

CURRENT INTERESTS

Diversity and the Post-Colonial Law Library

Abstract: Current debates about decolonisation and diversification raise practical issues for librarians. The Bodleian Law Library is engaging with these challenges, in co-operation with the Oxford Law Faculty, the wider Bodleian Library and the collegiate university. This article by Margaret Watson describes how the Library is taking a fresh look at its collections and their organisation, with a view to acquiring, revealing and collocating material that might otherwise be overlooked.

Keywords: academic law libraries; post-colonialism; diversity

INTRODUCTION

Oxford has been at the sharp end of the ‘Rhodes Must Fall’ campaign.¹ Our post-colonial legacy is evident in areas that range from the names of our buildings to the titles of our scholarships. Portraits, statues, stained glass windows and even the trees and plants in the college gardens are now viewed through the lens of Britain’s imperial past, and library collections are subject to the same shift in focus. This raises practical, as well as moral, problems: beyond the headlines about sources of funding, the repatriation of artefacts and the return of human remains, lie a raft of drivers for change, not least curriculum diversification and new research emphases, that affect our day-to-day work as law librarians.

In June this year, the Oxford Law Faculty Race Equality Coordinator Dr Sanja Bogojevic, whose remit is to ‘promote awareness of diversity and race equality issues within the Faculty’,² organised a workshop on diversifying the curriculum. Curriculum diversification presents particular challenges for law, because the undergraduate curriculum is to some extent governed by the requirements of the Law Society and the Bar Council, which stipulate that a qualifying law degree must include study of the ‘foundation subjects’.³

This is not the case, for example, in a subject such as history. However, it is not only the subjects that we teach, but also the way in which we teach and support them that is now coming under scrutiny. There is an increasing awareness that continuing to promote some traditional ideas and established voices over others may undermine our desire to be inclusive and open to new ideas. This has a clear relevance for library provision, and academic lawyers and publishers are responding to this. For example, Professor Jonathan Herring (Oxford Law Faculty) is currently working on an edited series of textbooks on how to diversify the curriculum in core law subjects.⁴

COLLECTION DIVERSITY

While the Oxford Law Faculty is looking at ways of diversifying the curriculum, the Bodleian is looking at collection diversity. In May, I joined a small working party tasked with organising a workshop on this topic, and we started by identifying three questions:

1. What do we already hold that can support diversification?
2. How can we identify and reveal those materials?
3. What do our collections lack and where are our blind spots?

I shall discuss these questions in relation to the Bodleian Law Library. Firstly, some background information. The Bodleian Law Library holds more than half a million volumes covering over 60 jurisdictions. In addition to the laws of the British Isles, European countries and the United States, we also hold material for Commonwealth countries and jurisdictions in Africa, the Near, Middle and Far East, the Caribbean, the Indian Sub-Continent, and South and Central America. When I joined the Law Library, we kept International law, individual European Jurisdictions, United States and South African law on the top floor. On the main floor, we had the law of the British Isles and some of the larger Commonwealth countries (Australia, Canada and New Zealand). Downstairs, on ugly metal shelves, were the superseded editions, European Union Law, and in a dingy space well away from the windows was a collection known officially as ‘Other Jurisdictions’ and familiarly referred to by staff as ‘The Rest of the World’. Although we have been part of both FLARE since its initiation in 2003⁵ and its predecessor FLAG,⁶ historically, we have not paid close attention to these collections simply because they fall outside the usual scope of the Oxford Law curriculum. Our holdings for some of these jurisdictions are limited and incomplete; they have come to us through exchange or donation and

we do not actively collect material from all these countries. Yet despite their imperfections and inconsistencies, our collections of materials from these less widely-represented jurisdictions are exceptional and unique: email enquiries this year have included questions relating to our holdings for the law of India, Mexico, Pakistan, Russia, Singapore, Somali, Tanzania and Trinidad, all areas that we previously categorised as ‘other jurisdictions’.

Looking back, I can see that the designation and location of these materials was a linguistic and a physical manifestation of an underlying, largely unquestioned attitude among us that some jurisdictions were less important or interesting to our readers than others: it unintentionally represented them as both exotic and also, in some sense, inferior. I find it quite shocking now to think what our library must have looked like to readers who visited us from those parts of the world. Today, partly thanks to the refurbishment of the building, this material is now more visible: these jurisdictions are located more prominently, in attractive wooden cases that are nearer to natural light. However, the improved presentation has been achieved in part through a major stock rearrangement that has involved sending the primary material for some of these jurisdictions off-site, and consequently reducing their visibility in another way.

A SYSTEM FOR ORDERING KNOWLEDGE

The library is a system for ordering knowledge, and we achieve this both through physical arrangement and through using and developing finding tools, such as the

catalogue. Order is significant, because it expresses the political and cultural assumptions of those doing the ordering. The Bodleian Law Library opened in 1964, and its arrangement, to a home-grown scheme devised close to the mid-point between Indian Independence in 1947 and Britain joining the European Economic Community in 1973, reflects the post-colonial outlook and assumptions of the late 1950s. The original classification scheme used the Commonwealth as its frame, and we still have shelf-marks that begin, for example, with ‘Cw’ for ‘Commonwealth’ (for example, ‘Cw Nigeria’ and ‘Cw India’). As our shelfmarks visibly determine the order and location of our holdings, and much of our stock is organised by jurisdiction, it is easy to see that the classification scheme reproduces a particular way of looking on the world.

UNDER-REPRESENTATION

That gaze is not only Western and white, but also largely male, and we are gradually realising that our structures inadvertently result in the under-representation or relegation of minority and marginalised groups. Our holdings are extensive and reflect the full breadth of legal publishing in this country. The six libraries of legal deposit, of which the Bodleian is one, systematically collect, preserve and make available copies of every book published in the British Isles. In addition, the Bodleian Law Library actively acquires legal literature from overseas, and subscribes to numerous databases.⁷ Without doubt, our collections hold material on the law relating to people with characteristics protected under the *Equality Act 2010*, and we



Figure 1: Other jurisdictions’ in the Bodleian Law Library, before the refurbishment.

use subject headings that enable readers to collocate material held by the Law Library on, for example, *Homosexuality–Law and legislation*, or *Race discrimination*.⁸ However, diversification is not only a matter of providing material about these groups of people; it also involves listening to their voices. In other words, diversification in a library setting also involves actively acquiring and making readily available the publications of writers who are not part of the received ‘canon’.

This is a practical challenge, firstly because it involves identifying and acquiring material from non-traditional sources, not just the major western publication houses, and in Oxford there are consequential complications involved in buying from suppliers who are not on the University’s approved lists. Here, we are fortunate to be able to learn from the experience of the Oxford History Faculty Library (HFL), which has already carried out a similar project in response to what they term history’s ‘global shift’. Within a three-month period in 2018, the HFL purchased over 1,000 books at a cost of over £51,000 taking up c. 29m of space. This was four times as much as that library usually acquired in the course of a year. In addition to these purchases, over 700 Bodleian books (a further 20m of stock) were transferred from the off-site book storage facility to open shelves.⁹ There are, then, significant implications arising from diversification in academic libraries with regard to space, budgets, and staffing (as all librarians know, it takes time to select, order and process books). In the case of a law collection, diversification is likely also to involve negotiating with database providers, a time consuming process that may have expensive outcomes.

Once acquired, books and journals must be made available on the shelves, using search and discovery tools designed to fit conceptions of order that may now seem limited or outmoded. Here in the Bodleian Law Library, we have no systematic and reliable way to identify the books in our collections that were, for example, written by women, let alone by authors with disabilities, or of a particular sexual orientation or ethnicity: we do not add that information to the catalogue record. This makes it impossible to answer questions such as ‘how many books have you got that were written by authors ... [of any particular protected characteristic or subset thereof]?’ We simply do not know which or how many books we hold by authors of colour, or which of the Bodleian’s extensive archival collections contain manuscripts by LGBT writers. Library catalogues describe, locate and collocate material, but can only do this in accordance with the tools that the cataloguing and indexing systems provide, and those systems reflect the contemporaneous norms of the society that devised them.

POST-COLONIAL WESTERN CENTRIC SHELF ARRANGEMENT

I have already described the intrinsically post-colonial Western-centric shelf arrangement of large parts of our

collection. Is changing our shelf-marks the answer? I think not, or at least not on its own. We could knock ‘Cw’ off the front of all those shelf-marks for books about the law of Commonwealth countries, but if collections are still shelved as separate jurisdictions in ways that mark out the ‘otherness’ of some jurisdictions, measured against the ‘normality’ of the others, we cannot help but imply some kind of judgement on their value and importance.

CLASSIFICATION AND A WESTERN VIEWPOINT

The Library has been undergoing a major reclassification exercise to the *Moys* scheme that is still in progress, and which has brought together in a subject arrangement the monographs for countries with a pure common law system, that is to say, the British Isles, Canada, the USA, Australia and New Zealand. *Moys*, then, partially does away with our former jurisdiction-based arrangement that emphasised the Commonwealth, as well as making the collection ‘browsable’ by subject but that does not mean that it is a politically neutral way of organising the collection. The scheme fits into the (American) Library of Congress classification scheme, which the Bodleian libraries as a whole adopted in the 2000s, and also fits with the long-standing use of Library of Congress Subject Headings throughout Oxford. Further, we use the *Resource Description and Access (RDA)*¹⁰ cataloguing standards that succeeded the *Anglo-American Cataloguing Rules*. This cannot help but reflect a Western view of the order of knowledge, because our catalogue headings, classification scheme and subject thesaurus are systems of representation that present the world from a Western, and predominantly US, perspective.

READING LISTS AND LIBGUIDES

We are certainly restricted by our own systems, but we can resist the directions in which they seem almost inexorably to push us by using other tools that are at our disposal. Firstly, in Oxford we have *Oxford Reading Lists Online (ORLO)*, an online reading lists project that enables academics to add items to their reading lists with automatic import of full citation information for book titles, journal articles, web resources.¹¹ Under the terms of our Higher Education Licence from the Copyright Licensing Agency, we digitise material from hard-copy sources, which is physically dispersed in libraries across the collegiate university. This enables Faculty members to develop new reading lists that gather together readings from a wider range of collections reaching beyond those held in the Law Library, and making them available to their students from a single point of access. Secondly, we have our *LibGuides*, which are born-digital subject guides to our paper and electronic collections.¹² These enable us to gather together information and links about holdings



Figure 2: 'Other Jurisdictions' in the Bodleian Law Library, after the refurbishment.

in areas that do not fall neatly into one or two areas of the library. An example is Dr Elizabeth Wells' *Libguide* about legal resources relating to indigenous peoples.¹³

BLIND SPOTS

Of course there are blind spots. There is an example, highly pertinent to the Bodleian, cited by Professor Patricia Daley in her chapter 'Reparations in the Space of the University in the Wake of Rhodes Must Fall'.¹⁴ In 2013, when the Bodleian's Weston Library was under construction, it was screened by a line of huge hoardings representing, from A to Z with pictures, an item from our collections for each letter of the alphabet. Professor Daley asked the Bodleian to replace a picture on the hoardings of the semi-naked Queen Mzilikazi with a picture of her fully clothed. She writes 'The administrators could not initially understand why a semi-naked picture of the queen was a problem for me'. Bodleian Special Collections holds five pictures of Queen Mzilikazi, and chose the only one in which she was semi-naked as 'an exemplifier of African womanhood', but nobody on the staff noticed that this image was reminiscent of colonial photographs of 'primitive' African women; or perhaps, as Daley suggests, the assumption was that 'it

would resonate with passers-by'. After her intervention, picture on the hoarding was changed.

IN CONCLUSION

In conclusion, although there can be no doubt that the pressure to diversify the curriculum will require us to consolidate holdings and acquire new material, part of the challenge is to identify and reveal the material that we already hold. This demands a fresh look at our collections, and the way in which we present them. We must listen to our readers, and to others, who may be able to show us our blind spots and point out the ways in which our own assumptions and prejudices can lead us inadvertently to reproduce the biased representation that we seek to avoid. Is this an issue only for academic law librarians, or does this matter for our profession as a whole? If there is, as I believe, both a connection between what happens in the academy and what happens beyond, and a connection between the legal profession and the wider society in which it operates, we are seeing a cultural shift that will affect every one of us. I suggest that as law librarians we should not sit back and wait until we have to react to cultural change, but think proactively, and prepare now to engage with the changing post-colonial landscape.

Footnotes

¹ <https://www.theguardian.com/education/2016/mar/09/take-it-down-rhodes-must-fall-campaign-marches-through-oxford> accessed 9 August 2019.

- ² <https://www.law.ox.ac.uk/about-us/equality-and-diversity> accessed 9 August 2019.
- ³ Those subjects are: Public Law (including Constitutional Law, Administrative Law and Human Rights); Law of the European Union; Criminal Law; Obligations (including Contract, Restitution and Tort); Property Law, and Equity and the Law of Trusts. Source: <https://www.barcouncil.org.uk/careers/general-information-and-faqs/academic-stage/> accessed 9 August 2019.
- ⁴ <https://www.law.ox.ac.uk/news/2019-06-03-diversifying-curriculum> accessed 9 August 2019.
- ⁵ Hester Swift and Peter Clinch, *Opening up the UK's foreign and international law collections: the FLARE initiative and Index to Treaties, and the FLAG Foreign Law Guide*. <https://sas-space.sas.ac.uk/2558/> accessed 9 August 2019.
- ⁶ Peter Clinch, *Foreign Law Guide (FLAG): Final Report*. Project Report. (2002) <https://sas-space.sas.ac.uk/323/> accessed 9 August 2019.
- ⁷ For a list of the legal databases subscribed to by the Bodleian Law Library, see <https://www.bodleian.ox.ac.uk/law/popular-links/databases> accessed 9 August 2019.
- ⁸ These are Library of Congress subject headings. I shall return to this point later.
- ⁹ I am indebted to Isabel Holowaty, Oxford's Faculty Librarian, for this information.
- ¹⁰ RDA is published by the American Library Association, the Canadian Federation of Library Associations, and the Chartered Institute of Library and Information Professionals (CILIP).
- ¹¹ For more information, see <https://www.it.ox.ac.uk/services/teaching-and-learning/oxford-reading-lists-online-orlo> (Accessed: 09/08/2019).
- ¹² Links to all our guides to legal resources at the University of Oxford are here: <https://libguides.bodleian.ox.ac.uk/lawindex> (Accessed: 09/08/2019).
- ¹³ *Indigenous Peoples: legal resources* <https://libguides.bodleian.ox.ac.uk/law-first> accessed 9 August 2019.
- ¹⁴ Published in: Roseanne Chantiluke, Brian Kwoba and Athinangamso Nkopo (eds) *Rhodes Must Fall : the Struggle to Decolonise the Racist Heart of Empire* (Zed, 2018).

Further reading:

Patricia Daley. 'Reparations in the Space of the University in the Wake of Rhodes Must Fall' Roseanne Chantiluke, Brian Kwoba and Athinangamso Nkopo (eds) *Rhodes Must Fall: the Struggle to Decolonise the Racist Heart of Empire* (Zed 2018).
Emily Drabinski, 'What is critical about critical librarianship?' (2019) 44(2) *Art Libraries Journal*, 49.

Biography

Margaret Watson is the Academic Services Librarian in the Bodleian Law Library, Oxford. She has worked in the field of law librarianship for over 25 years, starting out as the EDC Librarian at the University of Exeter in 1983 before working for ten years in the City of London. She joined the Bodleian Library at the University of Oxford in 1996, and took up her present post, in 2001. She recently completed a Master's in Ballet Studies at the University of Roehampton, which raised her awareness of and interest in the many issues surrounding diversity and our post-colonial legacy.

The views expressed in this article are those of the author and not necessarily those of the Bodleian Law Library.