



## **CENSORSHIP ISSUE IN LIBRARIANSHIP: ANALYSIS AND THE WAY FORWARD**

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### **ABSTRACT**

This paper examined censorship issue in Librarianship. It analyzed the different conflicting positions, the stakeholders and what they have at stake. The author also discussed the way forward.

**Keywords:** Censorship; Librarianship; Public Policy; Freedom; First Amendment; USA Patriot Act.

### **1 INTRODUCTION**

There are several public policy matters bedeviling the librarianship profession and one of them is the public policy debate surrounding censorship. The esteemed constitutionalist, Smolla and Nimmer have discerned the very essence of the policy debate concerning censorship: “Freedom of speech for all people, whether or not they qualify as artistic creators, is the basic principle that underlies the opposition to governmental censorship” (SMOLLA; NIMMER, 2006). As Smolla and Nimmer have pointed out, a legal issue lies at the core of this policy debate. Accordingly, this paper will provide a brief introduction to the policy debate in the area of censorship along with the historical and philosophical trappings and examine various attempts to delineate the proper boundary between censorship and the First Amendment freedoms, both through consideration of actual legal disputes among stakeholders and efforts by various entities to legally define the appropriate balance. This analysis will then yield insight into what is necessary for the resolution of the policy debate.

## **2 CENSORSHIP: A PUBLIC POLICY**

It is, however, imperative to initially determine what action qualifies as public policy. According to Birkland (2001, p.20) an action labeled a public policy usually has the following elements. It is usually made in the name of the public and it is always interpreted and implemented by official actors. Generally, it consists of political decisions for implementing programs to achieve societal goals. Censorship, therefore, qualifies as a public policy issue because it is a course of action or inaction chosen by public authorities to address a problem, and this could be expressed in the body of laws, regulations, decisions and actions (BIRKLAND, 2001).

The *Dictionary for Library and Information Science* defines 'censorship' in the following manner: "[...] prohibition of the production, distribution, circulation, or display of a work by a governing authority on grounds that it contains objectionable or dangerous material" (REITZ, 2004). Smolla and Nimmer afford further insight into the meaning of censorship through his recognition of censorship as involving the 'silencing' of 'viewpoints' (SMOLLA; NIMMER, 2006).

Many of the purposes and the similarly numerous methods of censorship date from early times. Speech, art and literature were all censored in ancient Rome and the free exercise of all of these continues to be challenged by applying a multitude of techniques (BYRNE, 2003). Many of these directly affect libraries and information services. Such methods include funding restriction, filtering and blocking of the Internet, community pressure to exclude materials from collections and, at the extreme, book burning. Smolla and Nimmer have observed that censorship can utilize indirect means that are facially 'content neutral' (SMOLLA; NIMMER, 2006).

Censorship is seen as a threat to intellectual freedom granted by the Constitution and identified in various human rights articles (BOWERS, 2004). The fight for intellectual freedom has been long and complex and many entities have been involved in the process. Today, the American Libraries Association (ALA) is one of the stakeholders in this debate. Dewey noted that only the best books on the best subjects were to be collected (HINDMAN, 2004). This opened the door for librarians to endorse and indeed censor the materials they provided for their patrons.

## **2.1 Stakeholders**

There is need for an analysis of this issue so that an amicable resolution could be achieved in the interest of the stakeholders. The question that readily comes to one's mind is 'who are the stakeholders?' The answer is not far-fetched. There are several stakeholders on this issue and they include but are not limited to the government, librarians and library associations, students, patrons, human rights activists, communities, publishers, and booksellers. The government's stake comes into play when the material in question affects national security or some very important governmental interest. The librarians' stake is implicated when they are faced with the problem of what books are more important than others for acquisition and this can be affected by stringent budgets. Thus, when a variety of activities are performed such as selecting materials, not selecting or weeding materials, classifying materials, physically locating materials in the collection, establishing administrative policies such as those requiring confidentiality, and creating policies that directly affect access to library materials or electronic access to information, censorship may be involved. Students and patrons' stakes arise when they feel that their right to knowledge is being restricted through the banning of or the restrictions on some books.

The community stake comes into the picture when the community feels that its societal and religious values are being violated by some materials in the library which they find offensive. Thus, the school textbooks and library materials are sought to be purged by groups who fear that they may inculcate the wrong values in their children.

## **2.2 Factors Responsible for Censorship**

In a nutshell, the factors that lead to censorship are fear, usurpation of power, individual morality, and religious interpretation (LEE, 1999). The fear could be one of corruption, of destruction of culture, of offending the sensitive and of

discussing controversial issues. Obscene material is attacked because of a fear that it will corrupt personal morality or perhaps even lead to deviant sexual acts. The usurpation of power could be through the limiting of the distribution of knowledge or through the hiding of information. Morality may be based on a set of standards of right and wrong and some may have the inability to accept the standards of others. Under a religious interpretation, some have religious beliefs that do not allow for the beliefs of others (LEE, 1999).

The librarians may also be seen as censors because their acts of labeling, restricting access and expurgation. Labeling makes libraries vulnerable to libel suits brought by publishers, who may object to their materials being branded with a subjective designation. Expurgation is seen as a direct violation of the library Bill of Rights, because it restricts access to the full intent of the author, and thereby constitutes censorship. Under the First Amendment to the United States Constitution, each individual has the right to read, view, listen to and disseminate constitutionally protected ideas, even if a censor also finds those ideas offensive (RUBIN, 2004).

### **3 ARGUMENTS FOR AND AGAINST**

Many of the arguments canvassed by those in support of censorship are as follows: to prohibit obscenity, indecency, and pornography; and to prevent bad language, sexism, and sexual harassment. At a societal level, the intention can be to ensure the suppression of advancement of specific ethnicities and languages, to prevent hate speech and racial vilification, or to protect religion by punishing blasphemy. At a private level, justifications can include the protection of private property, maintenance of privacy, or avoidance of defamation. There are also special provisions of the government which usually apply to protect national security and to address war-related concerns.

Those in support of censorship are motivated by the need to protect the *status quo*. The very powerful often feel threatened by the dissemination of knowledge. In the case of national security, the government always tries to justify its actions.

The arguments by those opposed to censorship vary and depend on the particular stakeholder. The students and patrons are opposed to censorship because it restricts their access to materials to which they feel they ought to have unrestricted access. The libraries and librarians oppose censorship, for example, because they see the USA Patriot Act as a breach of the library and the patron's right to privacy. The publishers and booksellers oppose censorship because they may perceive censorship in the librarians' acts of restricting access, expurgation, and labeling, making the libraries vulnerable to libel suits brought by publishers who may object to their materials being branded with a subjective designation.

Amongst stakeholders that are opposed to censorship are the human rights activists who believe that the act is a flagrant violation of the Universal Declaration of Human Rights provision which provides everyone with the right to freedom of opinion and expression (UNIVERSAL..., 1948). This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

For instance, The International Federation of Library Associations and Institutions (IFLA) is one of the opponents of censorship which defends and promotes intellectual freedom "[...] as defined in the United Nations Universal Declaration of Human Rights" (IFLA/FAIFE, 1999). The First Amendment of the United States Constitution also emphasizes freedom of speech and is cited time and again in issues concerning publication of information in everything from books to Internet content. Many other library associations and such bodies have statements along these lines.

#### **4 EFFECTS OF CENSORSHIP**

The censorship issue has led to many conflicts such as pitting the students' desires to learn against the desires of some administrators to control educational materials and the desires of some outside the schools to monitor what happens in the classroom and what appears on the library shelves (GOTTLIEB, 1990). The censorship issue has become so volatile that many of the conflicts end in court. In

one of the cases, *Island Trees Union Free School District No. 26 v. Pico*, the school board's removal of certain books from a school library was brought under legal attack by students and parents (ISLAND..., 1982). The court held that book withdrawal would be unconstitutional if it were done as a result of political bias; however, such actions could be upheld if the rationale for withdrawal was that the works were considered to be 'educationally unsuitable' (ISLAND..., 1982).

Also in the case of *McKamey v. Mt. Diablo Unified School District*, the court refused the effort of a group of local residents objecting to the presence of Ms. Magazine in the school library to block other students' access to the periodical (MCKAMEY..., 1983). The court pointed out that the right to receive information in this context can apparently only be exercised by parents for their own children and consequently parents could not be permitted to make decisions concerning the rights of other students (MCKAMEY..., 1983).

## **5 LIBRARIES' ROLE**

A traditional reason libraries want to control the content of their libraries is to keep certain information away from students until they are deemed mature enough to deal with it. Those that are in support and against censorship in libraries compose all groups of society. For example, religious fundamentalists object to abortion related content while feminists oppose works that involve the traditional perceptions that pigeonhole women into particular historical roles (GOTTLIEB, 1990).

Three principal groups seek censorship: parents who are offended by certain materials; community members who find certain works objectionable, sometimes without sound reasons; and organizations which have blacklisted titles (GOTTLIEB, 1990). Groups such as the American Library Association (ALA) and the National Council of Teachers of English (NCTE) work against censorship and they publish works to assist teachers and librarians working against censorship (NEWSLETTER..., 2002). Advanced preparation to safeguard works in the collection should be undertaken prior to any form of legal challenge. A written procedure for grievances along with recorded selection lists (GOTTLIEB, 1990). The library world is

generally more interested in the broader issue of intellectual freedom and access and in outwardly declaring a commitment to the widest possible freedom in the dissemination of information within the limits of the law.

## **6 GOVERNMENT'S POSITION**

Quite often censorship is thought to be the direct form that targets a particular viewpoint, but sometimes the same end can be achieved through indirect means (BRIGHTON, 2001). The government through the USA Patriotic Act, passed in response to the terrorists' attack of September 11, 2001, gave the federal officials greater authority to track and intercept communications, both for law enforcement and foreign intelligence gathering purposes (CORNEHLS, 2003). Under this Act, the government can secretly demand to see records of books or magazines patrons have checked out or read in any public library and records of Internet sites that such patrons have visited while using computers. The same information about patrons could be demanded from private booksellers. Section 215 of the Act implicates privacy concerns as it gives the FBI the authority to obtain library and bookstore records and a wide range of other documents during investigations of international terrorism or secret intelligence activities (HINDMAN, 2004). Unlike other search warrants, the Federal Bureau of Investigation (FBI) does not need to show that evidence of wrongdoing is likely to be found or that the target of its investigation is actually involved in terrorism or spying (CORNEHLS, 2003). Accordingly, these issues of privacy have led to concerns of indirect censorship. For this reason, many within the library profession are worried that as patrons lose privacy in regard to their library activities that they will be less likely to seek out information, especially if the subject is controversial in nature.

Due to the provisions of the Act, many libraries have done away with record keeping altogether, in a desperate effort to protect the privacy of their patrons. In her article entitled 'The History of Intellectual Freedom and Censorship', Rebecca Hindman (2004) states that the University of Arizona does not keep circulation records. The basis for this is that the university deems the privacy of its patrons to be

paramount. Thus, the policy of the library is to erase all patron communications after seven days to ensure continued privacy. All types of efforts are being taken to protect privacy worldwide. Many libraries are banning patron record keeping in areas such as the computer lab, and when on campus, by not requiring personal information to sign-on (HINDMAN, 2004).

All the stakeholders earlier mentioned have stakes in the resolution of the policy debate concerning censorship. The government wants to maintain national security, and the patrons and students want to have unhindered access to any materials of their choice. The librarians want to be able to acquire books that they feel are important in the library while the community does not want the library to display materials that violate its societal and religious norms. The library as an institution does not want the privacy of its patrons to be infringed upon, while the publishing industry does not want its books to be branded with a subjective designation. All these make the resolution of the policy debate badly needed.

## **7 THE WAY FORWARD**

Pressure against librarians comes from many places such as the government, decision makers, religious factions, and parents to eliminate offensive content (HINDMAN, 2004). The events, decisions, or actions that will lead to a resolution include but are not limited to the following: provision of a wide viewpoint-neutral range of information that helps empower all individuals; avoidance of ideological, social and cultural bias; recognition of indirect censorship such as when privacy concerns are involved; recognition of the proper scope of stakeholders rights such as in relation to parents and their children; developing training which equips and empowers the staff to provide sound responses to queries and complaints about what materials are selected and displayed; and acknowledgement of the importance of the First Amendment freedoms, social democracy, intellectual freedom, and human rights.

## **CONCLUSION**



While libraries can restrict availability, especially through the selection or deselection of materials for ideological reasons, the librarians must exclude their own moral judgments from their work. Problems always arise when information is withheld for the purpose of keeping specific economic, religious, or social classes from progressing which is antithetical to the democratic system and should be avoided by every possible means.

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