Public Lending Right: The South African Scene

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In South Africa authors are, apart from the income which they receive when copies of their publications are sold, not remunerated for the use which libraries make of their books. In comparison with most Western countries, very little is being done by the state to support writers financially and to stimulate local book production and literature. Relatively few publications on public lending right (PLR) have appeared in South Africa, and the authors’ campaign for the introduction of a PLR system has so far not really gained momentum.

To assist the reader in understanding present trends of thought on PLR in South Africa, it is necessary to survey the most important South African publications on PLR and memorandums which interested parties have recently submitted to the South African government, in which the introduction of a PLR scheme in South Africa is either advocated or opposed. It is also necessary to study some results of my own investigations into the opinions of South African writers and librarians on PLR, into the role of the public library system in the South African book market, and into the income which South African writers receive from their books.

De Vleeschauwer was the first South African to publish a fairly comprehensive study of PLR. He described the background against which the authors’ claims for PLR originated and described the PLR systems in use in foreign countries. He recommended at the end of his dissertation that authors should not receive financial support based on the use which libraries make of their books, but directly from an

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authors' fund which the government should establish. This publication by de Vleeschauwer can be regarded as one of the most outstanding and comprehensive of the contributions to appear on the subject.

In a paper presented during the annual conference of the South African Library Association in 1969, Anna Smith, then City Librarian of Johannesburg, described the history of PLR in Nordic countries and Great Britain, and summarized the pros and cons of PLR. She concluded that, as a librarian, she was not in favor of PLR.²

In the February 1975 Cape Librarian, various South African authors presented their opinions on PLR. Renault regarded PLR as a means of enabling authors to write full-time.³ Rousseau stressed that the writing of books in South Africa is a difficult and financially unrewarding activity. In his opinion, none could afford to be a librarian if library work were as poorly paid as the writing of books. He advocated that authors should be remunerated on the basis of the number of times their books are issued by libraries.⁴ I published papers in 1978 concerning the most important aspects of PLR,⁵ and completed a master's thesis in 1980 entitled “Public Lending Right in Theory and Practice with Special Reference to South Africa.”⁶

During 1975 the Afrikaanse Skrywerskring, one of the two existing Afrikaans authors' societies, submitted a memorandum to the minister of national education recommending the government subsidize books bought by libraries, to the benefit of South African authors. No details were provided on methods to make the scheme work in practice. As a motivation for introducing such a scheme, the society stated that a copy of a book may be circulated hundreds of times by a library, while the authors receive no compensation whatsoever. The society further indicated that it is opposed to a system of compensation based on circulations of books through libraries, as these systems have proven to be too cumbersome and expensive.⁷

In 1976 the South African government appointed an ad hoc committee, on which various interested organizations were represented, to study various problems regarding the application of the Copyright Act of 1965. This committee was also asked to consider the question of PLR and to decide whether any proposals in this regard should be made to the government. In the same year, during a combined meeting of this committee and the National Library Advisory Council (NLAC), the NLAC was asked to study PLR and to advise which steps should be taken in this connection.

The South African Publishers Association, having taken note of this development, consulted with the various South African authors'
The South African Scene

societies and then compiled a memorandum for the ad hoc committee advocating the introduction of PLR in South Africa: "it is the opinion of the Association that, as has been proved to be the case overseas, librarians are hardly likely to be sympathetic to the idea." The recommendations in this memorandum were based mainly on the report of the British Working Party on PLR of 1972, and may be summarized as follows: (1) libraries must pay an annual license fee which will give them the right to issue books to the public; and (2) a central body should be established, on which authors and publishers should be represented, to collect these license fees from libraries and to distribute this income among authors and publishers on the basis of the number of copies which libraries buy of their books.

In 1978 the NLAC submitted a memorandum on PLR to the minister of national education asserting that the state already subsidized South African authors on a considerable scale through the purchase of their books by libraries. The introduction of a system of financial support for authors based on the availability of books in libraries was not supported by the NLAC for the reason that such schemes had many serious shortcomings. The council therefore recommended that the possibility and desirability of introducing a state-financed scheme, through which the production of good literature by all South African authors could be supported, should be investigated. During 1979 the South African Library Association recommended to the minister of national education that a system of PLR should not be introduced in South Africa, but rather that a central fund be established through which the production of good literature would be stimulated.

It can be concluded that relatively little has been written in South Africa on PLR; and it is further clear that South African authors in general are in favor of introducing a system of PLR, while librarians are opposed to it. The latter conclusion is confirmed by a survey which the author undertook during 1979 to establish the opinions of South African authors and librarians regarding PLR.

Of 124 authors who took part in this survey, 65 percent stated that they had a right to be compensated for the use libraries made of their books; 13 percent expressed no opinion; 10 percent were uncertain; and 12 percent indicated they were against the introduction of such a system in South Africa. Those authors in favor of the introduction of a PLR system in South Africa justify their standpoint as follows:

1. The public library has a detrimental influence on the total sale of publications. Especially in the current economic climate, the public will borrow more and more from libraries and buy fewer books;
2. The free loan of books by libraries goes against the principles of fair use, as laid down by copyright legislation; and
3. A system of lending right, for the benefit of authors, will serve to promote South African books.

Authors who felt uncertain about PLR, or expressed themselves against it, were of the opinion that PLR systems as introduced overseas were impractical, mainly benefited authors of popular fiction, and would do little to stimulate “good” literature.

Of the seventy librarians asked to comment on the statements authors made on PLR, fifty-three responded. As can be expected, the majority expressed doubts about the authors’ supposition that the library has a detrimental influence on the total sale of books. Many of the respondents felt that the public library stimulates the readers’ interest in books, and often is the direct reason readers buy certain books for themselves. The public library forms an important market, especially for first novels of authors, literary works and good nonfiction, which are not purchased in great quantities by the general public. Most librarians are of the opinion that the free lending of books does not run counter to the spirit of copyright. A minority, however, believe there might be a conflict between the aims of the public library and the rights of authors. The majority of the respondents advocated that an author of merit should be placed in a financial position to utilize his potential to the optimum; but they consider that financial support should not be based on the use which libraries make of publications.

The opinions of authors and librarians as expressed in this survey reflect all the “classic” arguments for and against PLR, which are repeatedly expressed in the literature on this subject. Assertions made by both groups are, however, generally purely hypothetical, based on probabilities and assumptions, and not substantiated by statistical or other proofs.

As South African libraries have stressed over and over their importance as buyers of local publications, a survey was also conducted to establish how much these libraries annually spend on the acquisition of books; which part of the total edition of various genres of South African publications are bought by these libraries; and how important these purchases are in financial terms, for the South African authors and publishers. The general conclusion was that the role of South African public libraries as buyers of books is much smaller than generally realized by librarians. These libraries in general buy only a small portion of the total editions of South African publications. Only a few
Afrikaans novels which were published in small editions constituted an exception to this rule.

Public libraries in general make available those publications their users want to read, which means that many fewer copies are bought of novels of a high literary value than of popular novels. During the book year 1978/79, South African public libraries collectively bought South African publications valued at approximately $3 million.* Of this amount, about $360,000 was paid to the authors of these publications in the form of authors' fees. In the same period, about 1.5 million books valued at approximately $3 million were sold to members of Afrikaans book clubs. The public library in South Africa plays an important role as distributor of books. This is shown by the fact that they annually loan about 50 million books, about half of which are of South African origin. The conclusion which can be drawn from these statistics is that, although South African book clubs play a relatively much smaller role as distributors of books, they are, in terms of income, as important to the book industry as all South African public libraries together.

During a book's first year in the public library, the author receives an average 1.4 cents each time his book is circulated by a public library (total authors' fees divided by total number of loans per year), but nothing for the following years. With these facts in mind, it is understandable why many authors believe that the income which they receive from the sale of their books to libraries is not proportionate to the service given by means of their books. This belief forms one of the strongest arguments for the payment of PLR to South African writers. From a study of the literature on the subject, it was further concluded that most users of South African libraries buy fewer books than they would if they could not obtain their books from a library. Although this conclusion does not prove that the library has a detrimental influence on the total sale of books, it is likely that the great numbers of books which the public library circulates has a negative rather than positive influence on the total sale of these publications. This applies especially to popular novels and children's books, copies of which are issued an average of twenty-four and seventeen times per year, respectively, during the first two or three years after publication.

From the survey of authors' opinions regarding PLR, it became clear that most South African writers are dissatisfied with the income they derive from the writing of books. In order to establish whether the writing of books is in fact a badly paid occupation in South Africa, an

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*The South African rand exchanged for approximately U.S. $1.00 in October 1980.
investigation was made to determine the financial position of South African authors, and to establish how many of them write full-time and the professions of part-time authors. An “author” was defined as a person who has published one or more books in South Africa normally found in a South African public library. A questionnaire was sent to a sample of 250 authors; 134 were completed and returned. From the results of this survey, it can be concluded that about 10 percent of those authors had no income from their books, a further 54 percent earned less than R1000, 18 percent earned between R1000 and R3000, and the remainder earned R3000 or more per annum. Only about 2 percent of the respondents indicated that they were full-time writers; 39 percent were either housewives or pensioners, and 23 percent were teachers or lecturers. As a group, the respondents were very productive writers: during a period of twenty-seven months, they published an average of 2.5 books each.

The general conclusion which can be drawn from this investigation is that the writing of books normally purchased by public libraries, as is the case in other countries, is in general not a profitable activity in South Africa. Very few authors can make a living exclusively from their writing.

The surveys described above indicate that all of the factors which gave rise to the introduction of PLR schemes abroad are also present in South Africa. Most South African authors feel that they have a right to be remunerated for the use libraries make of their books; public libraries form, as is the case in countries which pay public lending right, a very important distribution channel for South African publications, but contribute little to the generally low income of South African authors.

References

The South African Scene
