

Reconsidering Intellectual Freedom in the Library

Introduction

“Intellectual freedom” has become deeply entwined with the conception and practice of librarianship. Since the adoption of the first Library Bill of Rights in 1939—and in subsequent documents such as the Code of Ethics and Freedom to Read statement—the principles of free expression of ideas and unfettered access to resources have been codified in numerous ways by the American Library Association (ALA). These policies have been further defined and communicated by the ALA’s Office of Intellectual Freedom and the *Intellectual Freedom Manual*, now in its ninth edition.

Intellectual freedom is typically viewed as an interpretation of and safeguard for First Amendment rights for library users and workers. The library has thus been thought to embody the “marketplace of ideas,” serving as a bulwark against censorship and efforts to limit access or expression. This follows the standard established in *Brandenburg v. Ohio* (1969), which found that any speech that does not incite “imminent lawless action” is protected. While this concept is central both to librarianship and the practice of democracy writ large, tensions inherent in the exercise of intellectual freedom within the library—including imbalances of power and subjective factors such as racial identity—deserve more attention.

Drawing in part on critical race theory, this paper will explore what it means to uphold intellectual freedom in the library while also grappling with its shortcomings and potential harms. One particular facet of intellectual freedom, the use of meeting rooms and the right to speech in the library, is explored in more depth.

Intellectual freedom as a professional principle

Despite its centrality to the profession, the ALA has never officially defined the term “intellectual freedom” (Jones, 2015, 3). The ALA today describes intellectual freedom as “the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored” (ALA, 2007). The International Federation of Library Associations and Institutions (IFLA) has also codified support for intellectual freedom based on Article 19 of the United Nations Universal Declaration of Human Rights, which reads: “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” (IFLA, 2019; United Nations, n.d.).

Intellectual freedom was not always been a pillar of the profession but grew out of the “movement against censorship of published materials” beginning in the 1920s (Krug & Morgan, 2015, 4; see also Campbell, 2014). In Robbins’s history of the development of this intellectual

freedom principle within the ALA, she explains the profession's typical stance: "In a free and open debate—in a free marketplace of ideas—truth will be the victor" (1996, 3). The "marketplace of ideas" is common metaphor for free speech and expression, advocating (along the lines of a *laissez-faire* economic marketplace) that when everyone can speak their views, the best ideas will win popular acceptance. The metaphor appears in the introduction to the Library Bill of Rights by stating "all libraries are forums for information and ideas" (ALA, 2019, par. 1).

Heckart (1991) compares librarians' philosophical stance toward intellectual freedom to the constitutional law concept of the marketplace. He tackles some of the contradictions of the marketplace idea, including that to present all viewpoints, librarians must sometimes actually act as interventionists to introduce unpopular or unorthodox ideas. Still, he advocates librarians critically examine these problems in service to "truly making the library a more perfect market" (503). The library as upholding the ideals of free expression remains a popular conception.

The limits of the marketplace of ideas

However, the library as embodiment of the marketplace of ideas ignores imbalances of power between different groups (including unequal access to speech) and that ideas may gain acceptance on factors other than merit. Building on philosopher Karl Popper's "paradox of tolerance," Rosenfeld (1987) parses the unique position of the United States among western democracies to protect extremist or hate speech given that the success of such speech would lead them "ruthlessly suppress the speech of those with whom they disagree" (1457). He finds the traditional jurisprudence on free speech "unpersuasive because it either overestimates the human capacity for rationality or underestimates the harms that speech can cause" (1457). Traditional concerns about restricting speech include that it would lead to further suppression of rights, but that does not on its own adequately account for the consequences of speech and its (potentially negative) impacts.

Delgado and Stefanic (1992) make this point from the perspective of critical race theory: "Elite groups use the supposed existence of a marketplace of ideas to justify their own superior position" (1286). This benefit for the majority over the minority manifests in multiple ways: "The expense of speech also precludes the stigmatized from participating effectively in the marketplace of ideas," and, even if they do, they "have little credibility" and thus are not heard (1287). The marketplace cannot function as conceived because there is not equal access to participation.

This tension between free speech and equality is explored by Powell (1998), who outlines how "privileging the value of unrestrained expression will conflict with the value of participation" (105). He argues that racial identity has not been sufficiently considered in the debate around free speech and open dialogue: "The unfortunate reality is that the 'more speech' remedy is ineffectual where one party to an exchange lacks the capacity for empathetic and respectful dialogue and the other lacks the power to mandate engagement" (110). Thus, the marketplace is a weak metaphor because it accounts neither for power imbalances nor subjectivity. Like Rosenfeld, Powell additionally argues that the potential harms of speech have been minimized. He calls for a "a new jurisprudence on free speech that is grounded in some principal that

acknowledges injury,” even if that injury is psychological or emotional rather than physical (2018, 1:01:35).

Seale and Mirza (2019) examine the marketplace in the context of library and information science and through a framework of not just capitalism, but specifically racial capitalism. They demonstrate how the marketplace metaphor “reframes the political elements of librarianship as economic” (47) and leads to a dynamic in which “debates and controversies around intellectual freedom within librarianship so often entail the denial of Black peoples’ humanity” (44). Dominant understandings of intellectual freedom and free speech have underplayed the roles of power dynamics and the potential to harm, particularly regarding racial identity. Work in particular from critical race theory helps to better understand these issues and how they may apply to librarianship.

The impossibility of neutrality

A categorical embrace of intellectual freedom is intertwined with another complicated but closely-held ideal of librarianship: the idea of a “neutral” library professional. This viewpoint, exemplified by work like Fosskett’s (1962) article *The Creed of a Librarian: No Politics, No Religion, No Morals*, insists on the librarian as impartial and unbiased, therefore embodying a (nonexistent) “neutral” middle ground. As Jensen (2004) argues, that is both a false characterization and an impossibility. Professing neutrality instead represents a passive acceptance of the status quo that favors those with more power. Everyone has politics that necessarily influence how they do their jobs, whether they acknowledge those or not. Insisting on neutrality creates “overwhelmingly conservative spaces, in the sense that they function mostly to conserve the existing distribution of power” (31).

The choices that library workers make—describing and cataloging materials, collection development, identifying sources, suggesting references, creating public displays, deciding the availability of computers and technology—cannot be neutral. The decisions are typically based on reliability, relevance, perceived need, and other factors, and may not all carry a charged political statement, but they are imbued with bias and partiality. Drabinski (2018) highlights how insistence on neutrality only reinforces normative ideology: “Those steeped in and rewarded by dominant ways of seeing the world don’t have to know how intensely political the ostensibly neutral position is. If the white supremacists booking your meeting space are not after you, you don’t have to know how dangerous they are. Books about reparative therapy for gay people can be simply another point of view if yours is not the body and mind those authors seek to destroy” (par. 6). Critiques of position of the library as a neutral institution and the librarian as an apolitical actor, and considerations of the subsequent harms of that attitude, have become common (Jaeger et al., 2013; Gibson et al., 2017). A fuller understanding of intellectual freedom also requires moving past the outdated notion of neutrality.

Meeting rooms and intellectual freedom

While intellectual freedom traditionally focused on censorship and provision of materials, one area that is particularly relevant today is speech rights within the library. To supplement the Library Bill of Rights, the ALA has written 28 “Interpretations” that outline “application of these principles to specific library practices,” ranging from Challenged Resources to Internet Filtering

(ALA, n.d.). One of these is a Meeting Rooms policy adopted in 1991 that says, quoting the Library Bill of Rights, that libraries with meeting rooms should make those facilities available “on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use” (ALA, 2019b, par. 1). Referencing court cases involving a white supremacist group suing for use of library meeting rooms, the policy emphasizes that “legal precedent holds that libraries may not exclude any group based on the subject matter to be discussed or the ideas for which the group advocates” (par. 2). The ALA suggests that individual libraries should “develop and publish policies governing use after consultation with legal counsel” (par. 3).

The referenced “legal precedent” was a concerted strategy from 2000 to 2002 by a white supremacist group then called the World Church of the Creator (WCOTC) and its leader, Matt Hale, to test public library meeting room policies. The group booked meeting rooms in 20 or so libraries in numerous states in order to give speeches that particularly targeted Black and Jewish people and included Nazi salutes, promotion of white pride, and other racist activities (Oder, 2002; Antifascist Library Network, 2018). Hale’s threat to safety was recognized by library staff, often prompting library closures on the day of his speeches and very large police responses to prepare for potential clashes between the WCOTC and counterprotestors. The Lucius Beebe Memorial Library in Massachusetts preemptively closed the library and the library’s assistant director described preparation for one of Hale’s speeches this way: “Several days before the meeting, our library was routinely swept by police for hidden weapons. On the day of the meeting... the top of our quaint library sported SWAT team members with guns” (Hill, 2008).

In 2001, facing a lawsuit (as referenced by the ALA’s Meeting Rooms policy), the Schaumburg (Ill.) Township District Library granted Hale a speech on a Saturday evening, more than two hours after the library closed. “It was obvious that [the judge] felt the overriding issue wasn’t public safety but the 1st Amendment right to speak,” Library Director Michael Madden told the *Chicago Tribune* at the time. “It should be easier now that we don’t have to worry about all the regular library users” (Higgins, 2001). Here “all the regular library users,” or the community that the library was meant to serve, were identified as at risk either from WCOTC or counterprotestors. However, Hale’s free speech rights were framed as the primary concern. For the WCOTC, the library was not a convenient meeting place but the subject of a deliberate tactic to sow fear and violence under the banner of free speech. The speeches may have promoted free speech, but they also disrupted access to library services and created a potentially harmful environment for library users and community members.

Although this type of free speech conflict at public libraries had not recently been an issue, in 2018, the ALA introduced a motion to update its Meeting Rooms policy to explicitly name “hate groups” as those allowed to book meeting rooms (LaRue, 2018). The updates would not have changed the substance of the policy, but the naming of hate speech and hate groups was perceived as inviting those activities into the space of the library. The revisions to the Meeting Rooms policy seemed a defensive move; the footnotes included references to the Schaumburg lawsuit and OIF director James LaRue said that policy was updated in response to a question from a library about whether it had to permit a KKK meeting (Yorio & Peet, 2018).

Fierce backlash ensued (for example Hathcock, 2018; Schaub, 2018; Seiter, 2018). The hashtag #NoHateALA was started on Twitter. For Seale and Mirza (2019), the Meeting Rooms update was an example of dissociating speech from its context, which erases “already-existing limits to speech and oversimplifies politics and ethics” (54). A petition authored by the We Here community, signed by more than 800 people, underscored the view that libraries should take a strong position: “We protest the implication that what is legal is what is right, and that libraries can do nothing to protect the safety of minoritized and marginalized communities without affirmative legal precedent... If libraries allow known hate groups to organize their hate-motivated activities in our meeting room spaces, we condone hate groups at best, and at worst, aid and abet their hate crimes” (We Here, 2018, pars. 3 & 7). The petition asked the ALA to assert a moral position and do “what is right” in this situation, rather than falling back on legal precedence. By using the words “condone” and “abet,” the petition argued that the fact that these events may only be hosted, and not sponsored, by the library is likely irrelevant to the average patron or worker and the library is thus complicit in the activities.

Following the protest, the ALA councilors voted overwhelmingly to rescind the measure; of the 82 percent of eligible voters who participated, 140 voted to rescind, four to not, and two abstained (“ALA council rescinds,” 2018, par. 2). While legal precedent favors a broad reading of intellectual freedom, the dispute over the Meeting Rooms update shows that many librarians favor a social justice approach to their work that instead takes a strong ethical or moral stance.

New approaches to intellectual freedom

Two recent episodes of libraries confronted with the tension between free speech and hate speech offer instructive examples for how library workers are reconsidering the meaning of intellectual freedom in the library. In each, librarians take into account their subjective experiences, arguing that the library and librarians cannot be impartial or consider speech outside of its context.

The last few years in the United States, particularly following the 2016 presidential election, have brought into sharp focus the ways in which speech can be dangerous. In the summer of 2017, multiple rallies by members of the far-right and the white nationalist movement in Charlottesville, Virginia, led to clashes and assaults that resulted in the death of counterprotestor Heather Heyer on August 12 (Helm, 2017). Following this violence, four librarians from the University of Virginia (UVA)—Abby Flanigan, Dave Ghamandi, Phylissa Mitchell, and Erin Pappas—grappled with the conflict between intellectual freedom and their professional practice. They ask, “It may seem like an unmitigated, incontrovertible good to promote openness and dialogue from a distance, but how do we respond when faced with blatant racism and outright violence?” (Flanigan et al., 2019, 48). Using personal reflection and autoethnography, they consider the library’s place both during and after the events, going beyond what occurred in summer 2017 to probe the history of white violence at the university and of oppression within the library profession.

They conclude not with clear answers but a series of questions: “Who do we ask to bear the cost of neofascists’ ‘free speech’? What is the impact of libraries seeking out dialogue when also defending hate speech? Is dialogue an inherent good, especially if the power asymmetries

between those taking part in it go unexamined? Can dialogue bring us to a place of freedom and truth if power(ful) interests dictate the terms on which that dialogue takes place?” (66). These questions about the dynamics of power, the context (not just substance) of speech, and the potential for community harm are all ones that librarians will need to engage with head on rather than remain under the cloak of intellectual freedom. Dialogue has typically been considered “an inherent good,” but only when removed considered separate from community impact and harm. The approach by the UVA librarians suggests one way to begin to reconcile intellectual freedom with other, potentially conflicting, goals.

More recently, protest about the interpretation of the meeting room policy at the Toronto Public Library (TPL) erupted after the library agreed to host a speaker often described as transphobic. The October 29, 2019, event by writer Meghan Murphy, who has denied the humanity of trans people, brought out about a thousand protestors, caused some to cancel planned events at the library, and spurred petitions and public statements against the event (Winsa, 2019).

The Murphy example is not a direct corollary to circumstances in the United States: Hate speech in Canada is considered a criminal offense, and TPL’s Community and Event Space Rental policy does allow denials when the event will have “the effect of promoting discrimination, contempt or hatred for any group or person” in a number of protected categories, including race and gender identity (TPL, 2018, par. 8). However, it can still be instructive to circumstances here. Protests in Toronto were not focused on whether Murphy has the right to make these claims (i.e., whether she should be charged with hate speech) but whether the library should be host to them. The issue was not primarily the speech itself, as abhorrent as many find it, but the venue and whether the library should serve as a conduit or platform for the promotion of her viewpoint.

Two examples of dissent by library workers emphasized the public perception of the library and questioned TPL’s commitment to accessibility and marginalized communities. An open letter from the Toronto Public Library Workers Union to the City Librarian highlights the friction between the library’s goals of free speech and those of equity and inclusion: “Recent TPL public consultations with equity-seeking groups on how to make the library more ‘welcoming,’ inclusive, and relevant ring hollow if the very people they seek to validate are ultimately alienated by the real decisions and actions that run counter to purported values of equity and respect” (TPLWU, 2019, par. 4). Another open letter from librarians and archivists at York University, also mentioning the potential for community harm, called for the library to take a moral stand: “Librarians have a responsibility to support evidence-based arguments and to oppose those who deny the rights of others. A stance of neutrality should not permit false equivalencies—not all arguments have equal merit—and you should have the critical capacity to see the difference between legitimate debate and outright discrimination” (York University Faculty Association, 2019, par. 4).

While operating within a different legal context, the response in Toronto indicates a desire among librarians to prioritize values other than free speech or intellectual freedom in determining how the space of the library should be used. Both Charlottesville and Toronto show

that librarians want to directly confront the inherent friction between intellectual freedom and other stated ethics of the profession.

Conclusion

Intellectual freedom, including unconstrained speech and expression, is central to our democracy. Within the library, maintaining intellectual freedom is important both to encourage diverse viewpoints as well as to counter systemic oppression and secure civil rights (Gibson et al., 2017; Oltmann, 2017).

However, maximalist or absolutist attitudes treat free speech only as an unalloyed force for good. This approach overlooks the importance of context and understates potential harms. The question explored here is not whether white supremacists and other objectionable groups have rights to speech and assembly—they do—but whether the library should enable the spread of those views in the name of intellectual freedom. Traditional conceptions of intellectual freedom have not sufficiently accounted for power imbalances, subjectivity and identity, and the potential for harm when prioritizing free speech above other ethics of librarianship.

These questions have taken on new significance given the political climate and the perceived emboldening of far-right views in the United States, evident in the fear and violence stoked in Charlottesville in 2017. In addition, the American Library Association and the library profession have made the values of diversity, equity, and inclusion a priority in recent years, but have not seemingly recognized the inherent tension between intellectual freedom and equality. For a profession that remains 87 percent white (ALA, 2017), this is an especially critical reckoning. The field can learn from critical race theory and legal scholarship about the limits of traditional conceptions of intellectual freedom and the marketplace of ideas.

The examples of the Meeting Rooms controversy, the events in Charlottesville, and the protest in Toronto, show that at least a portion of librarians would like to explore how other values, ethics, and morals might influence or supersede rigid interpretations of intellectual freedom. What is the ethos of the field? What values will be upheld when two stated ethics—such as intellectual freedom and diversity, equity, and inclusion—are in conflict? More directly, will speech continue to eclipse equal protection and access to full participation? This is not an argument against intellectual freedom, but an argument for a reevaluation of our understanding of intellectual freedom as it relates to library work in practice rather than as an abstract principle.

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