

Libraries and books as cultural goods

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Abstract: The libraries collections, specially its rare and special books collections, are a cultural good from a historical and sociological point of view. However, the book and even more libraries are not clearly among the items to be preserved in the Brazilian Constitution and in international organizations. There is a lack of discussion and legal cover as the bibliographic collection as a heritage to be preserved. The absence of an overall view is prejudice to the preservation of library collections. Based on the legal texts dealing with the book and libraries, the paper discusses the role of libraries in the preservation of historical collections within the public institutions.

Keywords: Libraries. Rare and Special Books. Bibliographical heritage. Cultural Goods. Cultural heritage.

1. Introduction

From a historical and sociological point of view, the libraries collections, specially its rare and special books collections, are a cultural good. However, despite the growing attention towards cultural heritage, despite some natural assumptions for libraries and librarians, there are difficulties to face and to deal with libraries and books as cultural heritage. The book and even more libraries are not clearly among the items to be preserved, whose implications can be observed in many situations: obtaining funding and financing, preservation of complete collections, guarantee of infrastructure and resources for maintenance, and so on. A few issues emerged and inspired the research:

- Are books cultural goods?
- Are libraries cultural goods?
- Does Brazilian law consider the book and the library as a cultural heritage?

- Is there international legislation that deals with the book and the library as cultural heritage?
- Is there literature on this subject?

An exploratory study was carried out combining literature on cultural heritage, on bibliographic or documentary heritage, Brazilian legislation on books and libraries, and international legislation on cultural heritage.

Rodrigues (2006) states that the historical-cultural heritage of a nation is not restricted to its monuments and architecture, or its socio-cultural tradition, but also encompasses its cultural, tangible and intangible assets, in the same way as the knowledge it produces, and "the documentation that records this knowledge and its forms of disclosure" (pp.116). The same understanding is presented by Pinheiro (2009), responsible for the Rare Works Division of the Brazilian National Library: "Cultural value (historical sense) is confused with the 'value of memory' (patrimonial sense), which can only be attributed to Book within the guardian institution, as a synthesis of its universe"(pp. 35).

Studies on rare, precious and special books show that it is not possible to define it as a mathematical formula. Considering its historical, cultural and monetary value, and even the difficulty of obtaining copies, it is essential to use criteria of bibliographic rarity and differential treatment of books (Rodrigues, 2006, pp. 115). According to Gauz (2015) the historical value of rare and ancient books in Brazil is associated with the importance of their preservation by their original physical form and specially the context in which it is located beyond its content. This determination is part of a complex and multidisciplinary universe (pp.81). The role of libraries in the preservation of historical collections, specially in the context of public institutions, for the development of research and rescue of elements of the cultural history of a people becomes more and more evident. (Rodrigues, 2006, pp.116; Silva, 2001, p.97, 144-145).

2. Concepts from Brazilian legal texts

Books and libraries are not expressly included as cultural heritage elements in Brazilian law. This gap has consequences in the management of library collections and the preservation of the institutional, historical and cultural memory.

The book is highly regarded in Art. 2 of Law no. 10,753 / 2003. But the library has no concept expressed in the national law, except school library (Law no. 12,244 / 2010, Art. 2). Cultural heritage and its protection are respected and provided for in Arts. 215 and 216 of the Brazilian Federal Constitution. Documents are mentioned within the concept of cultural heritage but not necessarily books and libraries. In general, these do not appear in legal texts as heritage items. Picture 1 summarizes the concepts retrieved from legal texts.

Since the independence of Brazil, the book and the library have figured in political discourse, without this translating into public policies and effective advances in library routines (Beffa & Napoleone, 2013). According to Amaral (1995), libraries are not mentioned in the Brazilian Constitutions. Beffa (2016) did not find reference to libraries in the constitutional texts, as well as in the text of the Penal Code, and Civil Code, and other infraconstitutional texts.

Picture 1 – Concepts on bibliographic heritage from Brazilian legal texts

Concept	Legal text
BOOK => Art. 2 of Law No. 10,753 / 2003	Art. 2. For the purposes of this Law, the publication of texts written in sheets or sheets, not periodic, stapled, glued or sewn, in cardboard, bound or booklet volume, in individual covers, in any format and finish, shall be considered a book. Single paragraph. They are likened to books: I - fascicles, publications of any nature that represent part of a book; II - loose materials related to the book, printed on paper or similar material; III - reading scripts for control and study of literature or didactic works; IV - coloring, painting, cutting or arming albums; V - geographical, historical, anatomical, map and cartographic atlases; VI - texts derived from books or originals, produced by publishers, by publishing agreement with the author, using any medium; VII - books in digital, magnetic and optical media, for the exclusive use of visually impaired people; VIII - books printed in the Braille System.
LIBRARIES => no concept expressed in Brazilian law => exception to school library (Law No. 12,244 / 2010, Art. 2).	Art. 2. For the purposes of this Law, a school library is a collection of books, video materials and documents registered in any medium for consultation, research, study or reading.
CULTURAL HERITAGE => Arts. 215 and 216 of the Federal Constitution => reference to documents but not necessarily to books and libraries	Article 216. The Brazilian cultural heritage consists of the assets of a material and immaterial nature, taken individually or as a whole, which bear reference to the identity, action and memory of the various groups that form the Brazilian society, therein included: (CA No. 42, 2003) I – forms of expression; II – ways of creating, making and living; III – scientific, artistic and technological creations; IV – works, objects, documents, buildings and other

spaces intended for artistic and cultural expressions;
V – urban complexes and sites of historical, natural, artistic, archaeological, paleontological, ecological and scientific value.

Senate Bill No. 259 / 2013, which envisaged the insertion of a provision in Law No. 10,753, to establish the formal concept of public libraries, was filed. In 2013, the Education Committee held a Public Hearing to discuss the desirability of creating the legal basis for the conceptualization of the Library as a center of knowledge management fundamental for the preservation of human culture and as an essential instrument for the construction of knowledge, arts and sciences, without recent developments. Until the end of this paper, specific legal texts for libraries have not been identified although the Federal Library Board (Conselho Federal de Biblioteconomia - CFB) is making efforts in this direction.

3. An overview of Brazilian and international legislation

Figure 2 presents a selective chronology focused on bibliographic heritage.

Selected legal chronology on bibliographic heritage	
UNESCO 1954	
Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)	
Law 5471 of 09.07.1968 and Decree No. 65347 of 13/10/1969	
Export of Brazilian old books and Brazilian bibliographic sets books	
UNESCO 1970	
Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)	
Legislative Decree No. 71 of 11.29.1972 and Decree 72312 of 05/31/1973	
Convention on the Means to be of Prohibiting and Preventing the Illicit Import, Export and Transporting and Unlawful Transfer of Ownership of Cultural Property	
UNESCO 1972	
Convention for the Protection of the Cultural and Natural World Heritage (1972)	
Legislative Decree No. 74 of 06.30.1977 and Decree 80978 of 12/12/1977	
Convention on World Heritage Protection Cultural and Natural	
UNESCO 1992	
Memory of the World Programme, UNESCO, 1992	
UNESCO 2012	
UNESCO / UBC Vancouver Declaration "The Memory of the World in the Digital Age: Digitization and Preservation"	
UNESCO 2015	
Recommendation Concerning the preservation of, and access to,	

Brazilian legislation was drafted in exception period, governments of the military dictatorship in Brazil (1964 to 1985). The protection and preservation of the legislation are summarized in measures to prevent evasion of collections of the national territory. Yet, a systemic approach to the conservation of the various organs and public institutions, nor its long-term effective linkage is not expected. The rare book, in practice, as an isolated item, has been considered as patrimony, as can be seen in the UNESCO Memory of the World Program. Compared with the bibliographic heritage, the archival-documentary heritage has been found easier in recognition as patrimony (Cabral, 2009). Nevertheless, the library or a segment of the bibliographic collection, as a whole, are not explicitly seen as patrimony to be preserved.

4. Literature on bibliographic heritage

The near invisibility of the book and most of the library as equity was candidly discussed by librarians in Brazil and abroad (Gauz, 2015; Varela-Orol, 2014; Palma Peña, 2013; Pereira, 2011; Antas de Barros, Villen Rueda, 2007).

Palma Peña (2013) argues that the protection of books and documents is not linked to the historical property. The study stresses the importance of legislation, both national and international, regarding cultural heritage that encompasses bibliographic and documentary heritage. Faced with the difficulty of defining criteria, treatment of bibliographic and documentary heritage represents "subjectivities cultural, educational and legislative." In this sense affirms the need for heritage concept review.

In Spain, Varela-Orol (2014) studied the laws and practices of public and university libraries in the management of its bibliographic heritage. Antas de Barros and Villén Rueda (2007) highlight the role of European and university libraries in preserving the bibliographic heritage but mention the insufficiency of the ancient funds visibility actions facing on the urgency of needs of updated literature by your audience.

For the framework of the archival and bibliographic document as cultural heritage, Pereira (2011) points to three main factors: the emergence of social science, the emergence of documentary science and occurrence of two World Wars. She concludes the legal protection of archival document and literature are important to be recognized by the state as heritage, and therefore have shared commitment to communities for their protection, to be created organisms for study and appreciation, and that libraries and archives are reconfigured to give compliance with this new framework.

Several questions about the responsibility of libraries as the memory and heritage (Carter, 2004; Cabral, 2009) need to be deepened and further the

concept of library and bibliographic heritage must be provided legally, in order to facilitate and operationalize its preservation.

No argument or legal provision for the treatment of bibliographical collections as a whole was located in the literature. Murguia and Yassuda (2007) concluded that the libraries listed by IPHAN considered in their study were classified as heritage due its building, its architectural structure, not their collections. The USP Law School Library has some rooms (like Card Index Room, Central Library and the Book Deposit) preserved, and the metal structure of the shelves of the Book Deposit. No reference to the preserving of its bibliographic collection. Although different objects such as clocks, frames, plates, among others, are listed as heritage.

5. Final considerations

The Brazilian Constitution, Brazilian legislation and international organizations have been addressing the cultural heritage increasingly broad and clear. However, the book and even more libraries are not clearly among the items to be preserved.

The bibliographic heritage is always associated with the rare book, considered in their unit. The rare book, although in a limited way, has already been considered bibliographical heritage, in unity.

There is a lack of discussion and legal cover regarding bibliographic collection as a heritage to be preserved. The rare book, very shy and still limited way, has already been considered bibliographic heritage in unity, not as a collection. There is no argument or legal provision for the treatment of bibliographical collections as a whole.

The absence of an overall view is impairment to the preservation of library collections. A more detailed discussion of the identity of the collections, and bibliographic collections, as cultural heritage is essential to support legal texts, the example of what already occurs with other types of heritage.

The bibliographic heritage is directly related to the identity of a bibliographic collection. The identity of a bibliographic collection is the result of this web of relationships. The bibliographic collection identity, or a collection, or segment within a collection, is compound of several closely related aspects: from the traditional aspects of Rare Books Librarianship, highlighting and adding the provenance of their collections and their items (their donors or former owners), the history of their collections, the history of its donors, its role and importance within the collection, its importance and uniqueness comparing to other collections in the same area, their relationship with the institution, its mission and its history.

The role of libraries and librarians in the preservation of bibliographical heritage becomes increasingly evident. In Latin America, the issue of identification and preservation is specially relevant, though the story of their collections are more recent, they have not suffered from aggressions and wars they have received collections of the Old World.

Libraries and librarians are in charge of the identification of historical and cultural value of their collections. The preservation of bibliographical heritage has been on national institutions or prominent as national or renowned institutions libraries. However, it is the duty and mission of the various organizations and public institutions nationwide to preserve, to conserve and to give access to its historical collections to society, to develop research and to rescue elements of the cultural history of the people.

Mapping of rare, precious, and special book collections can draw on common patterns, but must primarily take into account the specific institutional history. Each institution is responsible for its own historical-institutional memory through the preservation and preservation of its documents.

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