

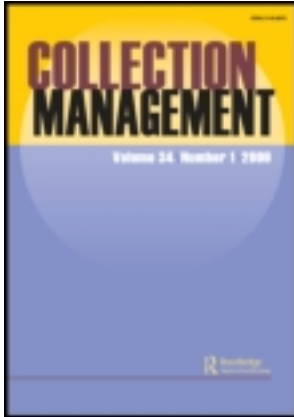
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Publisher: Routledge

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Collection Management

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/wcol20>

Selection Versus Censorship in Libraries

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Available online: 22 Sep 2008

To cite this article: Tony Doyle MA, MLS (2003): Selection Versus Censorship in Libraries, *Collection Management*, 27:1, 15-25

To link to this article: http://dx.doi.org/10.1300/J105v27n01_02

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Selection versus Censorship in Libraries

Tony Doyle

ABSTRACT. The terrorist attacks of September 11 pose a potential threat to intellectual freedom inside and outside of libraries, particularly regarding information deemed to be useful to terrorists. After a brief look at this threat I proceed to discuss the liberal position on intellectual freedom in the light of Lester Asheim's distinction between censorship and selection. I then entertain a criticism of the liberal/Asheim position. The criticism suggests that the liberal position requires at least some public and academic libraries to carry potentially dangerous materials like bomb-making manuals. I defend the liberal position against this objection, concluding that such materials do have a place in some libraries, terrorist threats notwithstanding. *[Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <<http://www.HaworthPress.com>> © 2002 by The Haworth Press, Inc. All rights reserved.]*

KEYWORDS. Censorship, selection, intellectual freedom, ethics, September 11

National emergencies, real or imagined, can threaten intellectual freedom. For instance, World War I (Geller 1984, 111-14; Wiegand 1989, 6, 88-102) and the anti-communist hysteria of the early Cold War (Robbins 1996, 22-27; 29-68) provided cover for censors, sometimes with the cooperation of librarians. The post-September 11 "war" on terrorism has al-

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The author would like to thank Jane Carter for her comments on an earlier draft.

Collection Management, Vol. 27(1) 2002
<http://www.haworthpress.com/store/product.asp?sku=J105>
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10.1300/J105v27n01_02

ready prompted some to call for tighter controls on expression, the exchange of information, and a weakening of First Amendment protections, particularly when such freedoms are seen as inimical to the campaign against terrorism (see for example Lucas 2001). Examples include the prospect of the Bush administration preventing foreign students in American universities from taking courses it deems militarily "sensitive" (Burd 2002); the president and the board of trustees at South Florida State University supporting the firing of a tenured professor for remarks he made about Islam and Israel over a decade ago (Walsh 2002; Wilson 2002); the not-so-gentle reminders from college administrators that faculty should beware of using "insensitive" language in the classroom in the wake of the attacks (Wilson and Cox 2001); and the U.S. government's withdrawal of "declassified documents related to biological weapons from the public domain" after the tragedy (Editorial 2002, 721). Academic libraries have not escaped the new pressure. In October 2001 the U.S. government required all 335 libraries holding a U.S. Geological Survey CD-ROM on public water to destroy their copies (Kellogg 2002, 34). Thus it is perhaps more important now than it was a few years ago to make a case for the broadest possible access to information in our public and academic libraries.

That intellectual freedom is essential to civil society will be a chief assumption of this article for two reasons. First, unfettered expression of, and access to, information tends to promote truth (Mill 1975, 17-52; Swan 1989, 4, 8, 14). Second, liberty of expression and access helps ensure that the electorate is well informed and that public officials are accountable, both essential in a healthy democracy (Berninghausen 1972, 3675, 3679; American Library Association, Office for Intellectual Freedom 1996, 129). I will also assume that public and academic libraries play a special role as havens of intellectual freedom and as bulwarks against the censor. However, librarians and others who would defend intellectual freedom need to appreciate the implications of that policy. This article will look at some of the apparently untoward consequences of the liberal position and attempt to show how the liberal might respond.

I will be chiefly concerned with censorship of print. Although it is true that the Internet raises challenging questions of its own about intellectual freedom, librarians still regularly have to decide which books and periodicals should be added to, or removed from, their collection. Accordingly issues regarding the censorship of books and periodicals will continue to assert themselves in the Internet age.

ASHEIM ON SELECTION VERSUS CENSORSHIP

Nearly fifty years ago Lester Asheim offered what has become an influential plea against library censorship. Asheim's case begins uncontroversially: no library can acquire everything. It follows that some titles must be rejected. This is where the librarian steps in (Asheim 1983, 180). The duty to select also creates an opportunity for the censor, external or internal, to influence selection policy and practice. Asheim sympathizes with some of what motivates the censor:

When a book attacks a basic belief or a way of life to which we are emotionally attached, its purpose will seem to us to be vicious rather than constructive, dangerous rather than valuable, deserving of suppression rather than widespread dissemination. Some of the most notorious instances of censorship have been based upon assumptions about the writer's intent Now I think we must concede, too, that in many of these cases the censors really believed that ideas that offended them so deeply must of necessity have an ignoble motivation It is quite understandable that those who favor censorship should advocate wariness against materials the effects of which are unknown. (Asheim 1954, 94-95)

Nevertheless Asheim sternly opposes censorship, while conceding, as just mentioned, that limited resources mean that some titles must be left out of a collection. This need not imply censorship but only that the librarian engage in *selection*. Asheim sums up the distinction this way.

[For] the selector the important thing is to find reasons to *keep* the book. Given such a guiding principle, the selector looks for values, for strengths, for virtues, which will overshadow minor objections. For the censor, on the other hand, the important thing is to find reasons to *reject* the book. His guiding principle leads him to seek out the objectionable features, the weaknesses, the possibilities for misinterpretation Finally, the selector begins, ideally, with a presumption in favor of liberty of thought; the censor does not. The aim of the selector is to promote reading, not inhibit it; to multiply points of view which will find expression, not to limit them; to be a channel of communication, not a bar against it. (Asheim 1954, 95-96, 98; emphasis added)

Asheim's contention that the selector seeks to promote "liberty of thought," to "multiply points of view," and to be "a channel of communication" is well taken. However, his attempt to distinguish more generally between the censor and the selector is woolly. For instance he notes that the selector strives to find reasons to keep books. The selector, again, "looks for values, for strengths, for virtues," looks for "anything good" in a book as a reason to keep it, presumably passing over books that lack these qualities. But how does this differ from the censor's searching for something bad in a book as a reason to reject it? Suppose the selector can find no good reasons to keep books that are at radical odds with her own values. Imagine for instance that she discerns nothing worthwhile in a book that defends evolution through natural selection, attacks organized religion, or celebrates a gay lifestyle. It is not clear how these judgments differ from the censor's endeavor to exclude or get rid of books that contain "much that is bad." Besides, whose values, strengths, and virtues are intended here? Whose concept of good? The selector's? Asheim's? The community's? Unless these questions are answered, Asheim's distinction between selection and censorship is so vague as to be dubious in theory and useless in practice.

Asheim (1983) returned to this topic nearly thirty years later with improved results. The distinction between censorship and selection reappears; but gone, fortunately, is the misty talk of virtues, strengths, and goodness. The ideal that Asheim now sets up is *unbiased* selection: "What the collection reflects is the librarian's view of what readers and users want and need, whether the librarian likes it or not. The librarian's bias is that the collection should be unbiased. But an unbiased collection is precisely what many censors disapprove of" (Asheim 1983, 180). An unbiased collection represents all types of literature, objectionable though some of these may be to the librarian or to most people. The unbiased collection gives users free, unrestricted access to "the widest possible variety" of viewpoints (Asheim 1983, 181). The librarian's role is to see that patrons can, if they choose, have access to all information in print—or, by extension, online. Asheim concedes that balance will not please all—some will want to censor some aspect of the collection; others will contend that the collection is biased against their point of view (see for example Gorman 1986; Harmeyer 1995). But as long as the right mechanisms are in place to ensure that the librarian gets as close to the ideal of balance as possible, he or she is beyond reproach. Asheim concludes: "Our responsibility is the defense of access to ideas, to information, to esthetic [sic] pleasure . . . and to knowledge or at least to the process that leads to knowledge" (Asheim 1983, 184).

CRITICISMS OF THE LIBERAL POSITION

Asheim's ideal of an unbiased collection, coupled with unlimited access, seems beyond serious criticism, however difficult to realize in practice. Yet such criticism has been offered by Carol Hole. In two sadly neglected articles (1984 and 1985) Hole attempts to show that the Asheim/liberal position has unacceptable consequences. Her case presents a stout challenge to those who would glibly oppose all censorship but who might quail at the practical implications of this position. Hole adduces a number of examples intended to raise suspicion about the Asheimian distinction between censorship and selection. The examples involve acquiring books that directly enjoin antisocial behavior. If the librarian is seriously committed to Asheimian balance, then should not books with this perspective also find a place on the shelves of least some public and academic libraries? Hole rightly implies that they should if the liberal position is taken seriously. Again, as we saw Asheim put it above, "What the collection reflects is the librarian's view of *what readers and users want and need*, whether the librarian likes it or not" (emphasis added). Hole rightly points out that injunctions like this require that at least some libraries collect materials whose only purpose is to instruct the reader how to kill or injure others seriously. So she denies that censorship is always wrong (Hole 1985, 236). In fact not only is librarian censorship sometimes morally justified, but it goes with the job. This prompts Hole to deny any meaningful distinction between censorship and selection: "It doesn't matter why I don't buy a book, the effect is the same. Whether I had good reason for my decision doesn't alter the fact that I've censored Joe Sixpack's choice of reading matter. . . . Calling it 'book selection' doesn't alter it either. It's still me, not Joe, who decided what will be on the shelves" (Hole 1984, 149). In the later article she draws an analogy between judicious librarian censorship and certain acts of killing such as "self-defense, capital punishment, and war" (Hole 1985, 244-245). All have been legally permitted under certain circumstances; all might be morally justified sometimes. Her point seems to be this: killing is generally morally repugnant and should be tolerated only when not killing would have worse consequences than killing. Likewise for censorship: we should not censor indiscriminately; hence we should not censor our libraries indiscriminately. However, sometimes doing so is unavoidable; occasionally not censoring can do more harm than censoring. The question for librarians "isn't to prove to the public that we don't censor their reading . . . [but] to prove that we are competent to do the job" (Hole 1985, 247).

Hole describes how the staff at her library boggled at cataloging *The Anarchist's Cookbook*. The library bought the book in response to a patron's request, and it presented a special challenge because its recipes are for violent revolution. Says Hole, "If the book covered anarchist ideas, we'd have shelved it and let it take its chances in the marketplace; but it's an action manual. It tells how to make explosives, blow up structures, wire bombs to cars, make and use crossbows, garrotes, handguns, and other goodies for the mayhem minded" (Hole 1985, 237). In the light of this content one can certainly appreciate the squeamishness of Hole and her colleagues. In the earlier piece Hole makes the same point even more starkly, "If we buy 483 environmental books, will we buy 483 manuals on how to evade the anti-pollution laws, make your own DDT, exterminate rare animals, and avoid getting caught dumping PCBs in the city reservoir? . . . Rapists would surely appreciate a few tips on how to catch your woman and subdue her without a lot of fuss. Child abuse, too. Parents are in dire need of material on how to torture their kid without leaving those tell tale marks that make doctors in the ER ask nasty questions. . . . And speaking of torture, I bet we don't have a how-to manual in the whole collection" (Hole 1984, 151). Hole's argument here is a would-be *reductio ad absurdum* of the liberal position. In other words, if we take this latter position seriously, then in practice we should grant a place to books enjoining the reprehensible behavior mentioned above. But no one wants to be committed to this. So librarians have a moral obligation to censor at least some of these materials, contrary to liberal orthodoxy. Therefore the liberal position should be rejected.

Hole's challenge is admirable. She is right to imply that *The Anarchist Cookbook* and its ilk can be used to do much mischief, something opponents of censorship often forget. She might plausibly have added that it would be better if such literature never went to press. Nevertheless I see two responses to Hole's criticisms. First, one could maintain that censoring items like the *Cookbook* does not infringe intellectual freedom because such action manuals are not chiefly about ideas or doctrine. And the orthodox position only protects ideas or doctrines, not injunctions to antisocial behavior. Although this response perhaps captures the spirit of the liberal position, it should be rejected insofar as it reposes too much faith in the censor's judgment. Many books that present and argue for certain *ideas* that the censor finds objectionable might also be screened out on the grounds that their ideas are potentially dangerous, at least by the censor's lights. And how do we devise effective criteria for determining which books are chiefly about action and not ideas? So in practice the policy of attempting to censor potentially dan-

gerous action manuals would likely limit intellectual freedom. I return to this problem in my conclusion.

The second, and apparently quixotic, option is to bite the bullet and accept the consequences of the liberal position that Hole rightly draws out. Books advocating the kind of conduct mentioned in the passages quoted above should not be banned from the shelves of academic and public libraries. Does this mean one gut-the-environment book for every save-the-planet title, as Hole suggests? Not at all. To begin with, there probably will not be nearly as many of the former types of titles available as the latter. Also, even if there are, at some point judgments of quality will be appropriate. Rabidly anti-environment tracts are not likely to be distinguished for their careful scholarship. In fact, although the point might seem far fetched, Hole neglects entirely the benefits that might accrue to acquiring the kinds of books she would censor. Consider handbooks on how to evade environmental laws. Such literature could help police detect scofflaws. And even literature advocating the means of getting away with child abuse or rape, although potentially harmful, could also be used to uncover evidence of abuse on the one hand or as a tool for apprehending rapists. As for torture manuals, most decent sized libraries already contain many in the form of fiction. The mere fact that Hole and her colleagues might be reluctant to add this literature to their library's collection has no tendency to show that it should not be added, although we might sympathize with their aversion.

CONCLUSION

Hole's position marks a return to what Ronald J. Heckart calls the "stewardship orientation" of the librarian's role, prevalent in this country through the 1920s (see Heckart 1991, 493-494). Like the steward-librarians of the past, she is advocating paternalistic censorship. I urge, on the contrary, that we not be tempted by this conception of librarianship. Suppose, what is doubtless true that the public might be better off without certain titles available in the local library. After all, speech is a type of action. Like other actions, it can lead to (or prevent) harm. If society legally tolerates certain types of harmful behavior, including potentially harmful speech, it should do so because the social costs of enforcing laws against it are greater than the costs of putting up with the greater amount of that behavior that will occur if it is not illegal. Call this principle *L*. Some liberals might object to this line of reasoning in the following way: "I concede that speech is a kind of action and that it

can cause harm, but the harm that it causes is always indirect. This is what justifies treating speech as different in kind from other types of action. We should only restrict actions that directly cause harm.” This objection won’t do. First, in some cases speech *does* cause direct harm. Insults and racial slurs are examples. So take the class of speech whose harms are always indirect. Even here we might still have compelling reasons for legal restrictions. The indirect harms caused by certain types of speech might still justify some legal restrictions if *L* above is not met, that is, if tolerating the speech has a greater social cost than enforcing laws against it and punishing the transgressors. After all, pulling the trigger does not directly cause harm; the bullet does. Surely, though, society is fully justified in prohibiting most shootings.

Most liberals will concede that some types of speech must be banned or restricted. Speech involving defamation of character or certain invasions of privacy are examples. Also, a case could be made that the results of the monstrous medical experiments conducted by the Nazis should not be published, even if some benefits might accrue (see Fricke 2001, 476-77). What about criminal conspiracy? Liberals would also accept some restrictions of this type of speech. The books that Hole would censor violate none of these conditions. Finally, there is the clear and present danger restriction on speech, for instance, yelling “Kill!” to an attack dog in the presence of an innocent bystander (MacKinnon 1993, 12). Liberals will generally accept some form of this restriction (see, for example, Mill 1975, 53). But the question for liberals will be, “Do the action manuals in question pose a clear and present danger to innocent people?” Or more generally, “Would banning them cause less harm than tolerating them?” Tough call. Few librarians would want to have to live with the belief that their decision to acquire certain books aided terrorists. Is it possible, consistent with the liberal/Asheimian position defended here, to sanction at least some of the censorship that Hole endorses? Maybe, but before we do so we should demand that candidates for censorship meet the following two conditions. First, action manuals that are eligible for censorship should be just that—manuals. They should contain no ideology, propound no ideas. Second, the instructions they provide should be for serious injury causing or potentially lethal devices. The liberal has to concede that such materials are pernicious and carry no obvious benefits, intellectually or as entertainment. As Amitai Etzioni points out in the context of comparing arguments for the restriction of pornography with the case against materials for making explosives, social scientists “differ about the total effects of pornography” (Etzioni 1997, 65). Some contend that it is cathartic, oth-

ers that it promotes violence against women. Bomb-making instructions are totally unlike this: “In contrast, I cannot find anyone who argues that bomb manuals have safely vented anybody’s asocial proclivities” (Etzioni 1997, 65). However, the set of pure action manuals is likely to be fairly small. For instance *The Anarchist’s Cookbook* probably would not meet the conditions mentioned in the last paragraph, since it presumably includes some advocacy of anarchism, which of course is ideology. And even regarding this smaller set of non-ideological action manuals, further questions arise: Who decides whether or not a book or pamphlet is solely an action manual? How are the censors chosen? Can we rely on censors to apply the standards discussed above in good faith? The issue of censorship is even more pressing today, given the specter of filtering software on library computers with Internet access (see Heins 1998; Klein 1997a, 1997b, and 2000; Marshall 1998; Peacefire 2002; Wallich 1997). Print or Internet, we have to confront the problem of choosing the censor (or the writer of the filtering software).

Needless to say, most public and academic libraries do not have to collect, in the interests of intellectual freedom, the kinds of action manuals that evidently have no tendency to promote truth, strengthen democracy, or provide entertainment. By the same token most libraries will not stock books on advanced electrical engineering or carry journals devoted to the vanguard of nuclear physics. But then the reason for rejecting such materials should be Asheimian—not censorship but selection. Ultimately, keeping our academic and public libraries free of this kind of censorship is in society’s best interest. With the exceptions mentioned above, society is better off having all types of material represented and trusting the public to ferret out the good from the bad, rather than allowing one person or a committee to make this decision for the rest of society. This is already the case with regard to an unfiltered Internet. Why treat print any differently? The liberal policy might mean tolerating action manuals with nothing to recommend them from the standpoint of intellectual freedom. So be it. Anyway, this country already has laws that severely punish the private manufacture of devices intended to kill or maim the innocent. Vigorous enforcement of these laws should make the kind of censorship urged by Hole unnecessary, both within and outside of libraries.

I set out by offering examples about how the aftermath of the attacks of September 11, 2001, has led some to challenge the value of intellectual freedom and, by implication, to urge a relaxation of First Amendment protections. Yet no one can seriously maintain that tighter controls on in-

tellectual freedom would have prevented the attacks. The perpetrators learned all they needed to know at legitimate American flying schools. Perhaps an even greater threat posed by the U.S. government in the wake of September 11 will be to privacy, involving for instance gaining access to people's circulation records or empowering officials to peep at people's Internet behavior and email at home, at work, and in libraries. Such actions could present a danger signal to intellectual freedom insofar as many people might be less inclined to speak their minds or seek out certain types of information for fear that someone could be monitoring them. To a large extent privacy and intellectual freedom are linked.

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Received: 05/07/02

Peer-Reviewed: 05/13/02

Revised and Accepted: 07/17/02