

# Pennsylvania Libraries: *Research & Practice*

Commentary

## Better Questions

### *Librarians, AI, and the Ethics We Didn't Plan For*

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As artificial intelligence reshapes the information landscape, library and information professionals face a growing tension between their dual obligations to protect intellectual property and provide broad access to knowledge. This essay examines that tension through the lens of *Bartz v. Anthropic* (2025), a landmark case in which a federal court ruled that using copyrighted works to train large language models constitutes fair use when those materials were legally obtained while simultaneously finding that materials acquired from shadow libraries do not enjoy the same protection. Drawing on the ethical frameworks of the American Library Association and the International Federation of Library Associations and Institutions, this essay argues that AI has not created new ethical dilemmas for the profession so much as it has intensified existing ones, exposing the limits of professional codes written before the age of generative AI. Rather than offering resolution, this essay proposes that the most valuable contribution information professionals can make at this moment is a commitment to open, transparent dialogue and a willingness to ask better questions, even in the absence of clear answers.

I recently attended the University of Scranton's Conference on Confronting the Ethics of Artificial Intelligence. As I listened to speakers discuss cross-disciplinary ethical issues and concerns about using artificial intelligence both in the classroom and in the world at large, I had the opportunity to reflect more deeply on the ethics of librarianship and what it means in the age of artificial intelligence. Right now, we as a profession are grappling with what it means to be information professionals at a time when information and knowledge are becoming both more freely available and more commodified than they have ever been.

Both the American Library Association (ALA) and the International Federation of Library Associations and Institutions (IFLA) advocate for a balance between the rights of information users and the rights of copyright owners. This is something I have tried to exemplify in my own work promoting and supporting open access and open knowledge, but when I began this work, I never envisioned a world where vast quantities of information could be aggregated and used as training data for large language models (LLMs) to make sophisticated predictions. On one and,

these LLMs can synthesize and recapitulate information in ways that are more accessible to information seekers; on the other, they do so without attribution or any inherent domain knowledge.

This dichotomy is complicated even further when we consider the idea of fair use which, in copyright law, permits the use of copyrighted materials without permission under certain circumstances. Librarians, especially those in academic settings, have long been called upon to help explain and interpret this doctrine. However, fair use is a legal defense, not an absolute right. We often rely on court interpretations of fair use to help parse out this nebulous idea when confronted with very real examples and issues. While many cases relating to AI, fair use, and copyright are currently being played out in courts across the country, one recent decision seems to be setting the tone.

To give some background, *Bartz v. Anthropic* was filed in August 2024 by authors Andrea Bartz, Charles Graeber, and Kirk Wallace Johnson, who alleged that the use of their books in training Anthropic's Claude LLM violated their intellectual property rights — both by obtaining copies of their books from shadow libraries, which provide books and other materials not otherwise freely accessible, and by undermining the authors' ability to make a living, since LLMs are capable of generating texts that authors would otherwise have been paid to create and sell. In June 2025, Judge William Alsup issued a ruling that using authors' books to train an LLM was exceedingly transformative and did not impinge upon the authors' ability to write and sell their own work, making it permissible under fair use. However, materials acquired unlawfully (from shadow libraries or other pirating sites) did constitute an infringement of authors' intellectual property rights. The case ultimately settled in August 2025 for \$1.5 billion, one of the largest copyright settlements in U.S. history, with Anthropic also agreeing to destroy the libraries of pirated materials it had assembled. (*Bartz v. Anthropic PCB*)

It's essentially a win-lose, especially when you consider the way LLMs ingest and use data. One cannot simply pick and pull-out certain data because it was illegally obtained. If it helps, think of the illegally obtained book as a strawberry. Once that strawberry is ingested by the LLM, it becomes part of a greater data smoothie. The strawberry is no longer distinguishable from any of the other components and cannot be extracted, though its flavor may remain.

The legal recourse here was that Anthropic must compensate the authors, but for librarians whose professional ethics require preserving intellectual property rights while also providing the best possible access to information, it is difficult to identify a clear path forward from this outcome. Given that most of the companies responsible for the major LLMs (ChatGPT, Copilot, Claude, Gemini) have adopted a "better to ask forgiveness than permission" approach to data collection, and given that provenance for some information on the internet is spotty at best, it is difficult to assume that any LLM has been trained solely on legally obtained materials. However, if we are to consider the output of that LLM to be exceedingly transformative of the data it has ingested, where do our ethical obligations as librarians lie? Do we support the end user in their freedom of inquiry and exploration? Or do we support the authors who have essentially had their works stolen?

It is a difficult thing to consider, and one I do not imagine any of the authors at either ALA or IFLA ever anticipated when writing their codes of ethics for librarians. But this has the potential to impact our work from collection development to information literacy. AI is changing everything we thought we knew about authorship and knowledge synthesis. Where do we fit in? Are we trying to hold back the tide or open the floodgates? Or perhaps we're somewhere in between? Do we need to reconsider our professional ethics or reinterpret them? Is AI stretching our knowledge ethics to a breaking point, or is it merely exposing inherent flaws that were already there?

While I don't know the answer to any of those questions, I do know that we do an incredible disservice to our patrons, our students, and ourselves by refusing to acknowledge AI as a tool and refusing to have these difficult conversations. As philosopher Simone de Beauvoir once observed: "Ethics does not furnish recipes any more than do science and art. One can merely propose methods." We are in a time of uncertainty as far as AI and our professional ethics are concerned, and I hope we do not let that uncertainty keep us from the open and transparent discussions that these topics require. As information professionals, we have always navigated the tension between access and

protection. AI has not changed that. It has only made an already difficult discussion even more uncertain. While we may not be prepared to provide answers, at the very least, we should be prepared to ask better questions. For now, I think that is, perhaps, enough.

## References

(Federal District Court) *Bartz v. Anthropic PBC*. 3:24-cv-05417, (N.D. Cal. filed Aug.19, 2024).  
<https://www.courtlistener.com/docket/69058235/bartz-v-anthropic-pbc/>