

# Save Police Time, Beat Yourself UP: The Problem of Self-Censorship

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## **Abstract**

The legal, regulatory, administrative and policing structures of censorship and related forms of information suppression are well known and widely discussed. The much more insidious phenomenon of self-censorship is paid less attention, but it arguably prevents greater volumes of information, argument and comment from being openly expressed. Self-censorship by private individuals might only have consequences in terms of personal frustration, but self-censorship by journalists and other commentators, political activists, and those involved in civil society campaigning is arguably socially damaging.

Four main reasons why people censor themselves can be identified and these will be discussed in relation to four types of subject matter that are commonly seen to require self-restraint. First, self-censorship is most likely where people succumb to the 'constraints of conformity' and allow a perception of the levels of expression that society will tolerate to stifle their individual responses. Second the pressures associated with the policies and political preferences of media owners can encourage commentators to tailor their views to fit those of their employers. Third, there is fear of the application of the law (such as measures on defamation, official secrets or incitement) to material that has been publicly communicated in some form. Fourth there is awareness of prior restraints that can be applied under some systems of law to communication that is being planned or prepared. Whilst it is still likely that committed people will speak out despite all or any of those pressures, in some subject areas it is easier for individuals to convince themselves that restraint is appropriate. The three areas of national security, social stability and protection of national culture all attract sentiments that can range from simple patriotism to xenophobia; can include socio/political conservatism; and emerge from variants of affection for a particular culture that stretch as far as cultural chauvinism. A fourth area that can be added to this list is a tolerance, based in cultural relativism, of ideas and practices that might well demand to be questioned.

Recognising the origins of any impulse to self-censorship is the first step towards avoiding the suppression of necessary critiques before they gain utterance, and creating a more open discourse in society. If others suppress our freedom of expression it is bad, but if we allow ourselves to censor our own opinions it is worse.

## **Introduction**

Governments, even the most liberal and enlightened, all consider it necessary to suppress at least some information and comment. Indeed, the key statements on intellectual freedom recognise that this may happen and that it can in certain types of case be considered

legitimate. For instance, the European Convention on Human Rights, after setting out the essential rights to information and communication in its Article 10, says that:

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary (Council of Europe, 1950).

The distinction between truly enlightened governments and those whose record is unacceptable to thinking human beings is not whether there is suppression or no suppression, but the extent to which suppression takes place and the justifiability of that suppression. This, however, is not the whole story. What needs to be understood is that no government, however oppressive, actually has to censor all potential expression by its people directly: there is always a vast volume of indirect censorship. We call this self-censorship and it amounts to people voluntarily doing what otherwise might be the work of police and security services. The question that this paper addresses is exactly why we do some of the censors' work for them. They will happily draw their pay cheques at the end of each month and go out and play golf or ping pong in office hours if we reduce their workload, but just how does it happen that we give them these pleasant opportunities?

Putting the question in this form ignores, of course, some of the subtler aspects of the relations between government and people, described by Foucault (1991) as 'governmentality'. Governmentality is based on the recognition by governments that human beings subject their own behaviour to moral self-regulation. Thus, by extension, governments by regulating human conduct in general can be seen as engaging in a thoroughly moral activity.

It is moral because policies and practices of government, whether of national governments or of other governing bodies, presume to know, with varying degrees of explicitness and using specific forms of knowledge, what constitutes good, virtuous, appropriate, responsible conduct of individuals and collectives (Dean, 1999, p. 11).

The contract between the governed and the governors has at its heart this assumption, valid or not, that governments understand and act in ways that work through our desires, aspirations, interests and beliefs. Dean (p. 13) goes on to claim that the concept of governmentality offers 'A framework for thinking about the linkages between questions of government, authority and politics, and questions of identity, self and person.'

This small study of self-censorship thus operates in the intellectual domain of governmentality. In particular, it touches on 'Those institutions and practices concerned to defend, maintain and secure a national population and those that secure the economic and social processes that are found to exist within that population' (Dean, p. 20) and deals with the idea that 'problems and issues raised within the borders of the nation can be addressed in terms that are relatively isolated from matters external to those borders' (Dean, p. 124). Censorship is commonly talked of as if it were something that is imposed on unwilling populations. This might perhaps be true in relation to totalitarian governments, Hitler's Germany for instance. With both liberal governments, such as most of those to be found in present-day Europe, and even authoritarian governments, such as those of the People's Republic of China and Cuba, it is the case that most suppression of information and opinion is achieved by collusion between people and government. Just what, however, are the mecha-

nisms of governmentality in relation to self-censorship? First of all, what are our immediate reasons for foregoing our human right to free expression and choosing not to speak or write what we believe?

### **Why we self-censor**

Fear might seem to be the essential reason why we self-censor, and in some sense it is. However, there are different types of fear involved, covering a wide spectrum from outright terror to a mere delicateness about giving offence. Dealing with terror first of all, it has to be acknowledged that some people do not reveal what they know or think because they have a very real fear of beatings, confinement, torture, and violent death that has nothing to do with the formal apparatus of the state or any other organisation. Clandestine hit squads of off duty policemen or soldiers, members of political movements or, quite simply, hired thugs exist in many countries. Political dissidents, social individualists, members of marginalised groups, and the journalists who might try to reflect their views are at threat in many countries, particularly those of Asia, Africa and Latin America. The shooting of the Russian journalist Anna Politkovskaya in 2006 reminds us that terror is also found closer to home. Every year an average of 43 journalists worldwide are martyred in the service of free expression, (Committee to Protect Journalists, 2007), but every year an even greater number restrain their journalistic instincts and write what they think their political masters would prefer to read. Because of the circumstances of real peril that exist it is easy to understand why free expression is insufficiently exercised in some parts of the world. Without seeking in anyway to diminish the importance of understanding and resisting the use of terror as strongly as we are able, this paper nevertheless concentrates on those means of suppression that citizens internalise and effectively endorse. Four legal ways in which censorship can become part of our mindset rather than something directly imposed upon us are discussed in what follows.

### *Prior restraints*

These are the most open and damaging forms of censorship. The state demands, through some system or other, that material that is intended for publication or broadcast is submitted for inspection prior to its appearance. It is then formally decided by the censors whether or not the material will be approved for dissemination. Classic examples were the Book Chambers of the old Soviet Union. On the one hand they were a means of supporting and organising the publishing industry, but on the other they were the means of ensuring that only officially approved material appeared. Such an authoritarian system naturally inhibits the writer. It makes it obvious that the alternatives offered include risking rejection and all the subsequent threats to the writer's comfort and security that implies; writing something that is predictably acceptable; or writing nothing. There is of course the further option of unlicensed publication, such as the *samizdat* that flourished as the power of the Soviet Union began to crumble during the 1980s, but this was a phenomenon of extreme political circumstances. All-encompassing systems of prior restraint are not as common as systems that deal with some specific aspect of information, most commonly national security. Britain, for instance, has its Defence Advisory Committee, which can examine material intended for publication or broadcast that deals with sensitive defence matters. If it is considered necessary it can then order its modification or suppression by the issue of a 'DA Notice'. Discredited and infrequently used as this system is, it reminds us that even a democratic state such as Britain offers its researchers and writers good reason to choose to avoid certain sensitive topics.

### *Consequent legal action*

If there is to be some form of legal consequence for expression whose acceptability is challenged, it is better that it is imposed as a penalty after publication or broadcast than

suppression in advance. This gives the originator of the disputed communication the right to a trial in open court, during which the merits of the issue and the value of the intended communication can be properly debated. This system has the ability to alert those who consider using some form of expression that might genuinely cause harm that they need to consider their actions very carefully. At the same time fear of legal action has the potential to create what the Americans call a 'chilling effect'. The confidence that one's case 'should' prevail in court does not prevent the fear that it will not, nor does it protect one, at least until a successful defence has been mounted, from the enormous costs of defending a legal action. Countless times this threat will have strangled a possible publication or broadcast before it has even been exposed to public inspection. Such use of post-publication legal challenge applies to matters such as alleged obscenity, but the laws of libel are an even stronger example of this.

Most systems of law recognise that publication which damages someone's reputation, particularly if it causes them measurable loss, should be open to challenge in the courts with the award of compensation if the challenge is upheld. Deliberate lies and insults directed at individuals form no real part of civilised exchange, and laws that offer redress to the injured party are a reasonable response. However, in some jurisdictions these laws can be oppressive because of the ease by which judgements can be obtained, and the willingness of the courts to award high levels of compensation. Britain has been an example of such a jurisdiction for many years. Astronomically high compensation has often been awarded to the libelled and the fear of such awards, or even the expense of fighting the charges, has definitely deterred much necessary comment. The most notorious example was that of the media owner Robert Maxwell whose fraudulent dealings were for many years almost public knowledge. They failed to become actual public knowledge, to the great loss of many people involved in one way or another with the companies that he owned, because Maxwell retained a team of libel lawyers to issue threats of legal action at the first appearance of anything that might undermine his facade of respectability. What is more, the effects of an environment friendly to libel actions have seeped out globally by the willingness of British courts to listen to allegations that may have originated in other jurisdictions, if access to the communication can be proved to have taken place in Britain.

### *Media ownership*

Informal exercise of freedom of expression, in conversations, debates and speeches, is important, but its significance is dwarfed by the potential impact of published and broadcast expression. This places an enormous responsibility in the hands of the owners and managers of media outlets of all types. The image of the brave owner/editor of a small crusading newspaper is perpetuated in numbers of American movies, but current reality is quite different. Decades ago Schiller (1989) identified the development of a corporate oligarchy controlling large swathes of the world's media. Rupert Murdoch, with his newspaper groups that dominate the global press and his TV and other media interests (with the Fox channel in the USA as flagship) is the personal embodiment of this tendency. Not to be forgotten, also, is the ownership of media by business corporations that also have a host of non-media interests. Newspapers, book, broadcasts and Internet information sources are all very far from the neutral conduits of free expression as which they are sometimes presented.

Media owners have the closest of relationships with the governments of states. On the one hand they, and the politicians themselves, believe that their support causes governments to be elected or defeated (the support of Murdoch's *Sun* newspaper in the UK is widely believed to have contributed heavily to the success of Tony Blair's Labour Party in the 1997 UK

elections). On the other hand governments feel able to demand that media groups conform to the norms of communication they set, in return for a position in the media market that they control (the Murdoch media in China seem to be in this position). This close and intimate relationship between media and the centres of power compromises both media integrity and the independence of government in degrees that vary according to the political complexion of each particular state. It also has the clear effect of turning editors into second tier censors, administering what Windrich (2001, p. 2189) describes as ‘the institutional restraints which prevent writers from expressing critical views on subjects considered vital to the owners of their publications or electronic networks’. Of course writers continually clash with these restraints, but the tendency to self-censor in the interests of keeping one’s job is natural.

### *The constraints of conformity*

The existence of some institutionalised or quasi-institutionalised form of censorship is, as the three previous sub-sections make clear, a substantial source of the pressure to censor one’s own expression of ideas and communication of information. The central argument of this paper is that alongside this there is an insidious impulse to self-censor, rooted in the ‘constraints of conformity’. These constraints are defined by the International Press Institute as ‘the fear of going against the grain of social expectations’. (Windrich, 2001, p. 2188) Almost everyone censors some things that they might say or write and at the personal level this is described, and applauded as ‘tact’. In most societies those who are tactful are regarded as admirable people and they are contrasted with those whose unconsidered words conflict with social expectation. At its most extreme there is Tourette’s syndrome, where the sufferer exhibits a range of tics and spasms, often including an irresistible need to shout obscenities and curses in public. Although Tourette’s sufferers may behave in a socially unacceptable way, they probably attract more sympathy than those who are seen to take no care to avoid upsetting those they encounter in their daily life. Blunt, direct speech is valued in some regional and national cultures (Yorkshire and Denmark spring to mind), but even there openness has its social limits. By not practising a certain level of self-censorship the outspoken condemn themselves to the disapproval of their family, friends, colleagues and acquaintances.

When the constraints of conformity affect communication beyond the domain of the personal they become a means by which censorship is subtly extended and strengthened. In most people there is a natural desire not to attract the unfavourable comment and possibly social isolation that can follow expression that society finds too uncomfortable to bear. In some societies this social disapproval can amount to a kind of internal exile, others it is more subtly practised. It functions particularly effectively in closed groups and communities, such as the followers of a particular religion, where the unorthodox or individualistic may be quite formally ‘shunned’ by fellow members. It also pervades communities of practice and organisations of many kinds. Williams (2002, p. 496) points out that:

‘Employees who make unconventional suggestions or try unconventional work methods may be subjected to criticism or mockery. Knowing this, employees are often reluctant to share their unconventional ideas.’

In the arts too there is pressure to conform and in the music world there is actually an international NGO, Freemuse, dedicated to freeing music from censorship and the attendant self-censorship ([www.freemuse.org](http://www.freemuse.org)).

Science also shows clear patterns of self-censorship. Quite recently a group of editors of scientific journals urged scientists to use restraint in writing about biomedical and chemical

research that could be of use to terrorists (Riebeek, 2003). This was merely an open expression of existing, unspoken practices in scientific communication. The scientific establishment, through the peer review process, exercises firm control over what is, or is not, acceptable science. Scientists who wish to succeed are obliged to consider whether, or not, they will risk offering unexpected results and unorthodox theories to the scrutiny of their peers. Survey-based research suggests that this can be a stronger influence than formal constraints:

Such constraints include the threat of social sanction. Scientists may stay away from research not because it's illegal, but because it breaches an unspoken rule about what it is appropriate to study and what is not (National Geographic News, 2005).

The influence of conformity is everywhere, but it is worth quoting the *Handyside v. the United Kingdom* court decision of 1976 on the defiance of conformity:

[Freedom of expression] is applicable not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of the pluralism, tolerance and broadmindedness without which there is no democratic society (Council of Europe, 2007, p. 85).

This is an extremely clear statement of not merely the right, but the necessity, to risk offending, shocking and disturbing the public through communication of all kinds. The constraints of conformity stifle incalculable quantities of potential expression, but those who self-censor probably very seldom focus on their own fear of social isolation and its consequences when they self censor. They can choose from a number of very persuasive 'reasons' why it is a good thing not to speak out, and those who hold power are not slow to draw attention to these reasons why we should do the censors' work for them. The following section discusses four out of what could probably be a much longer list of 'justifications' for voluntarily self-censoring rather than being bullied into it.

### **How we Internalise self-censorship**

The following four sub-sections derive from two sources. The first three were suggested to the author by a Chinese colleague as reasons why the government of the People's Republic was justified in controlling expression through the Internet and other media. The fact that they came from an individual, not an official source, identifies them as operating in the domain of self-censorship. The three reasons are: national security, preservation of social stability, and protection of the national culture. The fourth, tolerance and respect for the beliefs and viewpoints of minorities, is added because of the furor over the cartoons on the Prophet Mohamed that appeared in the Danish newspaper *Jyllands Posten* in 2005. Each of these has a certain validity, but each is also capable of acting as a means of encouraging a wider range of the suppression of information and communication than the essential idea can justify.

#### *National security*

As was pointed out at the very beginning of this paper, the European Convention on Human Rights recognises concerns over national security and territorial integrity as valid reasons for some curtailment of the right to freedom of expression. That having been said, the national security argument is probably the most frequently used lever to suppress information and opinion. Patriotism has virtues, but it is arguable that the vices of patriotism, amounting at their worst to xenophobia, are much more significant. Certainly history provides ample evidence of the perils experienced by smaller nations and the tendency of larger imperial powers to impose their will on them. The history of the city of Zadar (the venue of the 2008

BOBCATSSS conference) and its subjection to external powers, Turks, Venetians, Austrians, Italians, to name but a few, illustrates the point perfectly. However, once that has been conceded, it can be seen from hosts of examples that governments stretch the concept of national security as far as they can to suppress all sorts of information that presents no imaginable threat. In particular, the idea that China, with its massive population and territory, guarded by enormous, heavily-armed military forces, needs more than minimal secrecy to protect it is ludicrous. By drawing citizens who quite reasonably love their country's language, way of life, traditions and history into complicity with this farcical notion, a government effectively out-sources repression to the repressed.

### *Social stability*

The essential futility of the suggestion that people should avoid discussing social problems so as not to make them worse, means that it needs little comment. Threats to social stability are as old as society itself. They can be addressed by democratically-supported statesmanship based on the principles of justice and fairness, probably best expressed in the concept of human rights. Not talking about social problems is quite simply a formula for their perpetuation. Yet states claim that they promote social stability through national symbols, insulation of leaders from criticism and an agenda of suppressing comment on particularly problematic issues. Burning the Danebrog, the Stars and Stripes, or the Union Jack may be rather distressing to simple-hearted patriots, but who does it actually hurt? Do we really believe that criticism of Comrade Kim Jong-il, the Dear Leader, represents an unforgivable insult to all Koreans? Does Turkey really ensure that Armenians and Kurds are more likely to be loyal citizens by making discussion of the genocide of 1915 illegal and suppressing the use of the Kurdish language? The least that people can do is reject these false agendas and speak out against them when they can.

### *The national culture*

Whilst one can quite swiftly dismiss the validity of national security and social stability as reasons for self-censorship, the idea of national culture presents rather more difficulty. Even Americans, those great exporters of cultural products and services, sometimes think that their national culture is at risk. It may be a fundamental human mode of thinking, rooted in the mutability of cultures themselves, to see culture as having had its golden age (in England probably the late sixteenth century reign of Elizabeth I) and now being under desperate threat from some external source (probably for most countries an English-speaking source, the USA for instance). Yet, is it not somehow right to protect the individuality of specific cultures, so that the rich diversity of human life on this planet is not replaced by a bland, commercialised uniformity? Phrased in that way, it is hard to disagree with the sentiment. There would be little real point in the BOBCATSSS delegates visiting Zadar if it were not so marvellously steeped in history and tradition. A purpose-built conference centre next to a motorway somewhere in the industrial districts of Belgium would do just as well. It is not the respect and care for national culture that is wrong: it is the suppression of ideas to protect it that is the mistake. Two examples must suffice to illustrate the point.

First, there is the threat posed by figure-enhancing underwear to the culture of China. According to Lin Yutang (2000, p. 148), who wrote these words in 1935, 'Women's dress is not designed to reveal the body of the human form but to simulate nature.' The purpose is essentially mystical:

The whole rhythm of a woman's form is modelled after the graceful rhythm of the weeping willows, which accounts for her intentionally drooping shoulders. Her eyes suggest the apricot, her eyebrows the crescent moon, the light of her eyes the silent waters

of an autumn lake, her teeth are like the seeds of pomegranate, her waist like the weeping willows, her fingers like the spring bamboo shoots and her bound feet again like the crescent moon.

This probably explains why in 2007 the Chinese State Administration of Radio, Film and Television banned TV adverts for figure-enhancing underwear, citing 'lascivious imagery and unsupportable claims' (Ads for figure-enhancing underwear, 2007). When unsupportable claims are being made for figure-enhancing underwear a national culture based on the romanticising of women's bodies is clearly under threat. To emphasise the point, the announcement groups these adverts with other forms of 'social pollution'. The message that women (and men, obviously) should not even think or talk about figure-enhancing underwear is clear.

A second example is the French protection of their national movie industry. Many of us have been delighted over the years by the flow of French films that have combined charm and elegance, whilst making considerable demands on the intelligence of the viewer. When the international trade and tariff negotiations of the 1994 Uruguay Round produced the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement, France sought to protect its film industry from free trade which would almost inevitably favour the powerful American industry. Limitations on the admission of foreign movies provide protection for the French industry as a whole, but recent figures on cinema ticket sales show that this has failed to protect art house cinema. In 2006 self-consciously artistic movies sold only tens of thousands of tickets, whilst popular comedies and romances (with a closer resemblance to the Hollywood product) sold millions (Chrisafis, 2007). Protection of culture has once again revealed itself as an elusive goal. It is easy to mock, but culture is more like a piece of virgin forest than it is like a carefully cultivated garden. Nature makes the decisions in the forest through the agency of the individual trees and shrubs, and the changes in a culture come from individual people choosing to use a certain word in preference to another, watch a certain category of movie, or enjoy what others might call social pollution in a very natural way. Trying to hold back the emerging trends of cultural change is almost certainly a project doomed to failure, and using the defence of culture as a reason for encouraging the suppression of information and communication freedom is either naive or dishonest.

### *Tolerance*

Finally, there is the question of tolerance and respect for the beliefs and viewpoints of minorities. This has a strong resonance for all who believe that cultural diversity is a source of strength rather than a cause for anxiety. When a newspaper like *Jyllands Posten* deliberately publishes cartoons designed to open up debate in society (and presumably within the Muslim community itself) on Muslim beliefs it ostensibly performs a service to the struggle against self-censorship. Yet liberal opinion is divided between support for this uncompromising stance, and a feeling that minorities deserve a more tolerant approach to their concerns. The author has himself pointed ways towards more tolerant expression, citing the practice and theory of comedy as offering models of behaviour (Sturges, 2006). Yet there is a danger that, in the interests of tolerance, a form of cultural relativism will replace a more humanistic analysis. Whilst individuals' beliefs are their own business, what individuals and communities practise is certainly a legitimate subject for comment and criticism (Sturges, 2005). So as long as there remain aspects of minority culture that conflict with human rights, comment should neither be forbidden by the state, or suppressed by the individual. Protecting minorities from abuse and preventing incitement to hatred and violence remain within the state's area of responsibility. Protecting minorities from reasoned criticism, or even satire, treats them like



children who are incapable of understanding and responding in kind. In the end tolerance is only a partial reason for self-limitation of expression.

### Conclusion

This small exploration of self-censorship has sought to probe a little way into the question of why we make the work of the censor easier by so frequently choosing not to exercise our right of free expression. It has concentrated on the constraints imposed by the natural urge to conform to social norms, rather than discussing at length the fear of the consequences that might arise, both from the law and from unrestrained exercise of state power, if we do speak out. In drawing attention to the kinds of arguments that might persuade us that we choose self-censorship for good reasons, it has concentrated on those originating in affection for the life and culture of the nation. What has not been attempted is to show the direct effects of all of this for the library and information professions. It is important to say something about this in conclusion because librarians as self-censors are in a position to do more harm than many other types of individual.

Librarians have sometimes been accused of being censors. This is not correct. Librarians certainly respond to censors, when systems of censorship make provision for the control of library collections. What they do under what we might call normal conditions is to select the content of collections and choose the types of electronic access that libraries will provide. This makes personal awareness of the self-censoring germ that exists in the bloodstream of all human beings particularly important for librarians (Hielsberg, 1994). In their professional work they should not let the universal tendency to self-censorship make them quasi-censors, or unwitting allies of the censor. So that they can resist this tendency they must be able to identify their own prejudices as such and argue out the case for and against particular examples of content from criteria of quality and usefulness. They must learn how to avoid incautiously accepting the kinds of seductive 'reasons' to self-censor outlined above. Guidelines or aids to clear thinking on selection are therefore an important form of assistance to the librarian. Examples of such guidelines exist, for instance, those of the New York Library Association (2003). Ultimately, however, ordinary citizens and librarians together must take responsibility for their own contributions to freedom of expression and resist doing the censors' work for them.

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