terms without any regard for what they mean, hoping to retain the mana of the label while divesting it of any substance.

THE COMPARATIVE ARGUMENT

Perhaps I have overestimated the obstacles to frame a coherent defense of the weak model of librarianship. That still leaves the question of whether the weak model offers enough of the goods of librarianship to make its pursuit a rational goal. On this question there is more ground for reasonable disagreement than on the first. An argument either is or is not logically coherent, but there are as many different views of the good as there are persons. As long as our choices bear some principled relationship to our ethical values, then there exists little basis to say that a given set of values is clearly wrong. Even so, merely capitulating to cultural trends will not suffice.

So where would the weak model lead us? One question we might ask is "What would the librarian of Danner's future be doing on a day-to-day basis, and is that the kind of routine we would welcome?" Danner tells us very little about what he expects librarians of his utopia actually to do; we learn significantly more about what they will *not* be doing: It "would seem risky for librarians to bet their futures primarily on the continued primacy of their traditional roles in collection development, and the organization and preservation of knowledge and information."⁵ He implies also that there will be little need for the library catalog.⁶ Into this void he proposes that we become more user-centric, "meeting the client's needs *as the client sees them*," with no natural limit to that demand.⁷ Since his future will be "all-digital," the outcome appears to be that instead of collecting, organizing,

and preserving information for use by present and future patrons, the focus of the librarian's daily responsibilities will be to facilitate the current user's access to data selected and controlled by someone else, residing somewhere out there on the Web.

We do not have to wait to see what such a librarian will look like. Persons matching Danner's description already exist, and we work with them every day: Westlaw and Lexis representatives. Danner as yet has offered no means to distinguish the tasks of future librarians from those presently performed by these digital facilitators. To be sure, their motivations are commercial, whereas ours will be more altruistic, and the weak librarians' scope will encompass more than these representatives' one commercial product. But the librarians' relationship to that data (thorough knowledge but no direct control over what is or is not available from one day to the next) and their role in connecting user to data (providing training and exposure to the resources available at that moment) appear to be functionally indistinguishable. Where there now exists a difference in kind between librarians and representatives, Danner would reduce this to a difference in degree.

As much as I admire and rely upon the expertise of Westlaw and Lexis representatives, I wager that few of us aspire to emulate them. That is why we became librarians rather than commercial representatives in the first place. Yet this seems to be the future into which Danner would lead our profession.

Since by his own description our current ethical commitments will no longer apply, we might ask in what sense these future workers continue to merit the label *librarian*. There will be *something* staffed by *someone*, and today's librarians can perhaps drift into these new and lesser roles. But they will no longer be recognizable as librarians. For my side, the title contains the central concept to be defended. I speak about *librarians* because I believe that they perform an irreplaceable sociocultural function; Danner appears to be speaking about librarians only accidentally. Other terms—*cybrarian*, *ibrarian*, *information specialist*, or some other title could perhaps serve Danner just as well, but for me this change would be conceptually pivotal.

As I read Danner, he is comfortable with the stark future envisioned by Lawrence Solum and others because he views libraries as primarily instrumental goods for the benefit of the immediate user, whereas I believe that they approach intrinsic goods that benefit society—an admittedly romantic view of libraries, I realize, but not necessarily thereby a false one.⁸ For the being, at least, today's librarians fall more often under my premise than

Danner's, even under his own anecdotal evidence. He references Robert Berring's remarks on the occasion of the addition of the one-millionth volume to the collection of the Minnesota Law library.⁹ The selection for this achievement was the papers of Clarence Darrow.¹⁰ For such auspicious events librarians reflexively choose not "useful" items—the volume added was neither the latest *Legalines* for torts nor a new DVD copy of *My Cousin Vinnie*, either of which would get far more use than a special collection item inaccessible to the public—but rather one that is intrinsically satisfying to acquire and preserve.

In just this way the world's great libraries were formed not because they were "useful," but because their creation satisfied an innate urge to make accessible in one place the best of human thought. Their utility followed *after* their collection. Librarians are more sensitive to this impulse than any other citizen, as illustrated by the Minnesota celebration. Although user services account for the whole of Danner's view of the interests of librarians, for still most of our colleagues that view leaves a significant portion of the value of libraries unaccounted for.

Even on his own terms, though, Danner's weak model of librarianship may leave something to be desired. He approves the appointment of a non-librarian to head Harvard's law library in part because in this way (apparently for the first time, a point on which I must defer to Danner) the appointment carries "with it a tenured place on the Harvard law faculty."¹¹ The irony that the position warranted this status only when occupied by a non-librarian appears to escape him. Still, Danner's words show him to value tenure and faculty status for librarians.

An advantage of the strong model is that it provides a direct rationale for the tenureability of library directors, one that follows organically from the duties and expectations of that position.¹² Given the manner in which Danner hopes to reshape librarianship, however, it is not obvious on what basis he could defend tenure and faculty status for any librarians, including directors. The traditional rationale for tenure, for example, incorporates in some way the need for the protections of academic freedom.¹³ Librarians today can appeal to this justification due to the need for their substantive knowledge of the law and the judgments they must make in building their collections. As neither of those are required for librarianship under the weak model, it is doubtful that librarians can offer a convincing case for their continued tenured status in those situations where they now enjoy them, much less hope to extend them to their fellows. Similar concerns can be raised about their status as faculty, whether tenured or not. Tenure and

faculty status accrue to those who trade in potentially controversial ideas, not mere skills. Librarians currently meet this standard, but whether that will hold true in the future promised by the weak model is less certain. Quite likely the weak model forebodes a much diminished stature within the law school from that currently enjoyed by law librarians.

These points have been introduced to suggest that even if Danner manages to successfully construct a version of the weak model that is not self-contradictory, the outcome may still be unappealing due to the deformations it will effect upon librarians and their profession. The two indicated here—that the duties left to librarians will make them indistinguishable in principle from today’s Westlaw and Lexis representatives and will leave them unsuited to any form of tenured or faculty status—can be multiplied, all cutting against what many hope for out of their practice of law librarianship.

CONCLUSION

For the reasons offered in the original essay and this reply, I do find that the weak model of librarianship is both incoherent and, even were it not, undesirable. It either takes us nowhere at all or nowhere we wish to go. Our options are these: We can either keep doing what we do but reaffirm our self-understanding by pursuing the strong model, or follow the weak model, in the process superseding our ideas about everything we hold important. But in that case are we then still librarians? For those of us who believe that librarians fulfill an essential function for society at large as well as to patrons, the choice is obvious.

NOTES

1. James M. Donovan, *Skating on Thin Intermediation*, 27 Legal Reference Servs. Q. 95 (2008) [hereinafter *Skating*]; Richard A. Danner, *Skating with Donovan: Thoughts on Librarianship as a Profession*, 27 Legal Reference Servs. Q. 117 (2008) [hereinafter *Thoughts*].

2. Danner doubts my sincerity when I claimed that calling his position “weak” was not pejorative. He suggests that other terms could have served equally as well. That is incorrect. As I explained, one’s model of librarianship is “weak” or “strong” according to how one’s ethical commitments fall or stand when challenged by outside demands. The current push in the weak model comes from user demands, but that is an accidental feature of the model and not an essential one. It is imaginable that librarianship could resolve the current crisis by rejecting inappropriate user demands but still be weak

due to its subservience to other pressures, such as those from funding agencies. But though none of Danner's suggested alternatives preserve the intended distinctions, I would perhaps entertain a different distinction. Danner's model is primarily utilitarian, whereas mine leans toward the deontological, which goes a long way toward explaining their basic incompatibility. Terms that capture this difference in kind might prove acceptable should a change in labels become relevant.

3. *Thoughts*, supra note 1, at 128.

4. For a review of category theory, see George Lakoff, *Women, Fire, and Dangerous Things* (1987).

5. *Thoughts*, supra note 1, at 124.

6. "Can we justify the costs of fully cataloging library holdings when we have not managed to convince our users that those efforts improve access to the materials they classify and describe" (*id.* at 131). This statement alone does not make it clear whether Danner favors abandoning the catalog or improving our public relations concerning the catalog, but read in tandem with his review of Joint's "new digital order" (*id.* at 122–123), it is probable that he leans toward the former.

7. Richard Danner, *Redefining a Profession*, 90 Law Libr. J. 315, 352 (1998).

8. This represents, I suspect, a natural divide within our membership. I admit to entertaining an unsubstantiated thesis that this distinction roughly tracks another, according to whether one earned the library or law degree first. Were the topic ever to be investigated, I hypothesize that lawyers who later become librarians will tend to prioritize the instrumental value of libraries; librarians who go to law school will tend to retain the lessons of their first professional socialization, that libraries have value in themselves.

9. *Thoughts*, supra note 1, at 131 (citing Robert C. Berring, *Deconstructing the Law Library: The Wisdom of Meredith Willson*, 89 Minn. L. Rev. 1381 [2005]).

10. *University of Minnesota Law Library Acquires Largest Collection of Clarence Darrow Papers*, Oct. 18, 2008, at Ascribe Newswire (accessed Nov. 12, 2008, on LexisNexis).

11. *Thoughts*, supra note 1, at 133, fn. 8.

12. *Skating*, supra note 1, at 107–108.

13. For a review of the justification for tenure, see James M. Donovan, *Do Librarians Deserve Tenure? Casting an Anthropological Eye Upon Role Definition Within the Law School*, 88 Law Libr. J. 382 (1996). The figure was printed incorrectly; the intended version is available at http://works.bepress.com/james_donovan/17/.