

Suppression of Thought

Political Bans and Societal Constraints

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Access to information, to ideas, and, ultimately, to enlightenment is the premise and the promise of freedom of speech. This concept encompasses conjointly the freedom to write, to read and to listen — the right to receive and to promote ideas. A natural corollary of these freedoms — of this ideal — is an educated populace active in the protection and pursuit of fundamental inquiry; active, too, in responding to the issues and hazards of their lives. The suppression of thought is inhibitive.

Suppression of thought is manifested in various guises: the prohibition of texts, including burning them; the incarceration of authors; the harassment of journalists by politicians and the public; and pressuring of legislators, writers, and journalists through libel suits or threats. The reasons given for this censorship include concerns for national security, and reactions to personal embarrassment and accusations of corruption. Censors also express concern for children, protecting them from information and ideas deemed by adults to be inappropriate for them, their minds or emotions, presumably, not yet being mature enough.

This historical overview will focus on texts banned for political reasons and obscenity. (The discussions of the works suppressed for

political reasons are summaries of material from *Banned Books: Literature Suppressed on Political Grounds*, written by this author.)

Works Suppressed for Political Reasons

A dominant assumption regarding the suppression proclivities of nations is that censorship is manifested according to a political — perhaps ethical — divide, the democracies of the West on one side, the dictatorships and “oppressive” governments on the other. This assumption is true in part, particularly with regard to freedom of expression of the press but evident also in the banning of works of fiction and non fiction.

Military *coup d'états* lead to politically motivated acts of suppression of books and authors. Witness: Miguel Angel Asturias (Nobel Prize in Literature-1967) was banished and stripped of his Guatemalan citizenship, his books, labeled subversive (notably *El Señor Presidente*), burned. Having been previously brutally imprisoned, Wole Soyinka (Nobel Prize-1986), threatened with house arrest, escaped into involuntary exile (1983); subsequently, he was charged with treason, his books (including *The Open Sore of a Continent*) being banned.

The oppressive governments of Indonesia and Vietnam banned the works of two major authors, respectively Pramoedya Ananta Toer (*The Fugitive* and *The Buru Quartet*) and Duong Thu Huong (*Paradise of the Blind* and *Novel Without a Name*). After a failed coup against General Suharto's regime, Pramoedya was imprisoned, but never charged, for 14 years and under house or city arrest for 20 years; his works were labeled “subversive.” Comparably, Duong was denounced and expelled from the Communist Party, accused of espousing heresies, and imprisoned for seven months.

While these examples acknowledge the dominant assumption, actions by the democracies belie it. The politics of suppression overall hinge on basic concerns: national security and concomitant protection of secrets, preservation of ideology, maintenance of power, concealment of corruption, and avoidance of embarrassment. Democracies run afoul of principles of freedom of expression as evident in the charges against Alejandra Matus's *The Black Book of Chilean Justice* and the prosecution by Turkish rightist nationalists of 2006 Nobel Prize award winner Orhan Pamuk. Two nations on either side of the political divide are exemplified below.

China

Gao Xinjian's entire oeuvre has been censored in China. Two of his dramas, *Bus Stop* (*Chezhan*)-1983 and *Fugitives* (*Taowang*)-1992, provide interior tension and an underlying theme. *Bus Stop* is set in the countryside at an isolated bus stop. Gradually six individuals assemble — different in age, goal, and character — each anxious to get to the city. There is essentially little action; the real “movement” of the drama is in the relationship among the group members. The early distance and quarrelsome attitudes shifts to a more supportive stance, both emotionally and physically. Time passes — ten years. At long last, they decide to walk to the city, helping one another, realizing at that moment that the bus stop had been abolished. They had waited for nothing.

Their complaints and expressed fragments of their lives reveal dissatisfaction with the bus service, with government services. The 1980 system of government-assigned employment is also criticized: couples are separated and good schools may not be available. A ribbon of thought, of dismay — of being left behind, of being forgotten — emerges. Gramps states: “I’ve waited a lifetime, waiting like this, and waiting, I’ve gotten old waiting.” Young Woman observes: “Your whole life is wasted like this. To waste time like this, will we keep on wasting it forever?” The implication: People need to be actively engaged rather than passive. At last, however, as a community, helping and caring for one another, they take to the road.

Fugitives takes place in the capital of an unnamed country that is experiencing a violent and apparently successful suppression of a people’s revolt. The immediate setting is a room in a dilapidated warehouse-like building, the sounds of the battle in the distance. First a young man, then a woman enter, clearly in panic, she hysterical with fear. She is blood-spattered. They are strangers to each other. Another man, middle-aged, steps into the room, having been warned that his home is not safe. It is clear that each has been involved in the revolt, the young man imbued with ideals and purpose — “the People’s struggle for freedom will triumph sooner or later, even if it means spilling blood,” the older man expressing reality and bitter pessimism. The second act shifts its orientation from the revolt to the characters. They offer alternately tenderness or acrimony. Between moments of sympathy and passion and repudiation, the young woman declares her independence of action in choosing between the men or neither of

them. Her accusations against men, in their mistreatment of women and incapability of affection, are sweeping. The act ends with heavy knocking at the door.

Bus Stop was banned after ten or thirteen performances (reports differ). A senior party member asserted that *Bus Stop* was “the most pernicious work since the establishment of the People’s Republic.” Gao was targeted by the Anti-Spiritual Movement, which accused him of antisocialism. After a ten month period of self-exile and the publication of a fictionalized memoir, a play and a novel, Gao left China in 1987. The publication of *The Fugitive*, which takes place against the background of the massacre on the Square of Heavenly Peace (Tiananmen Square) in 1989 led to his being declared persona non grata by China. Beijing also denounced the awarding of the Nobel Prize in Literature (2000) to Gao, accusing the Nobel committee of being politically motivated. The Chinese press maintained a near blackout of the Nobel news.

Union of the Soviet Socialist Republics

In February 1974, Aleksandr Solzhenitsyn was arrested and charged with treason; he lost his Soviet citizenship and was deported, exiled from Russia. A Russian-language edition of *Gulag Archipelago I* had been published in Paris in September 1973. [...] The events leading to the publication significantly reflect the text. It had been completed in June 1968; a microfilm of the manuscript had been secretly and at great peril sent to the West, but the author had postponed its publication. The decision to publish was forced upon him in August 1973 when a Leningrad woman to whom Solzhenitsyn had entrusted the manuscript revealed the hiding place of a copy after having been terrorized through five sleepless days of interrogation by the KGB. (Released after the manuscript was located, she hanged herself.) The author understood that he had no more alternative but to authorize publication immediately. The book contained the names of several hundred people who had provided him with information. (Karolides 203)

Aleksandr Solzhenitsyn’s purpose in his three volumes of *The Gulag Archipelago 1918-1956: An Experiment in Literary Investigation* is to document and reveal a great holocaust in the Soviet Union — exceeding that of Germany against the Jews and others during World War II. Tens

of millions of Soviet citizens were imprisoned, savagely mistreated, and often murdered by their own government. In Volume I, he establishes the origins and continuity of government repression from 1917 to 1956, providing also a history of arrests and imprisonments well beyond the three biggest “waves” of repression. He explained the “real law underlying the arrests of [the years of the purges] was the assignment of quotas . . . to every city, every district, every military unit . . .”; he painstakingly details the criminal procedures and the interrogation practices — physical torture and psychological torture were practiced; and he specifies the nature and breadth of corruption among top officials and at all levels of officialdom. The “destructive-labor camps,” or slave labor camps — the brutality of life and death — are the subject of Volume II, while Volume III focuses on resistance within the camps, including the recounting of attempted escapes by individuals and small groups.

Overall, Solzhenitsyn’s purpose, against the then-current Soviet orthodoxy was to reject the assertion that “the abuses of justice under Stalinism were the direct consequence of the personality of the dictator” and, further, to deny that the purges during Stalin’s regime were limited in time and scope as had been acknowledged by the Soviet government.

Prior to these events surrounding the publication of *Gulag*, Solzhenitsyn’s works were banned from publication after 1964. (During his regime, prior to his loss of power, Nikita Khrushchev had allowed a crack in the censorship establishment for his own purposes; during this short period, *One Day in the Life of Ivan Denisovich* was approved for publication.) Solzhenitsyn faced increasing criticism and overt harassment. In 1970, he declined to go to Stockholm to accept the Nobel Prize in Literature fearing that he would not be readmitted into his country. Publication of *The Gulag Archipelago* was blocked in the U.S.S.R. during Solzhenitsyn’s exile, but President Mikhail S. Gorbachev authorized the publication of extracts in 1989. In 1990, he issued a decree restoring full citizenship to this author. He returned to Russia in 1994.

United Kingdom

Peter Wright’s memoir cum exposé *Spycatcher* was scheduled first to be published in Australia, the publisher having received from Britain’s

attorney general a determination that it should be totally suppressed. The government of Prime Minister Margaret Thatcher argued that publication would cause loss of confidence in its secret service, that is, Military Intelligence (MI) 15, whose central function was domestic counterintelligence. Wright's revelations through the recounting of his activities provide extended details about his developing of devices, the bugging of both the Russian and French embassies, and the infiltration of British intelligence operations at the hands of an elaborate double-agent spy group. The attempted suppression emerged on two fronts: legal action against the publication of the book and against newspaper publication of excerpts and reports of its contents.

Legal action to suppress the book's publication began in September 1985 in an Australian court, which initially granted a temporary injunction, blocking publication. The prosecution argued the safeguarding of national security and Wright's violation of his lifetime pledge to maintain secrecy about his MI15 past. The defense used a previous publication, Chapman Pincher's *Their Trade is Treachery* (1981), that had already divulged the information in *Spycatcher*, so Wright was not violating the secrecy code; the government had not challenged the earlier text. The trial lasted for five weeks; Justice Philip Powell announced his ruling on 13 March 1987, rejecting the government's claim that *Spycatcher* would be harmful to British security, and denying the request for a permanent injunction. The British government's appeal was also rejected on 24 September 1987 on a 2-1 vote by the New South Wales Court of Appeals. A subsequent appeal to the High Court, scheduled for 8 March 1988, resulted in a unanimous decision on 2 June 1988 against the government's attempt to ban further publication. These judges, however, accepted Britain's argument that Wright was obligated by his lifetime oath to remain silent, but the Australian court had no jurisdiction to enforce a British security regulation.

Two newspapers, the *Guardian* and the *Observer*, were enjoined by legal rulings from publishing leaks of Wright's allegations. An appeal on the grounds that the information was already in the public domain was also denied. After three other newspapers published stories and had been charged with criminal contempt of court, after appeals and counter appeals of verdicts, after the newspapers' violation of the ban, the case reached the High Court to determine whether the injunction should be permanent. The trial was concluded on 21 December 1987,

the finding in favor of the newspapers. Justice Richard R. F. Scott was critical of the government: "The ability of the press freely to report allegations of scandal in government is one of the bulwarks of our democratic society If the price that has to be paid is the exposure of the government of the day to pressure of embarrassment when mischievous or false allegations are made . . . then the price must be paid." The court of appeals ruled unanimously in favor of the newspapers based on the reality of the information no longer being secret (quoted in Karolides 454-458).

United States

One of several cases against former CIA employees who had allegedly breached their contract agreement to "not . . . publish . . . any information or materials relating to the agency, its activities, or intelligence activities generally . . . without specific prior approval by the agency," the civil suit against Frank Snepp, author of *Decent Interval: An Insider's Account of Saigon's Indecent End Told by the CIA's Chief Strategy Analyst in Vietnam*, was eventually adjudicated by the Supreme Court in February 1980. His text exposes aspects of strategy and battlefield encounters of both North Vietnam and South Vietnam forces. He also recounts the thinking and activities of the men who shaped these strategies; he is particularly critical of Henry Kissinger, initially National Security Advisor and elevated to the position of Secretary of State in 1973; Graham Martin, ambassador to Saigon; and Thomas Polgar, the CIA section chief. The thrust of most of Snepp's book is the final offensive in its several stages and the final evacuation, raising, in this regard, the issue of the moral responsibility of the United States to safeguard the Vietnamese who had worked closely with the Americans.

The U.S. civil suit was filed against Snepp in February 1978; Snepp, in response, filed papers that the suit violated his First Amendment rights, a case of "prior restraint on protected speech." The case reached the U.S. Supreme Court in February 1980. The government lawyers argued that trust and confidence in the CIA had been undermined by Snepp's publishing without permission and, response to his claim that there had been no violation of security, that the government had the right, not the individual, to decide whether there was such a violation. Snepp's claim of non-violation of security was not contested. The Court upheld the validity of the CIA contract; it asserted that Snepp

“deliberately and surreptitiously violated his obligation to submit all materials for prepublication review”; a former agent cannot rely on his own judgment about what information is detrimental against the “broader understanding [of the CIA] of what may expose classified information and confidential sources. . . .” (quoted in Karolides 142).

The dissenting opinion written by Justice John Paul Stevens (concurring in by Justices William J. Brennan, Jr., and Thurgood Marshall) argued that the purpose of the secrecy agreement was “not to give the CIA power to censor its employees’ critical speech, but rather to ensure that classified nonpublic information is not disclosed. . . .” Justice Stevens noted that the rule of law the Court announced with this ruling was not supported by statute, by the contract, or by the common law.

The Court has not persuaded me that a rule of reason analysis should not be applied to Snepp’s covenant to submit to prepublication review. Like an ordinary employer the CIA has a vital interest in protecting certain types of information; at the same time, the CIA employee has a countervailing interest in preserving a wide range of work opportunities (including work as an author) and in protecting his First Amendment rights. The public interest lies in a proper accommodation that will preserve the intelligence mission of the Agency while not abridging the free flow of unclassified information. When the Government seeks to enforce a harsh restriction on the employee’s freedom, despite its admission that the interest the agreement was designed to protect — the confidentiality of classified information — has not been compromised, an equity court might well be persuaded that the case is not one in which the covenant should be enforced. (142-143)

Obscenity

However it is defined, obscenity has been the object of controversy and censorship through much of the world both through individual intervention, legal acts, and judicial actions. The span of time is equally broad, seemingly timeless. Evidence of tolerance of obscenity — and subsequent intolerance — is the existence of the Private Case of the British Library, held in the British Museum in London. Established in 1856, it housed the greatest collection — several thousand erotic and sexological works, published over three centuries — of “indecent,

obscene, and pornographic books in the world,” including English, French, Spanish, Portuguese, German, Dutch, and Latin texts. These were all new acquisitions, which were confined to secret, inaccessible basement shelves; previously acquired material remained in general catalog and shelves. A change in policy in 1963 caused the discontinuation of the Private Case, the books being transferred to the general catalog. Similar collections exist in other libraries: France’s Bibliothèque Nationale, the Vatican Library, the United States’ Library of Congress, and the Bodleian Library, Oxford (EC 457).

Erotica was not uncommon during the Renaissance period up to the Victorian age. Scores of pornographers and pornographic materials, primarily English, are identified in the *Encyclopedia of Censorship* (EC). An early continental example is Pietro Aretino, Italian, a 16th century writer whose works — comedies, tragedies, and satires — were condemned as scandalous or licentious. “In 1527 Pope Clement VII condemned and suppressed every edition of his *Sonetti lussuriosi* (otherwise known as *La corona di Cizzy*) published in 1524”; its illustrations depicted the positions of sexual intercourse. Aretino was forced to flee from Rome to escape prosecution (EC 20).

A variety of pornography is written in the form of a dialogue between two women, an experienced older woman and a young virgin. An early version, *L’escholles des filles, ou la Philosophie des dames*, attributed to Michel Melilot (Millot), published in Paris in 1655, was identified as “the most bawdy, lewd book.” It was translated into English in 1680, appearing throughout Europe (EC 167). *L’Academie des dames*, a 1680 French translation from Latin, then into English in 1688, was widely and consistently seized and destroyed. It stressed the “sadistic and perverse side of sex, with several scenes of defloration, incest, flagellation, and sodomy” (EC 3). The most advanced form of pornography of the period, it substituted prose for verse and is perceived as the precursor of the erotic 19th century novel.

Two notable 18th century authors, John Cleland and André-Robert Andrea de Nercist, respectively English and French, are famous for their erotica. Cleland’s *Memories of a Woman of Pleasure*, also known as *Fanny Hill* (1749), was declared obscene and banned; he and the publisher were both arrested for having published an obscene novel (EC 116). The most famous works of Andreas de Nercist are *Le Diable au corps* (1785) and *Les Aphrodites, or Fragments thali-priapiques pour servir à l’histoire du plaisir* (1793) (EC 15).

The issues surrounding obscenity have been, first, its definition, and, second, the problem of the application of the definition. Evident in court cases in Great Britain and the United States is the evolution and refining of the definition, expressing an erosion of the encompassing restrictiveness. The concept of obscene libel veered during the 18th century away from the control of sedition, blasphemy, and occasionally, heresy to the control of published obscenity — those publications judged to be “lewd, disgusting, and offensive.” The Obscene Publications Act (1857), derived from London’s “dirty book trade,” that is, the determination of Lord Campbell, the lord chief justice, to empower authorities to raid shops suspected of stocking such books and destroying them. Both houses of Parliament, initially vehemently in opposition, approved the act, having been reassured that the law would “apply exclusively to works written for the single purpose of corrupting the morals of youth and of a nature calculated to shock the common feelings of decency in any well-regulated mind. . .” (EC 404). Any work of literature — even literary pretensions — was safe from suit.

The good intentions of Campbell were nullified by Lord Chief Justice Cockburn in the case of *Regina v. Hicklin* (1868). He stated: “The test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall” (EC 232). This proscriptive definition, the Hicklin Rule, was interpreted as signaling that even a single passage in a work, otherwise clean, was enough to judge it as obscene. Further, the likely readership was not considered, that is the literate, but rather susceptible persons: women, children, the lower classes, and the mentally incompetent. The Hicklin Rule became the censorship touchstone for 65 (United States) to 91 (United Kingdom) years; over those years it was subjected to judicial reservations.

A crack in the Hicklin Rule’s protective armor against obscenity occurred as early as 1894 in the United States . It was, however, the ruling in the case of *United States v. One Book Entitled Ulysses* (1934) that overturned the Hicklin Rule. James Joyce’s novel *Ulysses* had suffered from confiscation by custom agents in England — for example, 499 copies were burned under the 1867 Customs Act — and in the United States, where in addition to books being seized by customs agents, editors who attempted to serialize episodes were fined and/or imprisoned. In his ruling, Federal District Court Judge John M. Woolsey wrote:

It is because Joyce has been loyal to his technique and has not funk'd its necessary implications, but he has honestly attempted to tell fully what his characters think about, that he had been the subject of so many attacks and that his purpose had been so often misunderstood and misrepresented. For his attempt sincerely and honestly to realize his objective has required him incidentally to use certain words which are generally considered dirty words and has led at times to what many think is a too poignant pre-occupation with sex in the thoughts of his characters.

The words which are criticized as dirty are old, Saxon words known to almost all men and, I venture, to many women, and are such words as would be naturally and habitually used, I believe, by the types of folk whose life, physical and mental, Joyce is seeking to describe. . . . As I have stated, *Ulysses* is not an easy book to read. It is brilliant and dull, intelligible and obscure, by turns. In many places it seems to me to be disgusting, but although it contains, as I have mentioned above, many words usually considered dirty, I have not found anything that I consider to be dirt for dirt's sake. Each word of the book contributes like a bit of mosaic to the detail of the picture which Joyce is seeking to construct for his readers. (EC 584)

Judge August N. Hand of the Circuit Court of Appeals in affirming Judge Woolsey's decision wrote:

It is settled, at least so far as this court is concerned, that works of physiology, medicine, science, and sex instruction are not within the statute, thought to some extent and among some persons they may tend to promote lustful thoughts. . . . We think the same immunity should apply to literature as to science, where the presentation, when viewed objectively is sincere, and the erotic matter is not introduced to promote lust and does not furnish the dominant note of the publication. The question in each case is whether a publication taken as a whole has a libidinous effect. The book before us has such portentous length, is written with such evident truthfulness in its depiction of certain types of humanity, as is so little erotic in its result, that it does not fall within the forbidden class. (EC 585)

Judge Woolsey established a test for obscenity, the Ulysses Standard, new ground rules that replaced the Hicklin Rule in the United States.

The definition of obscenity was clarified by Judge Curtis Bok in a case, *Commonwealth v. Gordon* (1949), against five booksellers, who were charged with possessing with intentions to sell nine novels, which were identified as obscene. These included William Faulkner's *Sanctuary* and *Wild Palms*, Erskine Caldwell's *God's Little Acre*, and James T. Farrell's *Studs Lonigan* trilogy and his *A World I Never Made*. Judge Bok's holding that these books are "not sexually impure and pornographic, and are therefore not obscene, lewd, lascivious, filthy, indecent, or disgusting" is based on his perception that the books show life in reality, including the speech of their characters; the "vulgarity and obscenity [in their speech] are inherent in the characters themselves and are obviously not set forth as erotic allurement or as an excuse for selling volumes." Further, his conclusion was: "All but one of these books are profoundly tragic, and that one has its normal quota of frustration and despair. No one could envy or wish to emulate the characters that move so desolately through these pages. Far from inciting to lewd or lecherous desires, which are sensorially pleasurable, these books leave one either with a sense of horror or of pity for the degradation of mankind (*Commonwealth* 6-7). He noted that a literary work must be considered in its entirety, and "a work is not constitutionally indictable unless it takes the form of sexual impurity, i.e., 'dirt for dirt's sake' and can be traced to actual criminal behavior, either actual or demonstrably imminent" (*Commonwealth* 3). Judge Bok's judgment was upheld by both the Pennsylvania Superior and Supreme Courts.

The standing of the Hicklin Rule appears to have been the accepted test for obscenity in evaluating a work in England until it was modified by the Obscene Publications Act of 1959. Objections grew throughout the 1950s, a particular issue being the distinction between serious literature and pulp pornography, that is, the protection of art. The outcome: instead of a single passage being sufficient for a negative judgment, the entire work would have to be considered. Thus, a jury would have to consider the context in which the alleged obscenity appears and judge the dominant effect of the book or film. A further concept, established by the Court of Appeals in the trial of *Last Exit to Brooklyn* in 1967, related to individuals affected by the material. Recognizing that all persons would not be affected the same way — that some individuals might be corrupted by almost anything — the concept of a "significant portion" of persons would likely be affected.

Attention shifted in the United States in the latter half of the 20th century to obscenity in public schools and libraries. Challengers, often parents but including school administrators, teachers, and other citizens, attempted to remove books from classrooms and libraries. They were occasionally successful. A brief representation of three court cases reveals the censorship issues and the emergence of judicial doctrine.

A censorship controversy in Strongsville, Ohio, began in 1972 and concluded in 1976. The novels involved: *Cat's Cradle*, by Kurt Vonnegut, removed from the school libraries; *Catch 22*, by Joseph Heller; and *God Bless You, Mr. Rosewater*, also by Vonnegut, removed — and destroyed — from high school English classes. School board members objected to the language and content of the books, asserting that they were “completely sick” and “garbage.” The Ohio district’s appellate court overturned the ruling of the district federal court favoring the Strongsville Board of Education’s argument that only a school board had the right to determine the books to be used in schools. While acknowledging the school board’s general authority to select books for classrooms and libraries and in “winnowing” library collections, this court indicated that the removal of a book from the library required the school board to provide a legally defensible and constitutionally valid reasons for the removal, the board’s minutes only showing the board members’ rejection of Vonnegut’s and Heller’s language and view of life (O’Neil 145). The court emphasized the educational function of the school library.

[A] public school library is also a valuable adjunct to classroom discussion. If one of the English teachers considered Joseph Heller’s *Catch-22* to be one of the more important modern American novels (as, indeed, at least one did), we assume that no one would dispute that the First Amendment’s protection of academic freedom would protect both his right to say so in class and his students’ right to hear him and find and read the book. Obviously, the students’ success in this last endeavor would be greatly hindered by the fact that the book sought had been removed from the school library. (146)

Two important legal factors are evident in this opinion: first, the importance of content-based versus content-neutral reasons for removing books, that is, criteria that were neutral in First Amendment

terms, rather than conditioning library use privilege on the “social or political tastes of the school board members”; second, the “emerging doctrine” of the United States Supreme Court—the “First Amendment right to receive information and ideas.” Thus, “freedom of speech necessarily protects the right to receive,” a protection that has expanded to include readers’ and listeners’ rights (O’Neil 147).

The removal of 11 books by the school board from the Island Trees School District High School library in 1976 fanned the censorship controversy. The books included a diverse array, among them: *Black Boy* by Richard Wright, *A Hero Ain’t Nothin But a Sandwich* by Alice Childress, *Slaughterhouse-Five* by Kurt Vonnegut, *The Naked Ape* by Desmond Morris, *Soul on Ice* by Eldridge Cleaver, and *Go Ask Alice* by Anonymous. Five students filed a suit claiming the board had violated their rights, that is, their social, political, and moral tastes, by arbitrarily removing the books. As entered into the record, the school board condemned the books as “anti-American, anti-Christian, anti-Semitic, and just plain filthy”; cited were passages referring to male genitals, to sexuality, to lewd and profane language, and to sacrilegious interpretations of the gospels and of Jesus Christ. The case, *Board of Education v. Pico*, came to the Supreme Court after the federal district court had favored the school board (on the ground of “respect for the traditional values of the community and deference to the school board’s substantial control over educational content” given the absence of an issue of academic freedom) but the appellate court had decided to remand the case for trial in a 2-1 vote (on the basis that the First Amendment rights of the students had been violated, the criteria for the removal of the books being too general and too broad). A pre-trial review of the Supreme Court, sharply divided in a 5-4 decision, upheld the appellate court. Speaking through William Brennan, the majority asserted that the “right to receive ideas” is a “necessary predicate” to the meaningful exercise for freedom of speech, press, and political freedom. Further:

Our Constitution does not permit the official suppression of *ideas*. . . . If [the school board] *intended* by their removal decision to deny [students] access to ideas with which [school board] disagreed, and if this intent was a decisive factor in [school board’s] decision, then [the school board] have exercised their discretion in violation of the Constitution. . . . (emphasis in original).

[W]e hold that local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to “prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion”. . . . Such purposes stand inescapably condemned by our precedents. (Karolides 56)

Such access to ideas “prepares students for effective participation in the pluralistic, often contentious society” in which they will soon be adult members.

A final case to be discussed here focuses on the attempt to remove *365 Days*, by Ronald J. Glasser, from the high school library in Baileysville, Maine. The school committee chair identified the reason for the removal was the excessive use of four-letter words (rather than the book’s theme of death and dying in Vietnam or its anti-war tone). The case, brought by two students, was decided in 1982 by U.S. District Court judge Conrad Cyr, who ordered the book returned to the library shelves. Citing the right to receive information concept recognized by the Supreme Court in relation to importance to society in the “fostering [of] free dissemination of knowledge and ideas,” he wrote:

Public schools are major marketing places of ideas, and First Amendment rights must be accorded to all “persons” in the market for ideas, including secondary school students, seeking redress of state action banning a book from the “warehouse of ideas.” The way would be open to pare the protections of the First Amendment to constitutional insignificance in our public schools were courts to accede to suggestions . . . that the banning of a library book, the least obtrusive conventional communication resource available, does not at least presumptively implicate the reciprocal First Amendment right of secondary school students to receive the information and ideas there written. . . .

How anomalous and dangerous to presume that state action banning an entire book, when the social value of its content is roundly praised and stands unchallenged by the state, does not directly and sharply implicate First Amendment rights because the ban was not intended to suppress ideas. The social value of the conceptual and emotive content of censored expression is not to be sacrificed to arbitrary official standards of vocabular taste. . . . As long as words convey

ideas, federal courts must remain on First Amendment alert in book banning cases, even those ostensibly based strictly on vocabular considerations. (Karolides 497-498)

World Censorship Status

The current status of censorship challenges around the world appears to be situational or territorial. There are politically and socially restrictive regimes on the one hand, predominantly in east central and southeastern Asia and the Middle East — for example, North Korea, Burma/Myanmar, Saudi Arabia, and Iraq — and, on the other hand, nations that promote and protect freedom of expression, notably northwestern European countries — Denmark, Finland, Netherlands, and Norway.

Turkey represents a country on the continuum between the two extremes, but closer, perhaps, to the restrictive ethic. Turkey's identity struggle, complicated by its bid to join the European Union, is both political and literary. In 2006, Elif Shafak, the author of *The Bastard of Istanbul*, was prosecuted for “insulting Turkishness” through her characters, who refer to the millions of Armenians “massacred” by Turks; also, her frank discussion of sexual taboos is perceived as morally dissonant. She was acquitted. However, the tension between these ethics — nationalism and freedom of expression is barely mollified in Turkey.

Certainly, these tensions are international. Even Denmark with its extended history of support for civil liberties experienced a situational confrontation in 2005, resulting from the publication of the Mohammed cartoons. Clearly, persons supporting freedom of expression must be ever vigilant.

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Summary

Political and societal insecurities are the bases of most censorship activities, each representing suppression of freedom of expression. Governments — from military dictatorships to democracies — are concerned with security, corruption charges, and embarrassing revelations. And when a society's moral norms seem to be challenged in literary works, officials and citizens may reject the texts to protect the "innocent."

With regard to political banning, the presumed assumptions about censorial governments and the reality of censorship by nations on both sides of the political divide are examined and illustrated. The societal segment acknowledges the longevity and nature of literary obscenity and the evolving jurisprudence, significantly clarifying the definition of obscenity, supporting the freedoms of expression.

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