

LIBRARIANS AND CENSORSHIP: THE ETHICAL IMPERATIVE

by Charlene C. Cain

What is intellectual freedom?

Intellectual freedom is the right of individuals to express freely ideas and beliefs without restriction from government or other authorities. It includes the corresponding right of individuals to have unrestricted *access* to information and ideas regardless of the communication medium used, the content of the work, or the viewpoints of either the author or his audience--for the right to speak freely has no value if your audience has no right to hear what you have to say.

Freedom of speech, which is enunciated in the First Amendment to the Constitution of the United States and guaranteed for all citizens under the "equal protection" clause of the Fourteenth Amendment, is the cornerstone of American democracy. Commitment to the preservation of intellectual freedom is the ethical cornerstone of the library profession in the United States.

What kind of speech is not protected by the Constitution?

Judicial review by the United States Supreme Court has established that certain kinds of speech are outside the realm of First Amendment protections. Words that provoke imminent hostile reaction--known as "fighting words"--are one type. Libel is also unprotected speech under the law, as are materials judged obscene. In *California v. Miller* (413 US 15, 1973) the Supreme Court established a test, which requires that three criteria be met for material to be considered obscene:

1. An average person, applying contemporary community standards, would find that the work, *taken as a whole*, appeals to the prurient interest;
2. The work depicts or describes in a patently offensive way, sexual conduct specifically defined by applicable state law; and
3. The work, *taken as a whole*, lacks serious literary, artistic, political, or scientific value.

What is censorship?

No matter how ill-conceived or well-intentioned the reason, any restriction on freedom of expression and the right to receive information constitutes censorship.

Why do people censor?

People censor for a variety of reasons. They may believe that punishing thought is as lawful as punishing action.⁰ However, our legal system requires that an individual commit a harmful action before he or she is punishable under the law. It is not lawful to punish thought. The wisdom of this tradition is underscored by the fact that it is a rare thing for someone to *prove* that the written word (or performance or work of art) has caused actual harm--and those instances are covered under the three exceptions noted above--fighting words, libel, and obscenity.

Often, people are motivated by a need to protect the status quo. The very powerful may feel threatened by the dissemination of knowledge. Sometimes, as in the case of national security, that feeling may be justified. Likewise, laws against industrial espionage are seen as having value to our economic well-being. The problem arises when information is withheld for the purpose of keeping specific economic or social classes from progressing, which is antithetical to our democratic system.

Censors frequently believe that they are protecting someone else. These days most censors claim that they are protecting children—including other people’s children. That is where the conflict over library access begins. Under the law, and current library practice, a parent may choose to censor only his/her own children’s access to information, but not anyone else’s.

Sometimes, the thought processes of censors are imprecise. Supreme Court Justice Potter Stewart once wrote, “I can’t tell you what obscenity is, but I know it when I see it.” [Jacobellis v. Ohio, 378 US 197 (1963)]. In like manner, censors cannot demonstrate that the words they suppress actually pose a danger to society. If they could prove the danger, they could prove that the words cause illegal actions--which can be punished by law.

Some people have a difficult time distinguishing the literal from the literary. Our interpretation of what we read is grounded in previous experience, whether that experience is active or vicarious. The meaning we bring to what we hear/read/view is at least as important to our final impression as what the author intended.⁰ Misguided though well-meaning individuals consider that their reactions to any given material might be universal. The tastes and backgrounds of our population are far too diverse to validate this belief.

Some censors have low tolerance for diversity, ambiguity, and conflict, because they see these things as dangerous to order and stability. They typically fail to understand that tolerance for the non-violent *expression* of these feelings reduces the likelihood of social instability over time.⁰

Finally, censors are afraid of free expression. They fear that the materials they find offensive will debase society. It falls to librarians, however, to rise above this fear. Although it is extremely difficult to exclude one’s own moral judgment from one’s work, that is precisely what librarians must do in order to serve their clientele.

Are librarians guilty of censorship?

Many groups seeking to ban library materials state that librarians are the biggest censors of all. And sometimes they are right, as when we fail to select items that are personally repugnant to ourselves but which are of interest to our patrons. We also censor in far more surreptitious ways—by labeling, restricting access, and expurgation.

Labeling “is the practice of describing or designating materials by affixing a prejudicial label and/or segregating them by a prejudicial system.”⁰ If libraries label according to the sensitivities of one group, labeling must be done for all groups.⁵ Labeling also makes libraries vulnerable to libel suits brought by publishers, who may object to their materials being branded with a subjective designation.⁶ Further, the fixing of a prejudicial designation formulated by a librarian is a manifestation of the librarian’s wish to imprint his/her own political or social beliefs upon the library. Such behavior, which is specifically prohibited under the Freedom to Read Statement⁷, diminishes the credibility of the library within the user community. By nature, the library should reflect the population of the community in all its diversity, not the character or beliefs of any one librarian.

Like labeling, restricting access to an item predisposes patrons to consider materials to be salacious or somehow dangerous. The requirement of intercession by an authority figure such as a librarian may deter a patron, especially a young person, from asking to see an item. When choosing to restrict any item, the librarian should ask herself or himself if deterrence is the actual motive, rather than preservation or security.

It seems incredible but it is true that some librarians are willing to expurgate library materials in order to make them more palatable to some library patrons. Expurgation is defined as “any deletion, excision, alteration, editing or obliteration of any part(s) ... of library resources by the library, its agent, or its parent institu-

tion.”⁸ This is a direct violation of the Library Bill of Rights, because it restricts access to the full intent of the author, and thereby constitutes censorship.⁹ Such action may also leave both the librarian and the library open to charges of copyright infringement, since under current law, the copyright holder's written permission is required for any alteration to be legal.⁰

The bedrock of all library work is selection—the creation and maintenance of a useful collection. It is our job to weigh practical selection considerations regarding why some materials are published by mainstream publishers and others fall to the alternative presses, and why some items are indexed in easily accessible databases and others are not.¹ Our communities have placed a public trust in our hands, and they depend upon our knowledge and professionalism. Ensuring broad and impartial coverage is the best way to establish a library's credibility with patrons at all points of the political spectrum. The only way to do that is to select in a positive way—to be as inclusive as our budgets and resources allow.²

1. Harry White, *Anatomy of Censorship: Why the Censors Have It Wrong* (Lanham: University Press of America, 1997), p.27.
2. Kay E. Vandergrift, “Children and Intellectual Freedom, Challenge and Responsibility,” *New Jersey Libraries* (Fall 1989): 5.
3. White, *Anatomy of Censorship*, p.112.
4. American Library Association, *Intellectual Freedom Manual*, 5th ed. (Chicago: American Library Association, 1996), 111.
5. *Ibid.*, p.143.
6. *Ibid.*, p.117.
7. *Ibid.*, p.129.
8. *Ibid.*, p.79.
9. *Ibid.*, pp.3 and 79.
0. *Ibid.*
1. Celeste West, “The Secret Garden of Censorship: Ourselves,” *Library Journal* 108 (September 1, 1983): 1652.
2. Lester Asheim, “Not Censorship But Selection,” *Wilson Library Bulletin* 28 (September 1953): 66.

THE FOUNDATIONS OF INTELLECTUAL FREEDOM:

The First Amendment, Constitution of the United States of America

Intellectual freedom can be defined as the freedom of thought, inquiry, and expression. It is the freedom that is most clearly enunciated in the First Amendment to the U. S. Constitution:

Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

The Fourth Amendment, Constitution of the United States of America

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Universal Declaration of Human Rights, adopted December 10, 1948, by the General Assembly of the United Nations

Article 19

Everyone has the right to freedom of opinion and expression; 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.