"Book-pilferage Is Not Banditry"
― Information Interchange Across Cultural Boundaries

Karl Lo
Associate Professor
Director of International Programs, Libraries
University of California, San Diego.
E-mail: klo@ucsd.edu

Abstract

Recent advance in information technology has enhanced information interchange all over the world. The paper uses a Chinese saying of "book-pilferage is not banditry" to illustrate that technology is only one of many factors in information interchange. Economic, political, legal and any of many other factors could censor information flow. Technology alone cannot mandate information flow. However, technology has the power to moderate the economic, political, legal and other cultural biases to enable the society to become more open to information interchange as a result.

Keywords: Censorship; Intellectual Property; Resource Sharing; Information Technology

Introduction

Stealing a book from a library can carry the weight of federal prosecution in the United States; a very serious crime. Yet, libraries in this country loan their materials, free of charge to their patrons. This contradiction is echoed in many places around the world, not the least in a famous line from an old Chinese parable: 偷書不為盜 "Book-pilferage is not banditry."

The exact origin of the phrase is not known to me, or is its exact meaning. It does, however, conjure up an image of society’s struggle over the conflict of interest in information transfer. To illustrate the conflict, I would like to recreate the following courtroom episode:

A young aspiring scholar wanted to enter the Chinese governmental bureaucracy through the examination system. To prepare himself
for the examination, he needed books that he did not have and could not afford to buy. Out of desperation, he snatched books from one of the wealthy local gentry. He was caught and brought before the magistrate. The offended aristocrat accused the young scholar of banditry and demanded severe punishment. Impressed by the young scholar’s noble intent to serve the emperor, the magistrate handed down the following verdict: ‘Book-pilferage is not banditry.’

This is a drama about the conflict between the powerful owner, (who has), and the desperate thief, (who has not). On the one hand, the owner wanted to exert his right of ownership over the books. On the other, the thief accessed them without consent. The magistrate attempted a compromise that defined what book-pilferage was not, but did not arrive at a conclusion of what it was. To a certain degree, the magistrate seemed to condone access without consent while allowing the possibility of a legal offense in trying the matter of the young scholar’s action.

So, what IS book pilferage? The word 偷 “pilferage” in Chinese can be a misdemeanor such as stealing in small amounts, as in 小偷 “snatch,” or it can be totally innocent such as grasping a moment of leisure from a busy schedule as in 偷空 “sneak.” It could also be linked to banditry as in 偷盗 “pirating.” The story did not say if the young scholar got to actually read the books. We do not know if the magistrate addressed the process of information transfer from the aristocrat’s library to the scholar’s mind. Indeed, when a book is stolen from a library, it suddenly becomes a piece of property and loses its meaning as a source of information, freely available to all. This paper will explore the issues that arise when dealing with cultural interpretations of the meaning behind information transfer.

Library associations such as the International Federation of Library Associations (IFLA) and the Association of Research Libraries (ARL) have been advancing visionary strategies for interlibrary loan and document delivery. Pillory organizations, including RLIN, OCLC, NACSIS and others have implemented similar visions in the form of innovative projects and programs in the rapid and far-ranging transfer of information. The enthusiasm is partly buoyed by advances in technology and partly prompted by skyrocketing book prices. Resource sharing is both technologically efficient and financially attractive, poised to become any library’s primary service to its clientele. This vision optimistically presumes that all parties share the same technological environment. However, in the case of international resources sharing, there are great national differences in technological capability and infrastructure. Even if there were technical parity among nations, there would still be different cultural values regarding the economic, political, religious, educational and other activities informing the act of borrowing, lending and transferring information. Such differences create obstacles to information exchange that technology alone cannot overcome.

Economic

Resource sharing in the West is a quid pro quo operation. The lender has to be compensated, in money or in kind. If the borrower does not return the favor in money or in kind, someone else has to pay the lender. Without a balanced transaction, resource sharing is impeded. Take
the Chinese story for example. No responsible library would authorize the loss of a book from the collection. The ambiguous verdict rendered by our fictional magistrate would certainly cause his country's library to be listed in an international list of "libraries non-grata" no matter how one would interpret the word "pilferage."

The magistrate's ambivalence is caused by his ambiguous values regarding the economic status of information. Did the gentry have a price on the book? Can the scholar use the information without paying a fee? In our time, there is information that commands a high price, such as the notebook of Leonardo Da Vinci. There is ample free information to anyone and everyone to use, such as that found on the Internet. There is information that is "free" but requires coercion for the user to received, such as the daily political indoctrinations of the Chinese Cultural Revolution. There is other information for which the owner has to pay in order to entice the recipients to receive, such as treating an audience to a movie so that the audience can view the company's advertisement. There are still another kinds that people would prevent from spreading, as in paying to set up "watchdog" groups for censorship. It is most difficult to place an economic value on information. The magistrate is not alone in the struggle. We are still trying to grapple with the problem of rules and laws in copyright and intellectual property, our next subject.

**Legal**

Before the time of "copyright," a book was very expensive to create. Printing a book required expensive equipment, including the press, the paper and ink. The fee paid to the intellectual creator was relatively small. There was little concern for pirating because the reprinting party basically had to go through the same processes, materials and costs as the original publisher. So, there were few laws to prevent reprinting. Once printed, a book was a physical entity. Its content was just a feature of this entity. The owner of the book would focus on protecting the book from loss, but not from being copied. In this context, a library would not allow books off its premises, not because the information contained in the book was valuable, but because the physical book was valuable and difficult, at best, to replace. The book would then fall under the legal category of "property" in the very tangible sense, and definitions of "possession" would be extremely narrow and rigid. Either you had a book and possessed it, or you didn't. The concept of borrowing would require a more loose definition of "possession," a more loose definition of "property," and one that would need other circumstances in order to be accepted by both the legal and general communities. However, under the previous, more rigid circumstances, sending books outside of a library for resource sharing would be impossible.

As the machinery for printing or copying became cheaper relative to the author's fee, avoiding the author's fee would mean significant profit for the pirate. The legal focus would then be on protecting the investment in the author's fee by protecting the content of the book, as opposed to the physical book, itself. The concept of "copyright" was born to prevent reprinting without consent from the owner. As the cost of replicating the medium became negligibly low and the equipment for replicating is ubiquitous, copying
became as ubiquitous as the number of reprinting machines. The most important asset to protect was now the "intellectual property." Intellectual property (an ephemeral entity) is an abstract concept compared to the physical embodiment of a book. It requires many legal definitions and interpretation (often nebulous) that is not the usual expertise of a librarian. In this context, it becomes legally easier to focus resource sharing on definitions that refer to the physical medium, and by limiting access to the medium, there is carried the implication that its contents can be controlled by proxy. The librarian is the gatekeeper who would consent to conditional access. This implies control over the flow of information and the political ramifications for its dissemination and use.

**Political**

The political status of information has grown with the advancement of technologies that allow its easy dissemination and the entities (personal and institutional), which use it as the core of its operational objectives. There is information created, not for profit, but to influence other people's behavior. This is evidenced by the profuse amount of free information in the form of commercial and advertising via all kinds of media. A more subtle form of influence is embodied in public institutions (such as schools and libraries) that are built for the purpose of shaping people's behavior through information transfer. The ideologies behind the impetus towards literacy and information dissemination fall in the category of behavior control. Educational institutions, commercial industries and government agencies all utilize and promote the techniques and technologies of widespread information dissemination to get their points across. In this context, resource sharing as a way to enlarge the knowledge/informational base and is logically ideal.

Of course, simple wholesale dissemination is not the ultimate goal of these political entities. If one flings open the informational door without regard to who or what enters, you risk losing control over those you wish to control. Inherent to the importing of alien information is the threat of importing alien behavior. Censorship activities tend to increase with the increase availability of information. People who build institutions to shape human behavior can take drastic action to prevent undesirable information from spreading among their target audience. For example, Lady Chaterley's Lover by D. H. Lawrence (written at a time when novels were widely printed and sold) may be a great novel in twentieth century England but a piece of pornography to be censored by others in the U.S.. Chairman Mao's little red book may be scorned by some in Taiwan, while simultaneously revered as a political bible on the Mainland. The novel Satanic Verses by Salman Rushdie was regarded as creative by some literary critics but was called "God-bashing" by fundamentalist Muslims, worthy of a huge bounty on the author's life. Other censoring activities occur when information is disseminated on a "need to know" basis (as with certain government documents) and can be protected by usurping the power of individual rights or invoking "security" measures. Those are only available to the select few who are granted the consent of access. In the United States and some other countries, an individual has the right to keep private information. This right is used by corporations
(which legal definition falls under “private entity”) to justify their refusal to release information, causing the invocation of yet other laws to force their release (as in the tobacco industry and Microsoft trials). Such motives can also reach into the emotional realm. At times, people will risk their own lives to gain or to block the transfer of certain information, out of feelings of patriotism, love or vengeance.

All of this activity can make otherwise technically and economically accessible information very elusive and a complicated mess to process. At this stage, it is easier to abandon the political, religious and other sociologically burdened motivations for moving information around and stick to the more straightforward economic rationale.

The economic basis of information transfer is the easiest to understand and to implement. Information is simply regarded as property that can be bought, bartered or traded. As soon as a price is agreed upon, consent for access is granted. Technology is scientifically complex but socially simple. It is a tool. Other social factors, such as politics, religion, ethics, and education are more complex and illusive in their goals and purposes than economics and technology. They involve value judgments in information transfer. Their standards for accessing information, then, are also complex and illusive. To share resources across these boundaries is difficult because it is difficult to find a meeting point of common, or at least tolerable, values.

Our fictitious magistrate probably understood that a book had monetary value and that the book was the tool of choice for information transfer. His ambivalence was on upholding the law to protect the interests of the owner (a political entity) while encouraging the scholar (another political entity) desirable behavior of learning from the sages. Modern librarians face a similar dilemma every day. We need to navigate a social and technological maze to effect information transfer. At times, as especially in a draconian society, crossing social boundaries to gain access to information can be hazardous. Our fictitious scholar did not share a common value on information transfer with the owner and took the risk of access across the boundary. Our wealthy gentry protested; and our magistrate was reluctant to render a verdict.

**Future**

Technology, economy, politics, religion, and ethic have been influencing the production and interchange of information. Reciprocally, information has modified societal and individual behaviors in technology, economy, politics, religion and ethic. While information interchange is facing formidable obstacles today as in anytime in history, technology with its unprecedented power will change human culture in spite of strong conservative forces. The open and interconnected nature of new information technology will force the world culture to be more open and more interconnected. Resource sharing, itself an open and interconnected concept, indeed will become a primary function of libraries.

**Conclusion**

Pundits will delineate the faults and merits of a more open and interconnected universe. The coming of a more open and interconnected world is as certain as the library associations are optimistic about resource sharing, nevertheless.
Before the world reaches the more open and interconnected information universe where resource sharing is a norm, many obstacles will have to yield. The strong technological current will break open some of the old dikes of resistance. Other obstacles have to be cleared by other social forces which are enable by information interchanges.