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INFORMATION ETHICS AND ISLAMIC ISSUES IN THE CONTEXT OF LIBRARIES IN MALAYSIAN UNIVERSITIES

BY

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ABSTRACT

With the advanced development of information technologies, the lack of an explicit statement of what information ethics rights are, and the current spurious dissemination practices of information carried out by professionals in academia, not to mention the invasions into personal privacy that are more intensive and extensive than any period before now, information ethics violations continue to challenge our traditional notion of ethics. The study's literature also highlighted the issue of limits to intellectual freedom, particularly from an Islamic perspective and analyzed the ethical doubts that PhD students of academic institutions have over information ethics. The study is based on the 400 questionnaires distributed to Ph.D students at 6 chosen Malaysian universities and the interviews of nine specialist academics in different fields, reassembling the related threads of the various aspects regarding IE in academia. The students were asked to answer 10 hypothetical scenarios representing cases of citing practices in research writing. The results indicate that students have various levels of understanding of the issues of information ethics. Hence, information ethics awareness still calls for more awareness in the institutions of higher learning. The Institutions, professors and libraries, have a responsibility to infuse spiritual values of moral honesty in their students. Certain actions were recommended in this research to improve the quality of the intellectual experience at the academic institutions, and to improve communication among university constituents by disseminating information on IE to a wider audience in the university community. This is of utmost significance particularly in academia, where information ethics forms the core and spirit of the various aspects of the inculcation and development of knowledge.

ملخص البحث

مع تطور تكنولوجيا المعلومات، وعدم وجود بيان صريح لما هي حقوق واخلاقيات المعلومات، ومع الممارسات الخاطئة في تداول المعلومات التي يقترفها مهنيون في المجال الأكاديمي، ناهيك عن التعدي على الخصوصية الشخصية في مجال المعلومات التي هي أكثرعمقاً و اتساعاً الان من أي فترة سابقة، هذه الانتهاكات لاخلاقيات المعلومات تستمر في تحدي مفهومنا التقليدي للأخلاق. الادبيات في هذه الدراسة القت الضوء أيضا على مسألة حدود الحرية الفكرية، ولا سيما من منظور إسلامي و كذا تحليل حالات عدم التيقن عند طلاب الدكتوراه في المؤسسات الأكاديمية حول أخلاقيات المعلومات . وطرق البحث المختارة لهذه الدراسة مصممة لخدمة هذا الغرض اذ وُزع 400 استبيان على طلبة الدكتوراه في 6 من الجامعات الماليزية و تم إجراء المقابلات مع 9 من الأكاديميين المتخصصين في مختلف المجالات والمواضيع ذات الصلة بالجوانب المتعلقة باخلاقيات المعلومات في الأوساط الأكاديمية .طلب من الطلاب الإجابة 10على سيناريوهات افتراضية تمثل حالات الاقتباس عند كتابة البحوث، أشارت النتائج التي خرجت من تحليل اجابات الفئة المستهدفة الوارده في 313 من الاستبيانات العائدة إلى أن الطلاب لديهم مستويات مختلفة من الفهم للقضايا التي ترتبط بأخلاقيات المعلومات . مؤسسات التعليم العالي والأساتذة والمكتبات، مسؤولة عن بث قيم الصدق الأخلاقي في نفوس طلابهم. اوصى البحث باتخاذ اجراءات معينة تهدف إلى تحسين نوعية التجربة الفكرية في المؤسسات الأكاديمية، وتحسين التواصل بين مكونات الجامعة من خلال نشر التوعية المرتبطة باخلاقيات المعلومات إلى جمهور أوسع في المجتمع الجامعي، هذا لما لها من اهمية قصوى وخاصة في الأوساط الأكاديمية، حيث تشكل أخلاقيات المعلومات جوهر وروح مختلف جوانب عملية غرس وتنمية المعرفة .

APPROVAL PAGE

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DECLARATION

I hereby, declare that this thesis is the result of my own investigation, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees or at IIUM or other institutions.

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To

My husband, Usamah T. Rawi
&
The apple of my eye
Taher and Lujain

You have been my strongest and most steadfast supporters.

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LIST OF ABBREVIATIONS

IE	Information Ethics
AALL	American Association of Law Libraries
IP	Intellectual Property
ACRL	Association of College and Research Libraries
ALA	American Library Association
ASIST	American Society of Information Science and Technology
MLA	Medical Library Association
ICT	Information and Communication Technology
A2K	Access to knowledge

TRANSLITERATION

Shari'ah	Islamic system of law known as *Shari'ah*
Hadith	The Prophet's sayings
Milkiyyah	Ownership
Milkiyyah Fikryah	Intellectual Property
Mal	Res

CHAPTER ONE

INTRODUCTION

> Knowledge exists potentially in the human soul like the seed in the soil; by learning the potential becomes tangible. (Abu Hamid al-Ghazali. d.1111).

1.0 BACKGROUND TO THE STUDY

Firstly, let us consider what we mean by the term ethics. Ethics is a branch of philosophical enquiry; primarily it relates to the choices made and actions undertaken by the individual and how they impact on wider society (Poulter, Burton&McMenemy, 2007). The word itself and the philosophical concept can be traced back to the teaching of Socrates. Etymologically the word is derived from the Greek *ethikos,* which refers to moral duty (Poulter, et al., 2007). It is important at this juncture to note that ethical issues and legal issues, while occasionally intersecting each other, are distinct concepts (Poulter, et al., 2007). For instance, it may be immoral and therefore unethical to uphold a specific law. Conversely, something that is deemed illegal may actually be ethical and moral. Another way of viewing the dichotomy between ethics and law is to consider that, at root; ethics are enforced by the conscience of the individual while laws are ultimately enforced by the physical power of governmental organizations. One would hope that ethics and laws would coincide, since their common wellspring is the conscience of individuals (Poulter, et al., 2007).

In the mid1940s, innovative developments in science and philosophy led to the creation of a new branch of ethics that would later be referred to as computer ethics or information ethics (Sullins, 2003). The founder of this new philosophical field was an

American scholar named Norbert Wiener, a professor of mathematics and engineering at MIT. During the Second World War, together with his colleagues in America and Great Britain, he helped to develop electronic computers and other new information technologies. Wiener and his colleagues eventually created a new branch of applied science that Wiener named cybernetics. Wiener didn't see himself creating a new branch of ethics, thus he did not coin a name such as computer ethics or information ethics. These terms came into use decades later. While laying down the foundation for information ethics, Wiener developed a cybernetic view of human nature and society, an ethically suggestive account of the purpose of human life (Sullins, 2003).

Information ethics (IE) has developed throughout the years in many disciplines particularly in library and information science. The phrase 'information ethics' has evolved from many other disciplines. Recently, information ethics has been used to tackle ethical problems concerning media, journalism, library and information science, computer ethics, management information systems, business and the internet (Froehlich, 2004).

Rules are indefinite; people often assume what is right or wrong, but are unsure of the types ofbehavior or of formal and informal rules or policies in any particular situation. As detailed in Chapter Two, a review of the literature revealed a wide variation regarding the definitions of, descriptions of, and experiences with IE issues. No effective measures for increasing awareness and understanding of IE issues can be put into place without consideration of how they are understood by all parties, particularly students, because they are the active participants and recipients of these interventions.

The purpose of this study was to explore anddescribe how the essential foundations of IE function. It introduces the two concepts which are 1) ethics and

information and 2) activities to try togeneralize the types of ethical problem encountered when information is produced, used or destroyed. This classification will help clarify thinking and discourse about ethical issues in information use and strengthen the structure of the discussion of ethical issues through an Islamic perspective. The following chapters organize the available material on ethical issues in information use, for example, how doctoral students understood the construct of IE within the limits of academic research. Understanding how students comprehend IE issues has many implications for graduate programs with regard to policies and procedures for promoting awareness and understanding of IE issues, as well as for preventing and detecting IE violations. Study findings may be used to inform policy decisions or instructional methods and curricula development. On a broader scale, this study will contribute to societal efforts to improve the system of education, as today's doctoral students will be partially responsible for the developmentof ethical conduct in students of future generations.

1.1 PROBLEM STATEMENT

The question concerning the protection of intellectual property is one of the most crucial and ambiguous topics involving ethical, moral and legal debates in the field of information production. Different traditions have different notions and each has a unique impact on information ethics regarding information services in libraries.

The European tradition emphasizes the moral rights of the authors in light of integrity and reputation (*droitd'auteur*) while the Anglo-American tradition puts emphasis on property or economic rights of the author (copyright); rights that are transferable. On the other hand, the Islamic Asian tradition(s) regard copying as emulating the master (the original author). These traditions clash when national and

international laws have to deal with various aspects of knowledge proliferation (Capurro, 2001).

A critical aspect of libraries is the copying factor. In an era of a globalized world with technological advancements, digitalization makes copying and re-making (re-modeling) much easier. As a result, internationalization through the Internet modifies the dimension and perspective of national legislation and control, leading to new situations. These give rise to questions such as: can information (content and/or software) be regarded as intellectual property? Is knowledge sharing becoming predominant with regards to the notion of ownership? Can the possibility of public access to electronic information be guaranteed?(Froehlich, 1997).

A look at literature reveals that the answers to these questions are historically divergent based on the interests of political, economic, religious and military power using, and in some cases abusing, censorship and control. Moreover, cultural and moral traditions have a key role concerning certain notions such as, what is considered offensive material for the purpose of censorship. To draw a distinction between censorship and selection in the light of academics, and to trace the bias that arises, the following points needs to be pondered;

i. Censorship is considered as the means of active exclusion of information based on religious, political, moral or other reasons while selection is considered as the activity of choosing information according to the objectives of an institution.

ii. Selection tends to be biased concerning certain groups and subject matters and this bias consequently leads to a loss of ethical balance. For this issue, the main ethical question may be formulated in order to determine the boundaries of intellectual freedom.

iii. Interventions to be effective, it is crucial to understand how students comprehend and experience IE issues within the confines of academic research.

A look at literature reveals clearly that ethical questions concerning information access and dissemination are linked to problems of public access and reference/brokerage services as well as to the human right to communicate. Access as a societal issue, concerns the problem of creating equal opportunities of access for nations or groups of nations avoiding the gap between the information rich and information poor societies. The right to communicate generally regarded as the right to read and write in the electronic environment should be viewed as a human right. To add ambiguity to the issue is the globalization of information in the internet.

1.2 RESEARCH QUESTIONS

The present study is guided by the following questions:

i. Can information be regarded as an intellectual property and how can public access to electronic information be guaranteed?

ii. What are the limits to intellectual freedom, particularly from an Islamic perspective?

iii. How do doctoral students, experience, understand and practice the construct of IE as it relates to their academic studies, anddo national laws, such as Malaysian laws, have the mechanism to meet the challenges of ethics in cyberspace?

1.3 RESEARCH OBJECTIVES

Based on the above research questions, the objectives of the study are thus provided as:

1. To analyze the ethical uncertainties in the field of information ethics, regarding the limits of intellectual freedom, in academic institutions of higher learning.
2. To explain three concepts ethics, information and activities when information is produced, used or destroyed.
3. To examine the concepts related to the foundation of information ethics (e.g. ownership and right to privacy) and its professional application from the Islamic viewpoint.

1.4 RESEARCH DESIGN

Research design for this study was a quantitative research intended for the examination and analyses of the literature in the field of information ethics (IE) to determine the relationship between the different independent variables intended to answer the research questions and objectives (regarding ownership, right to privacy, and qualitative processing), andtheir professional application from the Islamic viewpoint. This study employed a qualitative study design to explore and describe how doctoral students at four universities experienced and understood theconstruct of IE as it related to their academic experience. The researcher held several assumptions that influenced the interpretation of the data in this study:

She assumed that a reflection of the way IE differs in terms of culture and tradition should be taken into consideration prior to taking measures to tackle the issue. This may include instruction and policy development. In addition, the

investigator believed that the awareness of qualitative processing of information and its application from the Islamic viewpoint are essential to clear uncertainties in the field of IE. Moreover, the study is based, in part, on the researcher's belief that the level of understanding of IE is extremely varied and superficial, even within the context of academic research. The examiner also assumed that a more comprehensive understanding of IE would have a positive impact on the decision-making capabilities of doctoral students with regards to ethical behavior. The conductor of this study believes that an examination of the concepts of ownership, right to privacy, and qualitative processing, and the professional applicationof these concepts from an Islamic viewpoint, is essential. Finally, it is important to note that the researcher examined the data through the lens of librarianship, which emphasized IE issues relevant to the research and writing process.

1.5 ISLAMIC PERSPECTIVES ON INTELLECTUAL PROPERTY

1.5.1 Islamic Property Rights

According to Beltrametti (2010), it is imperative to understand the concept of property in the Qur'an in order to comprehend how intellectual property rights, as an intangible property, relate to concepts that apply to real property. Both private property and ownership are significant concepts that even the Prophet mentioned them in his Farewell Sermon. He stated,

> "Verily your blood, your property are as sacred and inviolable as the sacredness of this day of yours, in this month of yours, in this town of yours" (SahihMuslim 17: 2803).

Similarly, the Qur'an provides that an individual should not

> "knowingly devour a portion of the property of others wrongfully" (Qur'an2: 188)