

Controversial Materials in Academic Libraries: A Maltese Perspective

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A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of
Master of Arts
in
Library and Information Sciences

Faculty of Media and Knowledge Sciences,
University of Malta
November 2024



L-Università
ta' Malta

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DECLARATION OF AUTHENTICITY

I, the undersigned, MARK LEONARD FARRUGIA, declare that this dissertation is my original work, gathered and utilized especially to fulfil the purposes and objectives of this study, and has not been previously submitted to any other university for a higher degree. I also declare that the publications cited in this work have been personally consulted.

Signature M Farrugia

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Abstract

This dissertation privileges the exploration of the conceptual and theoretical aspects of the foundational concept of intellectual freedom as the proper basis of academic librarians' professional and ethical engagement with, as well as policy writing in relation to, 'controversial materials'. Distinct theoretical issues related to intellectual freedom like 'neutrality', 'truth', 'liberal value pluralism', 'human rights', 'democracy', 'diversity, equity and inclusion' (DEI) and 'hate' are examined due to their relevance to the inclusion and conditions of access of controversial information resources. Having defined and exemplified the umbrella term of 'controversial materials' in a library context, the researcher discusses in some depth various ethical issues and practical, policy-related challenges related to some representative typologies of controversial materials, namely race-related hate literature, sexually explicit content, material promoting dangerous, immoral and/or illegal activities, and works of ethically problematic origins. Specific controversial titles and authors pertaining to the aforementioned categories are also minimally considered. After arguing for the importance of clearly defined, written library policies, the researcher proceeds to elaborate the essential elements of a robust, intellectual freedom policy on controversial materials for contemporary academic libraries. The main scholarly aim of this work has been to emphasize the persistent importance of the inclusion of 'controversial materials' in academic libraries, as well as to discuss collecting and providing access to controversial materials in academic libraries in a more focused, organized, comprehensive and in-depth manner.

Keywords: controversial materials, intellectual freedom, censorship, academic libraries, library ethics

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Introduction

The often-mentioned contemporary concerns of political polarization, culture wars, mis-/disinformation, hate speech, and calls for censorship¹ of ‘extremist’ content in western societies make librarians’ traditional role as gatekeepers of knowledge and information more ethically and legally complicated as well as practically challenging than ever. In a particularly conformist and hypervigilant academic and broader socio-cultural context, academic libraries’ management of so called ‘controversial materials’ becomes a more topical and interesting yet at the same time delicate matter.² The key term ‘controversial materials’ refers to a wide variety of different specific publications, and types or ‘genres’ of material, which are likely to cause significant social opposition, be challenged and/or banned from libraries because considered untruthful, ethically objectionable, ‘harmful’ and even ‘dangerous’ by specific individuals, social groups, or even mainstream society.³ This dissertation attempts to answer the research question: How should academic libraries manage ‘controversial materials’?

The exclusive focus on ‘controversial materials’ in academic libraries may be justified by the fact that such content exposes and tests the limits of librarians’ professional commitment to the ultimately ambiguous and controversial value of ‘intellectual freedom’ (see 1.1, 1.3). Focusing sharply and intensely on the intellectual freedom issue of access to

¹ ‘Censorship’ is, as Emily J.M. Knox puts it, “the inverse of intellectual freedom (Knox 2023, 4). Censorship definitions typically use the following verbs in relation to information resources: ‘banning’, ‘hiding’, ‘suppression’, ‘expurgation’, ‘prohibition’, ‘exclusion’, ‘rejection’, ‘relocation’, ‘removal’, ‘restriction’ and ‘redaction’. Censorship practices can be active or passive, overt or covert, direct or indirect, institutional or individual acts, involving state or non-state actors, imposed by certain agenda-driven social groups (political parties, pressure or lobbying groups) on others, or self-imposed by intimidated individuals. Censorship may be justified for ethical, political, religious, legal and security reasons. In this work, censorship within universities and censorship affecting universities, and consequently, censorship in or censorship affecting academic libraries, shall be the type of censorship to be most focused upon. See also 1.5, fns. 38, 175.

² In this work, ‘academic libraries’ are one of three main types of libraries in today’s world (with public and special libraries), i.e. libraries “that are attached to specific academic institutions, including schools, colleges and universities, and exist to meet the information and research needs of students and tutors at the parent academic institution” (Chowdhury et al. 2008, 2). This means that in addition to providing material supporting classroom learning, academic libraries aid in the research projects of postgraduate students and academics by offering specialized academic resources (physical and digital books, academic journals), databases, and research guides. Hence, academic libraries are distinguished from other types of libraries by their mission statement, type of information resources made available, and the high educational level of users. General intellectual freedom advocacy that typically distinguishes the profession of librarianship is ‘complicated’ in academic libraries by considerations related to the limits (if any) of ‘academic freedom’ (see 1.2).

³ A more detailed and in-depth exploration of this often-used term in library literature is provided in 2.1. See also fns. 148, 175. Ethical and policy issues related to four different types of controversial material are discussed in some detail in 2.2.

controversial content is important because it relates to various essential aspects of librarianship: collection development and management, reference services, cataloguing (and classification), exhibition and internet use policy. Apart from its contemporary relevance given the difficult information environment already depicted above, this choice of scholarly focus is also based on this researcher's evaluation that current Anglophone, Library and Information Science (LIS) scholarship lacked a holistic overview and a cohesive theoretical framework that integrates the necessary preliminary discussion on the contemporary theoretical foundations of intellectual freedom (Chapter 1), focus on specific typologies of controversial material potentially made available in academic libraries (see 2.2), with more practical, policy writing recommendations (see 2.3.2) for managing controversial material in academic libraries. Hence, the main scholarly aim of this academic project has been to emphasize the continued importance of the inclusion of 'controversial materials' by academic libraries in a hyper-vigilant academic environment, as well as to discuss collecting and providing access to controversial materials in academic libraries in a more focused, organized, comprehensive and in-depth manner. Another major scholarly concern is approaching the topic of the inclusion of controversial materials in academic libraries through the traditional classical liberal theoretical framework rather than the ultra-progressive framework that dominates current discussions on controversial materials in Anglophone LIS literature.

The aim of the first chapter is to present the conceptual repertoire and provide the theoretical background necessary for academic librarians to approach management of controversial content. The reader shall probably note that the concepts and issues related to intellectual freedom analysed and discussed in this chapter (i.e. liberalism, human rights, democracy, hate communication) are very important and relevant topics in contemporary liberal democracies more generally, well beyond the library context. However, special attention is being given to censorship issues affecting directly or indirectly academic libraries more specifically. This preliminary, metalevel discussion on the exact conception and theoretical foundations of intellectual freedom is deemed essential because academic librarians cannot avoid at least assuming a certain conception of intellectual freedom in their dealings with controversial materials. Librarians should ideally be able to defend a self-aware, clear and robust theoretical position on the thorny issues of neutrality (see 1.3) and truth (see

1.3.3), as well as the exclusion, restricted access or deselection of controversial materials for being supposedly anti-democratic (see 1.4), non-inclusive (see 1.5) and hateful (see 1.6) amongst other reasons. Hence, the aim of the first, base-positing chapter is deepening the understanding of the foundational concept of 'intellectual freedom' through its intimate relation to 'academic freedom' (in the academic library context) and 'neutrality', as well as investigating whether or not certain key concepts like 'human rights', 'liberalism', 'truth', 'democracy', 'DEI', 'hate' could be legitimately invoked by librarians to ban certain controversial information sources.

The reader should keep in mind that the various questions and problematic issues tackled in this first theoretical chapter are very complex, divisive and do not have straightforward, simple and definitive answers acceptable to everyone inside and outside the library world (see especially 1.5); the hierarchical ordering of key library values, as well as the conflict between competing conceptions of intellectual freedom, the classical liberal as opposed to the ultra-progressive, are arguably irresolvable. Although some readers may understandably argue that certain theoretical discussions in this chapter clearly go outside the disciplinary boundaries of a LIS dissertation (see Methodological Limitation 2 below), this researcher would counterargue that a serious scholarly engagement with controversial materials in libraries requires a preliminary, deep meta-level discussion of fundamental concepts and specific theoretical issues related to intellectual freedom which do have relevance to and practical implications for all librarians as gatekeepers of information. The central role of the key concepts listed above in official library documents and/or LIS literature more generally arguably justifies the attention they get in chapter 1. While this chapter does not purport to address exhaustively the nature, history, and all the aspects of intellectual freedom as access to information in academic libraries, it hopefully does illuminate persistent difficulties in such necessary theoretical discussions today.

The second chapter focuses more directly and narrowly on 'controversial materials' by defining and exemplifying this umbrella term in a library context. The various ethical issues and practical challenges related to some representative typologies of controversial materials

– as well as specific controversial titles – are discussed. The brief expositions on four selected typologies of controversial materials cannot be deemed exhaustive and comprehensive yet merely indicative and illustrative of the kind of particular book-specific challenges, deeper knowledge, ethical reflection as well as typology-related policy considerations required from librarians to manage the wide variety of controversial materials available. Another aim of this genre-specific focus is to familiarize the reader with the most representative and well-known controversial works of each typology. The chapter proceeds by emphasizing the importance of formal, written library policies, and by identifying and explaining in some depth the key elements characterizing a robust controversial materials policy of a contemporary academic library; this policy-focused discussion is based on an analysis of actual controversial materials policies and Anglophone LIS literature related to controversial materials in academic and public libraries. Finally, the preliminary reflections on controversial materials at the University of Malta Library are meant to show more concretely the challenges that the major academic library in Malta presently faces.

The reader should also note that by using the phrase ‘a Maltese perspective’ in the subtitle, the researcher is not articulating or defending the reality of a unique or peculiar, well-formulated academic or policy approach to controversial materials in Maltese academic libraries in contrast to approaches in other countries. The subtitle should be primarily understood in a narrower and specific, very restricted sense of an acknowledgement of the broader Maltese horizon and context that informs to a certain extent the conceptual analysis, theoretical discussion and policy recommendations in this work. This ‘Maltese perspective’ refers to a distinctive cultural background of a Maltese national with personal ‘lived experience’ (in terms of academic library work and usage in Malta) which is evidenced in the interspersed references to the Maltese scenario in this dissertation. Hence, the reader is invited to understand the researcher’s commitment to elaborating a ‘Maltese perspective’ in a minimal and weak sense, the researcher expressing his personal views whilst being very aware that the international literature on and abstract theoretical discussion of intellectual freedom issues still has to be somewhat applied to concrete academic library practices

situated in particular legal frameworks and socio-cultural contexts like the Maltese reality.⁴ The researcher has elaborated further below the significant methodological challenges limiting a more direct focus on and substantial engagement with the Maltese academic library scenario (see Methodological Limitation 1).

Methodological Considerations and Limitations

The work inspires itself, follows, develops and complements varied theoretical research on intellectual freedom and censorship in libraries (see, for instance, Labaree & Ross 2008; Oltmann 2016; Steele 2018; Knox 2023). Hence, the research question is generally being tackled through a more conceptual, theoretical and policy-oriented approach rather than the other possible, empirical approach describing and assessing the inclusion and accessibility of controversial materials in specific Maltese academic libraries.

In this mainly theoretical exploration of intellectual freedom issues and controversial content in academic libraries there is extensive argumentative literature review threaded in the two main chapters. The ongoing theoretical debates regarding the relevance of neutrality, the exact relationship between intellectual freedom and social justice (DEI/EDI), intellectual freedom and democracy, intellectual freedom and hate speech/groups require the researcher's engagement in conceptual analysis of key concepts and the elaboration of a coherent, theoretical framework within which the inclusion and accessibility of controversial materials in academic libraries may be better understood. The theoretical research includes significant documentary analysis since official statements related to intellectual freedom by international and national library organizations are given a lot of importance.⁵

⁴ The researcher would understand if some readers may find the inclusion of a 'Maltese perspective' as a subtitle as overall unjustified given that a distinctively Maltese aspect is not sufficiently and/or equally emphasized in all the sections of this work. The scholarly focus of this work leans clearly towards fundamental conceptual, theoretical and policy issues which are important to western academic libraries in general beyond the legal framework and socio-cultural specificities of the Maltese library world. The researcher would like to specify that such subtitle has been included mostly due to imposed administrative/bureaucratic reasons beyond the control and preference of this researcher. This work compares most favourably with Emily J.M. Knox's 2023 book *Foundations of Intellectual Freedom* which doesn't specify any geographical or national horizon in the title even if it clearly assumes mostly a US legal, socio-cultural and political context whilst also including some EU-related and global considerations.

⁵ Organizations like IFLA, ALA, ALIA, etc. For instance, the ALA's *Library Bill of Rights and Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights*.

Methodological Limitation 1:

The researcher is very limited in his discussion of the Maltese academic and library context. Despite the willingness to discuss the international debate on intellectual freedom, censorship and controversial content in academic libraries within the Maltese library context, several factors impede a more intense and deep focus on the Maltese scenario. The absence of academic empirical studies on the ideological/political bias of University of Malta academics as done in other studies abroad (see fn. 50), or on the opinion and attitude of academic library staff and/or Maltese academic library users on the inclusion of different types of controversial content in libraries as done in other studies abroad (see, for instance, Burke 2010; Drobnicki 2014). Moreover, the absence of compilation of data of censorship cases (book challenges and bans) as done by the American Library Association (ALA) makes scholars unable to assess realistically the social reality of censorship in Maltese libraries in general, and academic libraries in particular. Furthermore, this researcher would argue that the current Maltese library scene generally lacks the institutionalized intellectual freedom library culture that one finds in other western countries.⁶ Hence, the conceptual, theoretical and policy-oriented methodological approach of this work would ideally be complemented by more empirical research (both quantitative and qualitative) addressing the above-

⁶ Beyond the brief and arguably outdated *Code of Ethics* issued by the now mostly dormant Malta Library and Information Association (MaLIA), there is no official documentation relating to different aspects of intellectual freedom as provided, for instance, by the ALA in the US. Moreover, there is nothing in Malta comparable to the ALA's Office for Intellectual Freedom (OIF) and state Intellectual Freedom Committees, IFLA's Committee on Freedom of Access to Information and Freedom of Expression (FAIFE), or the Observatory on Censorship (Osservatorio sulla censura) of the Italian Library Association (Associazione Italiana Bibliotecarii, AIB). This means that in practice there is no professional organization which can provide guidance, support and protection of individual professionals or libraries in the case of difficult decisions regarding controversial materials. It is culturally significant that in the description of the mission of the Malta Libraries agency in the *Malta Libraries Act* (2011) (see Part II, 4 (1)), a legal text which concerns mainly the National Library and Public Libraries rather than Malta's academic libraries, no importance whatsoever is given to intellectual freedom issues in public libraries like collection diversity and balance, representation of the widest range of viewpoints or ideological diversity. Nevertheless, it should be noted that intellectual freedom issues were very important in the early phase of the Malta Library Association (M.L.A./ later renamed 'Għaqda Bibljotekarji', the predecessor of MaLIA). It is significant that the original approved Statute of the M.L.A. in 1969 already included the following aim clearly informed by the importance of intellectual freedom as free access to information: "to monitor and make representations regarding legislation affecting libraries, the copyright law, legal deposit and laws affecting book censorship" (Xuereb 1976, 71). In its earliest phase, "the association [M.L.A./Għaqda Bibljotekarji] made important achievements through the work of sub-committees on issues such as censorship" (Farrugia 2014, 26). Paul Xuereb recounts that the 'Problems of censorship' sub-committee lamentably dissolved after and as a result of "the achievement of the short-term aims for which it had been set up", namely the incorporation of its points in the amendments made in 1975 to the Criminal Code and Post Office Act (Xuereb 1989, 7). The M.L.A. also organized the controversial yet very well attended public lecture by English writer Anthony Burgess entitled "Obscenity and the Arts", delivered in June 1970 at the SLT (in the Msida Campus of the University of Malta), described as one of the first public discussions of pornography in Malta; the text was then published by the M.L.A./Għaqda Bibljotekarji in 1973 (see Burgess 1973). Unfortunately, this effort and leadership on intellectual freedom issues in general and censorship issues more particularly at a national level gradually lost all momentum.

mentioned gaps and case-studies focusing more concretely and extensively on inclusion and access conditions of controversial materials in specific Maltese academic libraries.

To summarize the above, the Maltese library world to a certain minimal extent influences and contextualizes the theoretical discussion and policy-recommendations in this work yet at the same time it does not constitute the main object and ultimate horizon of this study. By focusing more on the conceptual, theoretical and policy aspects of the topic of controversial materials in academic libraries, and not so much on describing and assessing the concrete specific access conditions in individual Maltese academic libraries, the author hopes to be more relevant and useful to academic librarians concerned with managing controversial materials around the world.

Methodological Limitation 2:

The in-depth discussion of certain theoretical issues and concepts requires going beyond the academic boundaries and scope of a Library and Information Science (LIS) dissertation; the reader should soon realize that the core issues discussed in this work can only be tackled deeply, comprehensively and exhaustively in a transdisciplinary manner. For instance, the central discussions on 'liberalism' (see 1.3.1) and 'democracy' (see 1.5) pertain mostly to the academic disciplines and fields of political philosophy, political theory and political science. However, any discussion of LIS literature and library policy statements without entering in more detail on the exact meaning of these extremely ambiguous and contentious political concepts often invoked in library written statements and LIS literature more generally to underpin library philosophy and practices would be superficial and incomplete. This researcher is very well aware that many more academic studies would ideally and preferably have to be included in a scholarly discussion of such fundamental, key political concepts (e.g. John Rawls' highly influential works), yet the problematization of their facile and unclear use (as well as endorsement) in Anglophone LIS literature and library policy documents is being deemed sufficient for this particular academic project. Hence, the purpose of such discussions is not to elaborate a complete, convincing

Certain controversial materials relate to specific controversial ethical issues which require 'specialised' in-depth knowledge like pornography (see 2.2.2 below), suicide (see 2.2.3.1 below) and 'pedophilia' (see 2.2.3.2) amongst others; it would be preferable if the academic librarian develops a certain familiarity with such controversial ethical issues, the related primary texts and academic literature; in fact, this researcher is emphasizing that in engaging with controversial content, academic librarians are called to become more knowledgeable about specific titles and different genres of controversial literature that may be provided for access to users, as well as experts in applied ethics (information ethics and library ethics being subfields of applied ethics) and ethical reflection more generally. At the same time, the academic librarian (including this researcher) cannot be realistically expected to be a subject expert who has read comprehensively and exhaustively about *all* the different controversial topics possibly included in an academic library (see also fn. 67).

A fuller discussion of the role of controversial materials in academic libraries would require greater focus on the purely legal aspect and the specific legal terminology and relevant formulations of Maltese and EU law; however, such an approach would have practically transformed this study into a law dissertation. The importance of legal considerations and counsel is being emphasized repeatedly throughout this work yet without entering into technical legal detail (see also Point 5 in 2.3.2). The researcher's lack of academic credentials or professional experience in the legal sphere, the very limited length of this dissertation, the absence of relevant, library-related censorship court-cases in Malta, as well as the scholarly choice to focus on the more fundamental conceptual, theoretical and policy aspects of the intellectual freedom issue of access to controversial content, made more difficult a deeper, more explicit and direct focus on the legal dimension of academic libraries managing controversial materials. Such a work focusing mostly on the legal aspect arguably would have to be co-written with a legal expert, or strongly dependent on substantial contributions by legal experts somewhat familiar with the academic library world, to be sufficiently credible and authoritative.

Methodological Limitation 3:

Given that “[c]ollection development in higher education can easily become an ideological battlefield” (Magi 2018, 8), any discussion of intellectual freedom and censorship of controversial content in academic libraries is dependent on the inevitable ideological and political leanings of the commentator: in this work, progressivism/DEI/wokeism’s potential and actual link to ideological censorship in universities is particularly highlighted and opposed. No objective observer – whatever their political or ideological preferences – can deny the fact that the generation of knowledge in contemporary western universities and societies is highly influenced by the dominant political ideology of progressive liberalism/liberal progressivism. The reader should note a clear preference for a so called ‘classical liberal’/libertarian individualist legal and political framework.⁷ Nevertheless, at the same time, there is serious consideration of the important critiques of individualist liberalism/libertarianism underlying the traditional conception of intellectual freedom in Anglo-American librarianship, mostly from the radical Left (but applicable and relevant also to the radical Right). A most important theoretical conundrum in contemporary LIS with notable practical consequences is that it is impossible for library establishments to be ideologically neutral yet any political ideology adopted (whatever version of ‘liberalism’, see 1.3.2) would be susceptible to significant criticism, and lead to a justification of ideological/intellectual censorship that potentially alienates an important segment of library users and/or staff (see 1.3 and 1.5).

Hence, this researcher is well-aware that left-leaning, progressive scholars who disagree strongly with the ‘classic’ ideal of neutrality and the ‘classical liberal/libertarian’ theoretical foundations of intellectual freedom might value less certain anti-censorship arguments and positions favouring individual freedom of enquiry over progressive censorship defended in this work; however, this work’s critical distance from contemporary progressive politics overall balances the overtly cultural left-leaning views that currently dominate in western academia in general (see fn. 49), and in anglophone LIS academic work in particular. Moreover, the researcher hopes that most readers, whatever their political or ideological

⁷ This libertarian emphasis on individual freedom is arguably best captured legally in the US style First Amendment free-speech ‘absolutism’. See fns. 20, 73.

leanings, will still find the discussion of the various theoretical issues related to intellectual freedom somewhat insightful, fair and balanced, acknowledging this researcher's awareness of the necessity yet great difficulty of remaining open-minded and intellectually humble whilst taking clear sides on the politically and culturally polarizing issues discussed herein.

Chapter 1: Preliminary Theoretical Explorations of Intellectual Freedom

1.1 Introducing Intellectual Freedom

Intellectual Freedom has been central to the ethos of librarianship at least since the American Library Association's (ALA) first Code of Ethics (1939) and, internationally, since its recognition by the International Federation of Library Associations and Institutions (IFLA) in 1976; its significance for librarians was further confirmed through IFLA's establishment of the Committee on Freedom of Access to Information and Freedom of Expression (FAIFE) in 1998 (see Knox 2023, 28-29). The enduring relevance and continuing importance of the concept of intellectual freedom in professional librarianship can be appreciated by noting both the kind and the wide range of descriptors used in its regard in recent library literature. Intellectual Freedom has been variously characterized as a "core value" (ALA, Meliti 2020, Knox 2023) and "core responsibility" [of librarianship] (IFLA 1999, 2002⁸), a "fundamental [human] right" (IFLA 1999, 2002⁹), "[a set of] principles" (IFLA 1999) or "a foundational principle" (Dresang 2006, 174), and a crucial aspect of professional librarianship ("a professional value", Knox 2023; "a professional practice"). It also is a subject of varied scholarly research. It is arguably the most central, all-encompassing and representative concept, as well as comprehensive umbrella term, in library ethics. Its divisive and contentious nature as a recent object of harsh critique has been also expressed in terms of its being a "core – yet controversial – value" (Macdonald

⁸ "IFLA asserts that a commitment to intellectual freedom is a core responsibility for the library and information profession" (IFLA 1999, 2002).

⁹ "IFLA supports, defends and promotes intellectual freedom as defined in the United Nations Universal Declaration of Human Rights." (IFLA 1999); "IFLA proclaims the fundamental right of human beings both to access and to express information without restriction" (IFLA 2002).

& Birdi, 2020), a “polarizing concept” (Oltmann et al. 2021) and “[a] contested value” (Knox 2023, 1) (see 1.3, 1.5 below).

In its broadest sense, intellectual freedom arguably comprises five different types of individual freedom: freedom of thought, freedom of belief, freedom of expression, freedom of enquiry, and freedom of information (access to information).¹⁰ However, definitions of intellectual freedom in the specific library context focusing on fixed printed or digital works that can be collected by libraries may emphasize more the aspect of free access to information (the so called “right to know” or “freedom to read”) rather than freedom of expression, the latter gatekeeping level pertaining more to publishers, editors and authors.¹¹

It should be noted how both Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 10 of the European Convention on Human Rights (ECHR) present the right of access to information which interests mostly librarians as “included” within the more general and often-cited human right of freedom of expression.¹² The historic 1999 IFLA Statement on Libraries and Intellectual Freedom presents the right to know and freedom of expression as “two aspects of the same principle”, freedom of expression being a necessary condition or presupposition for freedom of access to information. To note that this type of definition of intellectual freedom emphasizes the philosophical foundation of the latter on

¹⁰ “Intellectual freedom as a concept in librarianship means freedom to think or believe what one will, freedom to express one’s thoughts and beliefs in unrestricted manners and means, and freedom to access information and ideas regardless of the content or viewpoints of the author(s) or the age, background, or beliefs of the receiver.” (Dresang 2006, 169). Other definitions, following the formulations in the Universal Declaration of Human Rights (Article 19) and in the European Convention on Human rights (Article 10), emphasize mainly the combination of the two aspects of freedom of expression and freedom of access: “The phrase “freedom of access to information and freedom of expression” is also used as an alternative term for intellectual freedom” (see CILIP 2022). To note that the key term ‘intellectual freedom’ often used in official library policy documents and LIS literature more generally, is the broader and more inclusive term when compared to the terms/phrases most often used outside the library world to discuss censorship issues, namely ‘freedom of expression’ and ‘free speech’. Librarians are advocates for and promoters of intellectual freedom rather than merely freedom of expression or free speech.

¹¹ “To a library, intellectual freedom takes the form of the right to receive ideas, that is, access to information. Because a library, any library, is first and foremost a place to access information” (Sutton 2001, 54); “providing access is what library service is all about” (Preer 2008, 12); “This right is particularly pertinent to libraries, whose mission is often focused on enabling and expanding access to information” (Oltmann 2016, 153). On the censorship power of editors of online academic journals, see fn. 17.

¹² “Everyone has the right to freedom of opinion and expression; this right *includes* [emphasis added] freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers” (*Universal Declaration of Human Rights*, 1948).

deontology/rights-theory rather than rival metaethical theories like consequentialism. The latter may also be invoked both to defend (e.g. benefit to democracy) and to criticize or attack intellectual freedom (e.g. harm to individuals/specific groups of free speech). The philosophical foundation in rights-theory (mainly through human rights discourse, see also 1.4) highlights the individualist rather than collectivist nature of the liberal/libertarian value of intellectual freedom. In fact, one important pending issue is the theoretical/philosophical challenge to the modern liberal/libertarian individualism underlying intellectual freedom advocacy by progressive, ‘critical librarianship’¹³ which privileges more collectivist understandings of intellectual freedom in the name of social justice and social inclusion (see 1.5).

A most important type of definition typically found in ALA’s Intellectual Freedom Manuals (henceforth IFMs) significantly underlines the right of access to “all points of view” or “the widest possible range of viewpoints”, echoing the key ALA, foundational document *Library Bill of Rights* (II. “Libraries should provide materials and information presenting *all points of view* [my emphasis] on current and historical issues...”).¹⁴ This emphasis on “the widest possible range of viewpoints” is particularly important because it implies the importance of other key concepts typically closely linked to intellectual freedom, ‘neutrality’ (see 1.3) and ‘balance’ (see 1.3.3), especially when considering the justification of including a wide variety of controversial materials (see chapter 2). Moreover, the importance of viewpoint exposure or ideological inclusion and diversity testifies to the fundamentally ‘liberal’ (rather than ‘progressive’) nature of the key value of intellectual freedom central to librarianship.¹⁵ This aspect of intellectual freedom as extreme viewpoint inclusivity is clearly

¹³ In this work, ‘critical librarianship’ is being understood broadly to refer to left-leaning, progressive librarians, hence not necessarily referring only to those who adopt for themselves this term. On the critical librarianship movement in a narrower sense (i.e. since circa 2014, especially in relation to #critlib), see Knox 2023, 6-7.

¹⁴ “the right of every individual to both seek and receive information from all points of view without restriction” (Jones and LaRue 2021, 3); “the right to seek and receive information on all subjects from all points of view without restriction and without having the subject of one’s interest examined or scrutinized by others” (Morgan 2006, 3).

¹⁵ This viewpoint inclusivity arguably cannot be separated from JS Mill’s key liberal argument on the fundamental importance of being exposed to alternative viewpoints on contentious issues: “He who knows only his own side of the case, knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side; if he does not so much as know what they are, he has no ground for preferring either opinion...” (Mill 1991 [1859], 55).

in permanent tension with the egalitarian, social justice aspect also found in traditional definitions of intellectual freedom to be discussed in more detail below (see 1.5).¹⁶

Technological changes like the shift from print to digital format and the change of the library from purchaser to licensee have brought new access-related intellectual freedom challenges to academic libraries (see Archer 2012). Libraries' dependence on third-party vendors for provision of access to digital resources, increasingly the major part of academic library collections, has meant that librarians have effectively lost their former 'absolute power' in selection, individual title selection (including of controversial titles) being typically unavailable. Moreover, the fact that content can be more easily altered by the online publishers and editors means that certain articles may be more easily retracted from online academic journals for ideological reasons without users consulting their academic library's online catalogue necessarily coming to know what has been censored, the exact reason why, or having full access to the original published text.¹⁷

Finally, it should be noted that intellectual freedom issues are context-dependent and must be understood situationally even in the western liberal democratic world; intellectual freedom issues in certain western countries may not be as relevant in other western countries:

¹⁶ Another definition of intellectual freedom emphasizes an egalitarian aspect, i.e. "equitable access" to information (see, for instance, the ALA Code of Ethics) an aspect which is also focused upon in contemporary discussions of 'information justice' as one crucial aspect of social justice (see Oltmann et al., 2021). Despite the typical opposition between intellectual freedom and social justice in the LIS literature discussed in more depth below (see 1.5), the commitment to equal access to information means that a social justice principle is actually already embedded in the concept of intellectual freedom as traditionally conceived and defended by librarians in the western world: "Libraries shall make materials, facilities and services *equally accessible to all users* [emphasis added]. There shall be no discrimination for any reason including race, national or ethnic origin, gender or sexual preference, age, disability, religion, or political beliefs" (IFLA 2002).

¹⁷ Some notable recent examples of conventionally peer-reviewed, published academic articles which were later retracted from academic journals arguably for ideological reasons include: Bruce Gilley's "The Case for Colonialism" (*Third World Quarterly*, 2017); Johnson et al., "Officer characteristics and racial disparities in fatal officer-involved shootings" (*Proceedings of the National Academy of Sciences*, 2019) (see Heather Mac Donald, "I Cited Their Study, so They Disavowed It," *Wall Street Journal*, July 8, 2020); and, Kevin MacDonald's "The Default Hypothesis Fails to Explain Jewish Influence" (*Philosophia*, 2022). See also Adam Marcus, Ivan Oransky, "Science Journals Are Purging Racist, Sexist Work. Finally" (*Wired*, September 17, 2020). Although such controversial journal articles may still be found in online academic library catalogues, the accessibility of the original full text is not always guaranteed to library users (e.g. Gilley's 2017 original article cannot be accessed through the UM Library's *HyDi* in September 2024). This researcher recognizes that in the specific case of Gilley's 2017 article, the academic journal editor and publisher were under tremendous pressure after the editor received serious and credible threats of personal violence. Nonetheless, even if the article was retracted for understandable safety reasons, this still amounts to effective intellectual/ideological censorship. This researcher acknowledges the ethical justification of retraction in cases of verifiable fraud, plagiarism, purposeful malpractice, data fabrication and clear unethical research methods. Relatedly, one should underline the significant power of editors of academic journals to censor controversial research through carefully written editorial policies that declare the editors' prerogative not to publish "articles that may lead to or enhance political controversies" (see Warne 2020).

for instance, several key intellectual freedom issues in US academic libraries, namely issues of traditional decorum, gun violence, free-speech spaces, disinvitation/de-platforming of controversial speakers, trigger-warnings, parental pressures, course-management software and privacy (see, for example, IFM 2021, 8-10), are not very relevant in the Maltese academic library context. The reality of terrorism affects strongly certain western countries but not others leading to controversial restricted legal parameters potentially impacting significantly the day-to-day operativity of librarians.¹⁸

The most relevant and notable difference separating western (liberal democratic) countries regarding intellectual freedom issues is arguably their different legal frameworks: the typical emphasis on “unrestricted”, “unfettered” or “uninhibited” access to information in Anglophone LIS literature typically represents the more extreme version of intellectual freedom permitted by the US legal framework and defended in the resultant library culture.¹⁹ In the US, the historical development and contemporary discussion of intellectual freedom is inseparable from the special protection of the First Amendment and the resultant case law that has significantly restricted the maneuverability of librarians.²⁰ In other words, the ideal of intellectual freedom as expressed in ALA classic official documents assumes a degree of freedom of expression (so called ‘free speech maximalism’/ ‘free speech absolutism’) not

¹⁸ For instance, the 2001 USA-PATRIOT Act limited the librarians’ ability to safeguard patron confidentiality, a pillar of intellectual freedom. Similarly, the UK’s The Terrorism Act 2006 potentially criminalized a librarian for providing access to materials that are deemed “extremist” in law (see McMenemy 2009).

¹⁹ An intellectual freedom maximalist position could perhaps be summarized to “the right to read whatever one wishes” (Evans and Greenwell 2018, 221) or “opposition to censorship of any kind” (Simons 2021, 78). IFLA, influenced by or in parallel to the ALA, has also linked intellectual freedom to such a more ‘extreme’ version as “uninhibited access to information” (IFLA 1999, 2002), and the absence of “any form of ideological, political or religious censorship” (IFLA-UNESCO Public Library Manifesto, 2022). However, IFLA documents are addressed to a global audience of librarians/library workers who have to be aware of and follow the particular legal frameworks operative in their respective countries. Recent documents like IFLA 2019 specify the many justified restrictive measures that librarians should morally consider and/or have to legally obey (see 1.4).

²⁰ “The United States has an incredibly expansive conception of freedom of speech, legally protecting categories that are banned in other nations (including hate speech, for example). Federal limitations on speech must meet strict “time, place, and manner” guidelines as established by the Supreme Court (Cox v. New Hampshire, 1941). ... There is strong historical support for a very broad intellectual freedom stance in the U.S (as upheld in cases such as R.A.V. v. St. Paul, 1992)” (Oltmann et al., 2021, 625). “American law is unique among Western nations in its protection of hate speech (defined as speech against groups of people)” (Bossaller & Budd 2015, 26). The libertarian (hyper-individualist) sentiment underlying the extreme version of intellectual freedom expressed in the First Amendment of the US constitution was perhaps best articulated in two famous and controversial US court statements: “Certainly the affirmative pursuit of one’s convictions about the ultimate mystery of the universe and man’s relation to it is placed beyond the reach of law.” (Justice Felix Frankfurter, *Minersville v. Gobitis*, 1940); “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.” (Supreme Court Justice Anthony Kennedy, 1992). See also fns. 56, 96.

obviously present in EU countries which have adopted so called ‘hate speech’ legislation restricting significantly (at least on paper) speech making politically incorrect controversial claims about certain racial, ethnic, national, gender and religious groups (see 1.6). This does not mean that in practice intellectual censorship and self-censorship doesn’t often happen in a variety of settings in the US (including college/university campuses and digital platforms), despite the aforementioned extensive legal protection (see Lukianoff 2013, Williams 2016; see fn. 91). The US-based, intellectual freedom related scholarship and debates, inspired from and revolving around interpretations, applications and criticisms of the First Amendment, remain very inspiring and theoretically relevant worldwide yet cannot be straightforwardly transposed to any other western library context ruled by a different legislative framework without significant qualification and adaptation.

1.2 Intellectual Freedom vs Academic Freedom

A main difference between the closely related concepts of intellectual freedom (in librarianship) and academic freedom consists in the different focus and emphasis on freedom of access and freedom of expression respectively (Oltmann 2017, 742). Another significant, basic difference would be that academic freedom is typically presented as a privilege and protection of the academic granted by the university to facilitate potentially controversial stands, teaching and research rather than a universal human right as in the case of intellectual freedom (see 1.1 above). Moreover, academic freedom is a more “distinctly limited freedom” intimately linked to the specialist disciplinary knowledge and communities in universities, being a “freedom within a particular discipline and its [epistemic, moral] rules” (Muller and Young 2014, 129). Relatedly, the concept of ‘neutrality’ has long been strongly linked to intellectual freedom in Anglo-American professional librarianship (see 1.3, fn. 26 below); however, it is not necessarily so (or in the same manner) regarding academic freedom in that the university cannot be deemed neutral in the resources it expends to promote its specific value-laden mission, goals and policies.²¹

²¹ “Nevertheless, if the purpose of academic freedom is to maintain objectivity through the protection of all viewpoints, it does not include the protection of those who seek to undermine the very goals of the university” (Pan 2024). Politics will

Most importantly, the closely linked but not identical concepts of intellectual freedom and academic freedom are particularly relevant for academic librarians because arguably both ultimately share and refer to what could be described as a liberal moral atmosphere, i.e. “the atmosphere of free inquiry and discussion necessary to find and teach “truth” (Danner & Bintliff 2006, 14). Hence, the American Association of University Professors’ (AAUP) Statement of Principles on Academic Freedom and Tenure (1940) significantly links academic freedom to intellectual freedom by referring to “the protection of the rights ... of the student to freedom in learning”.²² The concept and defence of academic freedom can be appreciated as further enhancement and protection of intellectual freedom within the particular social context and regulative framework of academic institutions²³; there cannot be the students’ exercise of intellectual freedom (what the AAUP Statement calls “freedom in learning”) without protection of the academics’ exercise of academic freedom. Hence, academic censorship and self-censorship are both academic freedom and intellectual freedom issues extremely relevant and concerning to academic staff and academic librarians alike.

The thorny question of the legitimate restrictions (if any) on academic freedom, whether justified in the name of “the common good”²⁴ or the university’s mission, policies and goals of research and teaching, remains both very relevant and controversial. In this work, the intersection of academic freedom and intellectual freedom shall be considered especially in relation to the censorship implications of universities’ DEI/EDI policies (see 1.5). Most universities in the western world (including the University of Malta) have vision, mission and policy statements which include commitment to a plurality of values which in practice may

always implicitly or explicitly determine the mission, goals and policies of universities through a particular (more conservative, liberal or progressive) value orientation.

²² See American Association of University Professors, 1940 Statement of Principles on Academic Freedom and Tenure. The AAUP Statement has been endorsed by the American Library Association amongst 250 scholarly and educational associations in the US. Intellectual freedom is clearly the broader and more comprehensive term in relation to academic freedom. The value of academic freedom assumes and confirms the importance of the value of intellectual freedom: “Intellectual freedom encompasses academic freedom but extends beyond the academy to the essential principles of freedom of thought, freedom of inquiry and freedom of expression” (Byrne 1999, 108).

²³ “[A]cademic freedom can be viewed as an application of intellectual freedom [understood broadly] in the university setting” (Danner & Bintliff 2006, 19).

²⁴ The 1940 AAUP statement on academic freedom declares that “[i]nstitutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole.”

easily enter into conflict with one another; for instance, the value of academic freedom and the increasingly robust ethical commitment to DEI/EDI policies (see 1.5).

1.3 Intellectual Freedom as Neutrality

Variously described as “content neutrality”²⁵, “viewpoint neutrality” and also as “professional neutrality”²⁶, library neutrality “tends to be equated with intellectual freedom” by its defenders (Scott and Saunders 2021, 153)²⁷ and has traditionally been considered an “intellectual freedom principle” (Jones 1999, 144) relevant for collection development, de-selection, reference services as well as library policy writing in general. However, ongoing criticism of and recurrent debates in Anglophone LIS literature on the actuality and desirability of libraries as neutral organizations, and librarianship as a neutral profession, arguably show the importance that this controversial aspect of intellectual freedom is focused upon, clarified and discussed separately.

The concept of neutrality is often implicitly rather than explicitly assumed and endorsed in authoritative position statements by different national library associations as exemplified by the use of phrases like “from all points of view on current and historical issues” (*Library Bill of Rights*), i.e. not taking sides by favoring one particular viewpoint, or by the repeated use of neutrality’s synonym “impartiality” (see, for instance, the AIB Code of Ethics)²⁸. Other typical normative statements that might be deemed equivalent to a neutral

²⁵ See Jones 1999, 35-6.

²⁶ Library neutrality has been also linked to professionalism, neutrality being a “hallmark of professionalism” (Lewis 2008, 1). Going back to the pioneering work of Melville Dewey in the 1870s, librarians’ efforts to establish themselves as professionals and be recognized as such were seen by different library leaders like Melville Dewey, Charles Cutter and others as requiring librarians to be seen as politically neutral. This political value-neutrality as an expression of professional neutrality has been perhaps best articulated and defended by D.J. Foskett (1962).

²⁷ “I further believe that we can achieve intellectual freedom only by beginning with a commitment to neutrality” Em Claire Knowles as quoted in “Are Libraries Neutral ?” (2018).

²⁸ AIB Code of Ethics, 1.2: “the information supplied by librarians shall be as complete and *impartial* [emphasis added] as possible, not conditioned by librarians’ personal opinions and values or by external pressures.” AIB Code of Ethics, 2.2: “Librarians commit themselves to guarantee the transmission of recorded knowledge and of any form of recorded expression, through the rational organization and management of documents and information, by acting *impartially* [emphasis added] and with professional culture.”

stance are that collection development should go beyond “the personal values of the selector”²⁹, i.e. that librarians should not be led by personal ‘doctrinal’ or ‘ideological’ biases to exclude library materials from purchase or use, and that the library’s provision of access to certain material does not entail the librarians’ “endorsement” of that content.³⁰ The Code of Ethics of IFLA (unlike the ALA’s and AIB’s professional codes of ethics) prioritizes ‘neutrality’ in a subheading and mentions it explicitly four times in the main text, basically explaining the latter concept as “an unbiased stance regarding collection, access and service” and linking it as well to “balanced collections” (see 1.3.4 below). The Code of Ethics of the Canadian Federation of Library Associations (CFLA) reproduces the same wording regarding neutrality specifying the ability of ideal librarians to distinguish “between their personal convictions and professional duties” and their ethical obligation “not [to] advance private interests or personal beliefs at the expense of neutrality”. The prominence of the concept of ‘neutrality’ in the IFLA Code of Ethics and the latter’s influence (evident, for instance, in the CFLA Code of Ethics) suggest that despite persistent and harsh criticism from left-leaning library scholars and librarians (to be discussed in more detail below), ‘neutrality’ remains to date a key concept in international professional librarianship which cannot be lightly dismissed.³¹

It should perhaps be emphasized that notwithstanding the conspicuous silence of ALA key documents on the technical term ‘neutrality’ per se, the broad term ‘intellectual freedom’ rather than ‘neutrality’ is affirmed as a “core value” by the ALA, both from a juridical and historical point of view, the concept of neutrality is intrinsically linked to, and ultimately

²⁹ ALA’s *Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights*.

³⁰ “Appearance of a resource in the collections or on display in the library environment does not necessarily mean that the Libraries advocate or endorse the ideas or statements found in that resource.” (Policies: Intellectual Freedom Statement, UO Libraries).

³¹ Although the left-leaning Knox, somewhat echoing the critical librarianship movement, confidently declares that “[n]eutrality and its related concept – the marketplace of ideas – are no longer understood as solid theoretical foundations for librarianship and other information institutions” (Knox 2023, 24), and there has been discussion of ‘post-neutral librarianship’ (Mathiasson & Jochumsen 2022), as well as possible “alternative foundations” for LIS (Oltmann et al. 2023) in the US, at the same time “neutrality” remains effectively embedded in US law as expressed in the First Amendment, explicitly defended in IFLA’s Code of Ethics (and other national library organizations’ codes of ethics), as well as in recent Anglophone LIS writings and debates including in the US (see, for instance, Anderson 2018; “Are libraries neutral?”, 2018). Moreover, key terms associated with the classical intellectual freedom perspective like ‘content-neutrality’, ‘limited public forum’ and ‘marketplace of ideas’ can still be found in official policy documents (e.g. collection development policies) of US libraries (e.g. see the CDP of Pulaski County Public Library). To note that both in the case of the ALA and IFLA, this implicit or explicit endorsement of ‘neutrality’ clashes with explicit politically and socially progressive commitments (see 1.5 below).

inseparable from, the First Amendment in the US constitutional framework. This is the case because all American publicly funded libraries have the legal obligation imposed by the federal courts of providing:

“open, nondiscriminatory access to all ideas and all speakers consistent with a neutral position”...“What the US Supreme Court has called the bedrock principle of freedom of speech jurisprudence is context or viewpoint neutrality.” Government entities, including libraries, must remain neutral according to the law” (legal scholar Nadine Strossen, as cited and reported in Morehart 2020).

In other words, although the ALA has not posited explicitly ‘neutrality’ as a core value or ethical principle (like IFLA does), the latter concept remains firmly embedded in the ALA’s *Library Bill of Rights*, the latter key document being based on the Ten Amendments of the US constitution.³² Hence, apologists of library neutrality have echoed the above cited Strossen in arguing that US librarians are legally obliged by the law of the land to adopt a content/viewpoint ‘neutral’ position by not prohibiting alleged hateful and harmful speech and by not discriminating against alleged ‘hate groups’ in meeting room rental and exhibit spaces as advocated by post-neutral, activist, progressive librarians.

To note that the classical stance in favor of intellectual freedom as neutral provision of access to information, as clearly expressed in the First Amendment, ALA classic documents and to a significant extent also in the IFLA Code of Ethics, is not neutral in the sense of being an explicitly anti-censorship stance. It is an active neutrality in favoring inclusion over exclusion of controversial material, primacy to individual autonomy, choice and right of information access over suppression and restriction of offensive, objectionable, and potentially emotionally harmful expression in the name of social inclusion, social justice and equality/equity. As argued in greater detail below in the discussion of liberal neutrality (see 1.3.2), the defence of intellectual freedom is actually an endorsement of the individual-centered classical liberal/libertarian political ideology rather than the group-centered

³² “Though not a legal document, the *Library Bill of Rights* applies many of the values of the US Constitution’s first ten amendments to specific situations in libraries” (Jones 1999, 95).

progressive/woke political ideology defended by progressive/critical librarians (see also Anderson 2018).

In other words, even the most convinced defenders of the traditional conception of intellectual freedom have to concede the fundamental point of 'critical librarianship' that absolute ideological neutrality is impossible: the librarians' burden of choice and decision-making in including or excluding access to content, in subject headings and classification, implies the effective absence of neutrality. The contending and persistent contemporary divisive issue is which political ideology is the more truthful, advantageous and defensible for professional librarianship: some version of individualist classical liberalism/libertarianism to best protect individual intellectual freedom interests and information rights, or the progressive exclusion or restriction of offensive, harmful and oppressive content in the name of social justice, social inclusivity, diversity and equality (i.e. equal dignity)/equity (see also 1.5 below).

'Critical librarianship' has famously criticized the possibility, actuality, desirability and ethical justification of neutrality, the latter being variously described as "a myth" or "a long-gone ideal" (Lankes 2022), and as "an out-of-date concept" (Oltmann et al. 2023, 821). Libraries have not been neutral historically nor should they be today in face of supposedly grave global challenges like climate change and mass migration, or societal challenges like racism, social injustice, the rise of misinformation and disinformation on the internet, etc. The social function and community-centric role of libraries entail that libraries cannot be neutral if they want to remain relevant and contribute to improving society. Hence, the critique of neutrality relates both to historical exactitude (libraries have not been neutral) and to contemporary ethical and social responsibility. Critical librarianship emphasizes unequal social and material power relations leading to information and social exclusion over the rights language of individual truth-seeking and free academic enquiry typically associated with intellectual freedom advocacy. However, accepting the historical claim that libraries have not

been neutral³³, as this researcher does, does not entail accepting the desirability and preferability of the progressive turn of librarianship advocated by critical librarians who reject the normative value of both absolute and liberal ‘neutrality’; i.e. that the ideal ideology for public and academic libraries to take is some version of contemporary ‘Marxist’ progressivism which seeks changing the world by overthrowing alleged unjust power structures and ending privilege.³⁴

The critique of understanding ‘neutrality’ as uncritical subservience to, complicity with and reproduction of established political, economic and cultural power structures is that ‘the establishment’ or ‘the status quo’ are conceived very differently across the political spectrum; self-identifying left-wingers understand oppressive power as the patriarchy, sexism, misogyny, toxic masculinity and social conservatism (for feminists); international globalist, neoliberal capitalism (for varieties of Marxists, socialists, left-libertarians); heteronormativity, homophobia and transphobia (for the LGBTIQ+); white privilege/supremacy/white-power ideology and systemic/structural racism (for anti-racists), or a combination of these in a unified theory of oppression which stresses the interrelation of different structural inequalities (as expressed in the key concept of “intersectionality” and the lists naming next to each other oppressive social forces related to gender, race and class).

³³ Historical scholarship indicates that critical librarians’ claim that libraries have not been neutral institutions is historically accurate since libraries (at least limiting oneself to the western world, as discussed below) have tended to reflect and reproduce the dominant religious and political beliefs and culture of the time. The contemporary situation of alleged ‘woke’ institutional censorship and left-leaning academic monoculture (see fn. 49) should be put into the context of institutional and library censorship practices in different historical periods. Some examples should suffice: medieval monastic and court libraries preserved copies of pagan secular works even if the latter didn’t necessarily fit, both theologically and morally, with the hegemonic Christian culture and state ideology of the time. However, these texts were not preserved for the sake of ideological or viewpoint diversity but for their utility to study Latin, as aids to the study of Scripture, and because some of the ancient Greek and Roman philosophers were interpreted as forerunners of Christian thought; most significantly, such secular texts were not accorded the same value of the Christian religious material (see Lerner 2009, 25-6). In the Enlightenment, many religious books from monastery collections in the Austrian empire (as in later revolutionary France) were unfortunately ordered to be destroyed because deemed to be irrational religious superstition (see Raven 2004, 151). Moral censorship of “harmful literature” with the aim of improving the ethical standards and characters of users was central to 19th century American public libraries (Knox 2023, 97-98). American librarians during World War I (post-1917) and during the Cold War (the Red Scare) expressed their patriotism by deliberately avoiding purchasing and by weeding communist and socialist materials for ideological and political reasons (see Pettegree and der Weduwen 2022, 326).

³⁴ On the supposed influence of Marxism on contemporary progressivism, see Gottfried 2023c. Popowich’s writings (2018, 2022) clearly show the influence of ‘Marxism’ on contemporary US progressive librarianship. See also fn. 55.

However, self-identifying right-wingers (conservatives, traditionalists, nationalists, identitarians, nativists, populists) emphasize liberal elites, the global financial elite, wokeness, woke institutional censorship and 'woke capitalism', de-christianization, Islamization, anti-whiteness, immigration ethnic replacement, and Jewish power amongst others. Only the adoption of an epistemic neutral stance permits libraries to include conflicting accounts and critiques of power which would provide alternative narratives and truth-claims to the reader to make their own assessment and evaluation thus remaining relevant, empathetic and trustworthy to readers self-identifying with a very wide spectrum of political partisanship and ideologies, religions and moral communities.³⁵ The academic librarian committed to intellectual freedom who includes materials with political truth-claims and narratives representing the whole political spectrum (from far right to far left) can argue that both left-leaning and right-leaning views should be able to withstand the conceptual analysis, rational scrutiny and rigorous fact-checking of the user.

Abandoning content-neutrality by not providing certain types of controversial material is problematic because:

- (i) it leads to accusations of political, ideological bias losing the trust of and credibility from certain users, effectively transforming libraries into left-wing (progressive) or right-wing (conservative) ideological fortresses; progressive librarians seemingly do not realize that the abandonment of an ethic of individual-centered neutrality in favour of more left-leaning, collectivist and social-justice based conceptions of intellectual freedom (see 1.5 below) does not entail necessarily a progressive shift but also possibly a conservative/traditionalist turn (depending on the particular political/ideological biases of the politicians/university administrators/librarians in charge) they don't really auspicate.³⁶ Only the adoption of classical neutrality can guarantee that progressive/leftist material is made accessible within a largely

³⁵ The pertinent, related issue of whether there could or should be perfect numerical equality is discussed elsewhere on collection balance (see 1.3.4).

³⁶ For instance, in August 2024, gender studies books were thrown away at the New College of Florida (NCF) after the abolition of the gender studies programme (see Baker 2024). This anti-progressive censorship effort exemplifies how political struggle for ideological control of universities leads to censorship. Of course, this researcher doesn't agree with this winner takes all mentality and the formation of ideological libraries whether it is practiced by the conservative right or by the progressive left.

conservative/rightist community and that conservative/rightist material is made accessible within a mostly progressive/leftist community.

- (ii) it shows an unjustified patronizing and paternalistic attitude in that they imply that librarians should act as gatekeepers knowing what is best for their users to read and determine what is truthful or not³⁷; this is even more problematic in the context of academic libraries where users are supposedly more knowledgeable, open-minded and information literate than the average user in a public library.

The classic intellectual freedom corpus of ALA and IFLA policy documents emphasizes individual choice and responsibility to determine the truth (perhaps best expressed in *The Freedom to Read Statement*). However, the critical librarianship movement assumes certainty that the true narrative of power-dynamics is one or more of the left-wing narratives of domination, exploitation, oppression and exclusion mentioned above; it assumes dogmatically as well the primacy of the issue of inequality/inequity (over other social and political issues), and the political value of equality/equity (over other political values like individual freedom, meritocracy, custom/tradition, hierarchy, etc.).

The emphasis on intellectual freedom as (epistemic) neutrality entails leaving it open or uncertain which narratives/truth-claims are the more convincingly truthful, which political values and visions are to be prioritized over others, transferring power from the librarian to the individual reader trusting the latter (as the quintessentially liberal document *The Freedom to Read Statement* in particular emphasizes) to read, analyze, evaluate, think critically and adopt an informed, educated and sophisticated position on a variety of controversial issues. Such a neutral stance may lead to criticisms by left-wingers that the invocation of neutrality and naïve optimistic trust in individuals' cognitive abilities and moral decency effectively defends at least the plausibility of evidently harmful and/or false right-wing views made accessible to the library user. However, this optimistic assumption – however truly naïve – is actually assumed in all liberal democratic political systems which trust their citizens as voters

³⁷ "Information professionals can choose to not provide certain types of information, but they are then putting themselves in the position of knowing what is best for their patrons and also opening themselves up to accusations of bias." (Knox 2023, 47).

to vote competently in the best interest of their countries. In other words, not trusting the individual truth-seeker's intelligence and decency must lead to a total repudiation of the modern liberal democratic political system based on trust in the cognitive and moral capacities of the individual.

Progressive librarians emphasize so called 'actual social and material power relations' more than abstract individual rights of expression, information access, free inquiry and exposure to all points of view. However, their willingness to censor and dictate in the name of the powerless 'subalterns' and those to be harmed is problematic because it betrays an undesirable epistemic arrogance (too confident that their narratives/truth-claims are true whilst the competing or excluded ones are certainly false); moreover, their desired censorship practice is its own expression of power 'victimizing' and 'oppressing' the individuals desiring (from a human rights perspective having the right) to access the censored item. All censorship practices – including those advocated by progressive/critical librarians in the name of the 'powerless' – assume a powerful "imposition" by some people on others, a power-imbalance that generates new 'powerless victims' of information and epistemic exclusion.³⁸ Critical librarians ironically seek to exclude through their ideologically motivated censorship in the name of social inclusion. Given their dogmatic commitments to progressive ideology, progressive librarians interpret the ideological, political diversity defended in classical liberalism and in traditional intellectual freedom advocacy as an obstacle to their desired politically transformative action. Progressive censorship efforts cannot be separated from the political aim of the seizure and maintenance of political and cultural power in the name of cherished left-wing values and ideals.

On a different note, it should be noted that a different ethical objection to or line of critique of library neutrality from the progressive perspective discussed above is that librarians should not compromise their own values and principles just to do their job; i.e. a conflict between professional neutrality and personal beliefs should not always be resolved

³⁸ "Censorship ... happens whenever some people succeed in imposing their personal or moral values on others" (American Civil Liberties Union) <https://www.aclu.org/documents/what-censorship>

in favor of the former as the IFLA and CFLA Codes of Ethics somewhat unrealistically state. A 2021 empirical study significantly notes how US librarians were comfortable effectively abandoning neutral impartiality on some topics they truly cared about like climate change, police brutality and hate groups in libraries' meeting spaces but not on others like partisan opinions on political figures (Scott and Saunders 2021, 164). Another study reveals that librarians are actually troubled and/or reluctant to engage with certain ethically problematic materials like pornography (Harkovitch 2003). Such studies show that realistically speaking neutral stances are abandoned by a significant number of librarians, and that the debate on library neutrality perhaps should focus more on which areas of enquiry or types of material should the nuanced application of neutrality be adopted rather than arguing whether or not the concept and practice of neutrality should be totally and completely abandoned.

1.3.1 Intellectual Freedom, Neutrality and Value/Moral Pluralism

The library profession has often been linked (rightly in my view) to what in metaethics is technically called 'value/moral pluralism'³⁹ for at least three different reasons. Firstly, librarians' codes of ethics and public position statements tend to express ethical commitments to a plurality of specific, irreducible moral values which in concrete situations may enter into conflict with one another: free access to information, equity of access to information, neutrality (or impartiality), preservation and conservation of the historical record, accuracy of information, user privacy and confidentiality, respect for intellectual property and copyright, as well as social responsibility (social justice, inclusion and diversity) amongst others. According to such codes of ethics, librarians are supposed to somehow

³⁹ Another relevant technical term to describe such a metaethical position would be "moral/ethical relativism". The distinction (if any) between "moral/ethical pluralism" and "moral/ethical relativism" is debatable and unclear given that some scholars use pluralism rather than relativism (or vice-versa) and that these related, similar terms have also been combined together as seen, for instance, in a recent philosophical defence of "pluralistic relativism" (see Wong 2009). However, another scholar has opposed strongly pluralism to relativism by arguing that "it is possible to develop a strong, principled argument for pluralism, which is not the same as a defense of ethical relativism." (Skillen 2008, 141). Generally speaking, the term 'pluralism' does not seem to have the same negative, pejorative connotation of the related term 'relativism'. It does not fall within the scope of this study to argue for the superior advantage or truth of moral relativism or moral pluralism as a metaethical theory. In the particular academic context of library and information science, the term 'pluralism' is being deemed to be the more appropriate.

“balance” all these contrasting core values and responsibilities. However, Symons and Stoffle, in a well-known article, lamented the fact that American librarians “have no clearly established hierarchy of professional values” and the absence of a practical “guide for making decisions or applying values when two or more of our values come into conflict” (Symons and Stoffle 1998, 56).⁴⁰

Secondly, intellectual freedom as content-neutrality (see 1.3 above) is to be directly linked to value pluralism because to take no sides means to take all sides. In Foskett’s classic yet controversial elaboration of library neutrality, the latter leads to openness to, interest in and inclusion of all other possible worldviews that the library user could have: “if [the librarian] has no politics, no religion, and no morals, he can have all politics, all religions and all morals” (Foskett 1962, 11). In Foskett’s famous version of library neutrality, the value of intellectual freedom implies a commitment to absolute neutrality and, hence, a radical value pluralism that clearly goes beyond the liberal value pluralism permitted by a liberal neutrality (see 1.3.2).

Thirdly, the library profession is inextricably linked to moral pluralism because most library collections in western countries reflect, to different degrees, the social reality of radical and intractable moral disagreements between individuals and social groups resulting from the existence of plural and irreducible moral values in contemporary societies and human intellectual, social, cultural, economic and political history more generally. Librarians typically serve intellectually, culturally, ethnically, religiously and gender ‘diverse’ communities comprising different social groups professing different interests, values, religious beliefs and political ideologies. A certain moral pluralism is assumed in modern western liberal societies because the liberal state does not impose on the individual any single collective definition of the “good life”, not taking a side on the “best” values and lifestyles as long as they don’t clearly infringe the liberties of others. The controversial defence of neutrality/impartiality in LIS reflects to a certain extent the moral neutrality of the modern liberal state; libraries, like

⁴⁰ In their brief historical overview of American professional librarianship, Symons and Stoffle exemplify this moral conflict by noting how the particular and still very actual value conflict between intellectual freedom and social responsibility (in the sense of social justice, social inclusion and diversity) divided sharply American librarians on the issue of activist involvement on the race relations and apartheid issues in the 1970’s and 80’s respectively. The particular value conflict between intellectual freedom and social justice/social inclusion is tackled in a more direct, focused and detailed manner below (see 1.5 below).

the liberal state, cannot commit to a single ‘moral community’⁴¹, moral framework, moral tradition or moral hierarchy of values but must include and represent the widest diversity of moral communities, moral frameworks, moral traditions and moral hierarchies of values present in their society.⁴² Hence, the defence of intellectual freedom emphasizes individual autonomy and choice in reading, i.e. individual information rights, yet also the political worldview that “no one view of the common good should prevail in a pluralistic society” (Oltmann et al. 2023, 821). The library profession’s commitment to intellectual freedom as “the right to receive information on all subjects from all points of view...” assumes a commitment to value/moral pluralism which manifests itself in diverse and balanced collections. A crucial related issue is whether or not libraries in liberal democracies should be restricted to a liberal value pluralism (hence ‘neutrality’ to be actually understood as a liberal neutrality) or defenders of a more radical value pluralism for educational and research purposes, to facilitate open inquiry and the truth-seeking mission central to academia (see 1.3.2).

For instance, even if most (librarians or not) would agree in principle to condemn “violence” and “harm” and ban material which promotes violence⁴³, in practice it is very difficult to enforce meaningfully such a condemnation and ban material without privileging in a controversial manner one moral framework over another. In other words, librarians would have to ask ‘violence’ and ‘harm’ according to which particular moral community, moral framework or moral tradition? Some representative examples should suffice:

For pro-life social conservatives, abortion advocates promote unjustified murderous violence against human persons with the universal right to life whilst pro-choice feminists and

⁴¹ The technical term ‘moral community’ is being basically understood as used by Jonathan Haidt to refer primarily to a community that shares certain moral values or a moral system: “But if it’s true that morality binds and blinds, then no partisan community is based in reality. If a group circles around sacred values, they’ll evolve into a tribal moral community. They’ll embrace science whenever it supports their sacred values, but they’ll ditch it or distort it as soon as it threatens a sacred value” (Haidt 2011). In the context of universities, whole disciplinary communities may be described as ‘moral communities’ in Haidt’s specific sense.

⁴² “...libraries shall acquire, preserve and make available the widest variety of materials, *reflecting the plurality and diversity of society* [emphasis added]” (*IFLA Statement on Libraries and Intellectual Freedom*, 1999; *The Glasgow Declaration on Libraries, Information Services and Intellectual Freedom*, 2002).

⁴³ “Library policies would generally not encourage the acquisition of information advocating violence.” (Colette Ormonde, at the time spokesperson for the Australian Library and Information Association (ALIA), as cited in Moody 2005, 144).

left libertarians deem abortion bans a violation of women's rights, defending female bodily autonomy and reproductive freedom (women's 'right to choose'), and women's legitimate claims regarding their so-called 'sexual and reproductive health and rights' (SRHR).

Libertarians in general and euthanasia (i.e. voluntary assisted dying) advocates in particular defend the self-sovereignty and autonomy of individuals, the individual right to violently end one's life (even for non-medical reasons), if and when one chooses to, insisting that suicide/assisted suicide is primarily a private issue, a chosen free act which may be justified rationally and morally; however, historically, the sovereignty of God, king and community have been invoked as the basis of the legal prohibition to suicide. Social conservative opponents of suicide and euthanasia in western societies argue that voluntary death is always morally wrong because of their explicit or implicit commitment to Christian theology and metaphysics (the sanctity of life doctrine); moreover, despite the libertarian arguments of euthanasia advocates, suicidal ideation and intents are typically deemed to result from unhealthy psychopathological conditions (personality disorders and/or mental health problems).

For animal rights activists, many popular diets (meat-based, meat-only and all animal-derived food including dairy, eggs, and honey), religious practices involving animal sacrifice, medicinal practices requiring extracted animal parts, and farmed fur production are unethical activities because they assume an unjustified physical and moral violence against fellow sentient beings. Similarly, environmentalists and conservationists consider contemporary recreational hunting unethical violence rather than a legitimate millennia-old tradition, an authentic engagement with wildlife rooted in human nature, and a tradition/hobby to be legally regulated yet cherished as argued by pro-hunting lobbies. On a similar note, animal rights activists and animal welfare organizations typically advocate for bestiality bans prohibiting the sexual abuse and exploitation of animals; human-animal sexual relations are officially banned in many countries. However, zoophilia advocates argue that zoophilia may be morally permissible (i.e. some forms of sexual contact between humans and animals are

permissible), and that zoophiles should be deemed another sexual minority to be officially respected and recognized within the LGBTIAQ+ movement.⁴⁴

Adherence to intellectual freedom principles as articulated in ALA and IFLA key documents would entail that acquisitions and reference librarians cannot meaningfully exclude inclusion of and reference to material related to the aforementioned moral disagreements in the name of their own personally privileged moral framework/tradition or even the moral framework/tradition which happens to be *de facto* favored by the majority in a particular academic community, city and country. Pro-censorship arguments in the name of ‘morality’, ‘violence’ and ‘harm’ have to be reframed by moral pluralism given that abortion, euthanasia and recreational hunting – just to limit oneself to three controversial ethical issues discussed briefly above – are all to a certain degree legally permitted in most western liberal societies despite their being deemed immoral, violent and harmful acts that should be made illegal by certain moral communities in western societies.

Hence, librarians’ advocacy of “the ethical use of information” (*AIB Code of Ethics*, art. 2.4), and the familiar claim that it would be unethical for librarians to assist a library user to commit an immoral act⁴⁵, though commendable in emphasizing ethical norms, thinking and decision-making, have to be understood in light of the professional metaethical commitment to value/moral pluralism in the background of library practice, an understanding which admittedly might make the above cited expression and referred claim practically meaningless. Similarly, critical librarians’ emphasis on the social responsibility of librarians to contribute to shaping a “better world” or “better society” is problematic because radical differences in preferred political, ideological orientations and religious beliefs of both librarians and library users may lead to very different, sometimes opposite, ways of understanding or defining the desirable ‘improvement’, ‘progress’ and ‘common/public good’ of society: “[I]t [the public good] is so vague and so purely subjective ...: how can [it be a] core value if a truly diverse

⁴⁴ See, for instance, Bering 2016, Bensto 2023.

⁴⁵ “[It is] unethical to assist a patron to commit an illegal act or one that is immoral according to the values of society” (Bunge 1999, 57).

profession will inevitably disagree on what best serves the public good?” (Buschman 2018, [430]).

In practice, such a detached, ‘content-neutral’ stance though to be deemed more ethical and professional according to the various library codes of ethics and policy documents, may be very difficult to adopt for librarians who happen to be also committed adherents of/activists for any of the aforementioned ethical positions. In other words, librarians’ non-neutral personal commitments to both ethics and social responsibility arguably still have to be contextualized by a deep and pervasive ‘neutral’ meta-ethical commitment to value pluralism (if only liberal pluralism or not is a pertinent and very important yet separate issue, see 1.3.2; on the progressive critique of neutrality, see 1.5).

1.3.1.1 Library Value Pluralism and Human Rights

It is also useful to deepen this discussion on value pluralism and librarianship by referring briefly to the modern doctrine and ideology of universal, fundamental human rights (as most famously expressed in the UN’s Universal Declaration of Human Rights [UDHR], 1948). To note that human rights have been invoked by information professionals as a set of universal meta-ethical moral values and imperatives that go beyond particular religions, cultural traditions, national legislation and moral frameworks (see, for instance, Boles 1994). Moreover, it has been claimed that human rights issues, declarations and values historically “align” and “intersect” with the long-held values of the library profession (Phenix & McCook 2005, 24). Increased international acceptance of human rights facilitated and encouraged librarians’ commitment to promote intellectual freedom as a fundamental human right, the right to information (Byrne 2007, 67). It is also true that human rights discourse – especially article 19 of the UDHR – has been generally adopted and emphasized by IFLA (1999, 2002, 2019), the ALA (1995) and CILIC (2022) amongst other notable, official, professional library organizations; this ever-deepening close link between human rights discourse and librarianship has been recently confirmed by former IFLA president and IFLA’s FAIFE Advisory Committee president Ellen Tise who advised that libraries should “integrate and embed

human rights practices in their policies and it should be included in our strategies, workplans and activities at all levels... Libraries should form strategic partnerships with ... human rights organizations to ensure social inclusion ... encourage freedom of opinion and expression, affirm intellectual freedom and the protection of human rights” (IFLA 2021).

However, at the same time, human rights language has been used much more cautiously by other librarians aware of some of the typical criticisms to be briefly discussed below.⁴⁶ Radical disagreements on fundamental human rights persist in western societies on the controversial issues of abortion (women’s abortion rights as ‘human rights’), euthanasia (the right to die), LGBTIQ+ (especially transgender) rights, and the so called ‘right to be forgotten’ amongst others.⁴⁷ The post-1945, liberal discourse of human rights has been variously criticized both for its acontextual universalism and for its excessive subjective individualism⁴⁸, i.e. its distinctive Eurocentrism (too strictly based on the foundation of the modern European, individualist liberal tradition)⁴⁹, as well as its supposed blatant

⁴⁶ “This book does not suggest that articles expressed in, or proposed for inclusion in, the Universal Declaration of Human Rights (1948) are universal or absolute, or even appropriate for all peoples” (Samek 2007, xxiv).

⁴⁷ On the right to be forgotten, see IFLA 2019, Knox 2023, 74-5. Another relevant example of a controversial human right is the supposed universal human right to parenthood (implied in Article 16, “the right to marry and to found a family”) which has been theoretically challenged, for different reasons, by both eugenicists and anti-natalists.

⁴⁸ “[The ideology of human rights] is universalist insofar as it claims to impose itself everywhere without regard to relationships, traditions and contexts. It is subjectivist insofar as it defines rights as subjective attributes of a single individual” (De Benoist 2011, 22). “If you ask what rights are human or natural or fundamental, you get a different answer depending on whom you ask ... Nobody knows how to settle the question whether this or that privilege, freedom, or claim is a “human right” ...” (Scruton 2015).

⁴⁹ The human rights discourse cannot be separated from western Christian universalism. Hence, representatives of the People’s Republic of China (PRC), a state often accused of numerous human rights violations, have long insisted that non-western “civilization-states” like China can have a different concept of ‘human rights’ (*rénquán* 人权) reflecting a different historical development stage and the specific history, civilization, and values of China: “Thus, one should not and cannot think of the human rights standard and model of certain [western] countries as the only proper ones and demand all countries to comply with them” (Liu 1995, 214). As former Foreign Minister of China Qin Gang said: “There is no one-size-fits-all model in the protection of human rights.” In China’s particular case, the national interest, state-determined social and collective rights override the individual human rights, especially political and civil rights, privileged in western liberal societies. The Charter of the Organisation of Islamic Cooperation (OIC) (2008) exemplifies an alternative Islam-centered ‘human rights’ discourse. Muslim countries have historically been opposed to particular human rights that are seen to contradict their religious beliefs: women’s sexual and reproductive rights, homosexual and transgender rights, and free expression extending into defamation of Islam (defamation of religion). A recent resolution on the follow-up and coordination of OIC’s work on human rights emphasises “the significance of [member states’] religious, national, and regional specificities and various historical and cultural backgrounds” (OIC 2011). Likewise, it “reaffirms the right of States to adhere to their religious, social, and cultural specificities which constitute heritage and streams of thought that contribute towards enriching the common international conceptions of human rights” (OIC 2011, no. 4, p. 2). The human rights stance of the OIC is interestingly comparable and similar to the PRC’s position in emphasizing cultural diversities and specificities qualifying western universalist human rights discourse; both defend state-determined human rights based on individual countries’ particular religious, cultural and historical background.

politicization by serving as “crude instruments of power politics” (Diesen 2024, 6), to legitimize and expand the US-centred unipolar and hegemonic distribution of power in international politics.

Another fundamental point of philosophical contention is who should be the morally and legally significant subject of ‘rights’ since ‘human rights’ have been variously attributed to human individuals, the unborn, specific gender groups (women, LGBTIAQ+, especially transgender) and age groups (children), ethnic groups, ‘humanity’ or ‘the human community’ as a whole as well as ‘future generations’.⁵⁰ Despite the supposed indivisibility of human rights, another debatable theoretical point with significant practical implications is which kind of individual human rights – civil, political, economic, social, cultural – are the more fundamental and should have priority. A relevant recent development in western countries is the avowed willingness of certain governments to exit the European Convention on Human Rights or ignore the judgments of the European Court of Human Rights (ECHR) in the name of national security interests (to deport foreign-born criminals) where immigration-related issues of national security are concerned.⁵¹ Although ‘human rights’ discourse arguably do not yet represent the global moral consensus that the original writers of the UDHR (somewhat naively) sought to achieve by claiming that such individual rights were ‘universal’ (see fns. 48, 49), it remains particularly influential and relevant in Western European political, diplomatic and juridical contexts within which Malta-based librarians operate. It presently forms an integral part of the language of the UN, EU law⁵², EU institutions and agencies – notably the EU Agency for Fundamental Rights (FRA) and the European Court of Human Rights (ECHR) – as well as the Council of Europe (CoE), and the Organization for Security and Co-operation in

⁵⁰ See, for instance, discussion in Serracino Inglott 2000.

⁵¹ For instance, former British PM Liz Truss was against retaining the EU Charter of Fundamental Rights as part of UK law following Brexit, and was in favour of withdrawing from the European Convention on Human Rights (see <https://eachother.org.uk/liz-truss-the-new-prime-ministers-human-rights-record/>). The French Interior Minister Gérald Darmanin in an interview with *Journal du Dimanche* argued that the security of French citizens would take precedence over the human rights of suspected jihadists, and that the ECHR was written in a historical period when there was no jihadist terrorist crisis. Indeed, the French government ignored a decision by the European Court of Human Rights for the very first time and deported an Uzbek national with links to terror organizations back to his home country. (See https://www.lemonde.fr/societe/article/2023/10/22/gerald-darmanin-dit-au-jdd-n-avoir-aucune-question-taboue-au-sujet-de-l-immigration_6195957_3224.html.)

⁵² To note that “respect for human rights” is one of the founding, core values declared in Article 2 of the Treaty of the European Union (TEU).

Europe (OSCE). Human rights are also very important to understand the EU-style ‘hate speech’ legislation significantly restricting freedom of expression.⁵³

For this researcher, it would seem that academic and public librarians working in EU countries like Malta, signatories to the Universal Declaration of Human Rights, the European Convention on Human Rights, and the Charter of Fundamental Rights of the European Union, may be caught in a complex ethical quandary: having to hold as morally true ‘human rights’ as invoked in current national, EU and international humanitarian legislation, yet at the same time recognize that the historical commitment of Anglo-American professional librarianship to classic intellectual freedom principles (i.e. ‘neutrality’, ‘balance’, ‘all points of view’) and a radical, meta-ethical value/moral pluralism may imply not endorsing the human rights discourse as certain, final and objective moral truth but as another competing ideology, doctrine or moral framework rooted in a particular culture and time-period (modern western political liberalism) which can be reasonably treated as an object of criticism. This means that contemporary human rights ideology may be theoretically undermined and rejected just like other ideologies, doctrines, and moral frameworks. In other words, the ethical commitment to the professional value of intellectual freedom (as variously expressed in classic ALA and IFLA documents especially the *Freedom to Read statement*) obliges the librarian to aid users to inform themselves and decide for themselves regarding any controversial issue – including the moral truth of universal, fundamental, human rights – by enabling the inclusion of representative works critical of the contemporary discourse of human rights in general and/or of specific supposed ‘human rights’ in particular.⁵⁴

To return to the original issue of identifying universal moral values, principles and norms as the solid basis of contemporary library ideology, human rights discourse certainly remains a very important, general referential framework in the collective West (US, UK + EU,

⁵³ “[T]he need to limit racist hate messages is implicit in basic human rights documents such as the UN Charter and the Universal Declaration of Human Rights” (Matsuda 1993, 30). See also 1.6.

⁵⁴ Hence, this extreme viewpoint inclusivity reflecting an absolute rather than a liberal neutrality implies an implicit critical distance from IFLA’s explicit grounding of the freedom to access information in modern human rights discourse (see 1.1, IFLA 1999, 2002). General Right-leaning critiques of human rights ideology in English include Alain de Benoist’s *Beyond Human Rights: Defending Freedoms* (Arktos, 2011) and Kerry R. Bolton’s *The Tyranny of Human Rights: from Jacobinism to the United Nations* (Antelope Hill Publishing, 2022). Recent Left-wing critiques include Andrius Bielskis’ “Socialism and Human Rights: Or Why the Left Should Avoid the Discourse of Human Rights” (*transform! europe*, 2024).

CoE, OSCE) and in the world (through the UDHR and UN Charter). However, it arguably still shouldn't be considered a truly convincing, unifying meta-ethical universal, moral framework for the different, above-mentioned reasons.

The list of restrictions on intellectual freedom understood as free individual access to information suggested in *Annex 1: Sources of the IFLA Statement on Censorship* (2019, 3-4) indicates that: (i) intellectual freedom may not be considered an absolute value, certainly not the paramount value in all value conflicts that intellectual freedom maximalists believe in. The promise of several IF definitions centring on unrestrained access to information is not realistically realizable nor ethically desirable. According to the aforementioned document, it may be legally and/or morally necessary and justified to prohibit access to certain types of content because of:

- (i) its emotional, psychological and even physical harmfulness: sexually explicit or violent content [to young children], child pornography, depictions of cruelty to animals, "hate speech", incitements to terrorist activity, libelous or defamatory content, tobacco or alcohol advertisement, "revenge pornography";
- (ii) violation of privacy (the unauthorized diffusion of private personal information, information about a current criminal trial, pirated, copyright-protected content,
- (iii) state secrets and commercially sensitive corporate information.

In brief, in all such cases, considerations of harm, the right for privacy, respect of copyright law and supra-individual state and commercial interests may be deemed more important than the individual right of access to information. One should note that some of these restrictions (especially state secrets and commercially sensitive corporate information) apply as well to freedom of information (FOI) requests made by journalists in modern liberal democratic societies.⁵⁵ The delicate issue of hate speech is to be treated differently and separately

⁵⁵ However, it should be emphasized as well that state actors, especially government ministers, may cite such important reasons unjustifiably to hide information which should be in the public domain because it is in the public interest.

because in certain western legislation (namely the US) so called ‘hate speech’ is actually ‘protected speech’.⁵⁶

1.3.2 Absolute neutrality vs Liberal neutrality

Although the language of the ALA’s *Library Bill of Rights* seems to suggest an absolute neutrality, John Wenzler famously argued that library neutrality should be understood as a liberal neutrality (Wenzler 2019). Similarly, Knox has insisted that intellectual freedom is a liberal rather than a conservative value (Knox 2023, 7; see also Popowich 2022; Oltmann et al. 2023, 821). In other words, it has been argued that library neutrality assumes an implicit, non-neutral fundamental ethical and political commitment to (some version of) modern political liberalism. Although this liberal contextualization may be historically accurate and relevant to discuss further, it remains problematic at least for the following reasons:

- i. it is ethically insufficient for activist, progressive/critical librarians who emphasize the progressive critique of modern individualist liberalism, the importance of recognizing supra-individual forces of systemic and structural oppression and exclusion, and of ethically taking the side of the “subalterns”, the oppressed, exploited and excluded groups rather than of the individual possessor of interests and rights⁵⁷;
- ii. intellectual freedom has also been linked to “traditional conservative values” and “conservative libertarianism”, rightly in my view, further demonstrating that (*contra*

⁵⁶ See also 1.6 below. “Hate speech is protected expression under the First Amendment. This is based upon the belief that freedom of speech requires the government to strictly protect robust debate on matters of public concern even when such debate devolves into distasteful, offensive, or hateful speech that causes others to feel grief, anger, or fear. Under current First Amendment jurisprudence, hate speech can be criminalized only when it directly incites imminent criminal activity or consists of specific threats of violence targeted against a person or group.” (IFM 2021, 86). See also fns. 20, 96.

⁵⁷ E.g. “It should also be unsurprising that, since I have taken the position that neutrality is impossible, I feel this praxis must be committed to certain values and political positions, and that this commitment must be to what is often called “the subaltern,” not just the working class of orthodox Marxism, but all the other subjects of emancipation who are part of the multitude of the exploited under neoliberal capitalism. Critical librarianship, for me, must be both a critique of institutions and practices, and a practice of solidarity with all those who, as subalterns, find it difficult or impossible to speak or act for themselves” (Popowich 2018, 62).

Knox) political (progressive) ‘liberalism’ is not the only western political ideology that can be meaningfully associated with a robust defense of intellectual freedom.⁵⁸

- iii. it implies the justified censorship of right-wing and left-wing illiberal thought, something which academic libraries catering to universities with teaching and research on political science, political theory and political philosophy including right-wing and left-wing political philosophical works may not afford to exclude. Apart from the key liberal principle (famously formulated by JS Mill) of the need to know profoundly the other side on its own terms to come closer to the truth on controversial topics (see fn. 12), many would agree that a complete political education requires exposure to and knowledge of both right-wing and left-wing illiberal thought (see also 1.5.3 below).
- iv. Moreover, even if one may charitably agree in general terms with Wenzler and Knox about ‘modern political liberalism’ implicitly contextualizing and limiting librarianship’s operative neutrality and defense of intellectual freedom, a discussion would still need to be made about the fundamental differences, respective advantages and preferability between the American and European liberal democratic models (see 1.5.2 below), right-wing (neoliberal) and left-wing (socialist) liberalism (see McManus 2021, 2023), pre-modern and modern ‘liberalism’⁵⁹, and

⁵⁸ “We can also remember that privacy, individual liberties and freedom from government intervention are hallmarks of intellectual freedom policy as well as traditional conservative values ... Strong conservative libertarians can be some of libraries’ best allies” (Jones 1999, 85). To note that in contrast to the ‘negative liberty’ given great importance in liberal societies, as famously theorized by Isaiah Berlin, there is also the more right-leaning theory of republican liberty as theorized by the likes of Quentin Skinner. The pro-free speech stance of self-identified conservatives is confirmed empirically in a 2023 survey of more than 10,000 students at the University of Wisconsin system’s 13 campuses: the self-identified ‘very conservative’ cohort (9.9 %) were the least likely group (in sharp contrast to the ‘very liberal’ cohort [58.1 %]) to think “quite a bit” or “a great deal” that “expressing views perceived as offensive can be seen as an act of violence toward vulnerable people” (Bleske-Rechek et al., 2023, 27); the self-described ‘very conservative’ cohort (7.3 %) were also the least likely (in sharp contrast to the ‘very liberal’ cohort [40.2 %]) to “think “quite a bit” or “a great deal” that administrators should ban the expression of views that some students feel cause harm to certain groups of people” (Bleske-Rechek et al., 2023, 30). The promotion of free speech has become increasingly perceived or presented as politically ‘right-wing’ arguably because elements of the progressive Left endorse identity politics and DEI/EDI policies that seek to suppress politically incorrect speech (see Benn 2021, 144-147).

⁵⁹ “Many of the institutional forms of government that we today associate with liberalism were at least initially conceived and developed over long centuries preceding the modern age, including constitutionalism, separation of powers, separate spheres of church and state, rights and protections against arbitrary rule, federalism, rule of law, and limited government. Protection of rights of individuals and the belief in inviolable human dignity, if not always consistently recognized and practiced, were nevertheless philosophical achievements of premodern medieval Europe. Some scholars regard liberalism simply as the natural development, and indeed the culmination, of protoliberal thinking and this long period of development, and not as any sort of radical break from premodernity” (Deneen 2018, 23).

especially between 18th-19th century, classical (bourgeois) liberalism and contemporary ‘anti-fascist’, ‘politically correct’, ‘woke’, authoritarian, progressive ultra-liberalism (see also fn. 83). Even the sharp distinction between individualist liberalism and collectivist conservatism can arguably be challenged regarding the conservative political philosophy of the major contemporary Anglophone conservative thinker Roger Scruton.⁶⁰ In other words, even a very general ideological commitment to ‘modern political liberalism’ in order to flesh out more the actual meaning of a liberal commitment to ‘intellectual freedom’ on the part of librarians is arguably still not substantial enough and sufficiently precise to determine the concrete limits, if any, of understanding library neutrality fundamentally as a liberal neutrality.

Given the very limited space and disciplinary scope of this research project, it is impossible to elaborate further on each of the important above-mentioned distinctions between forms or expressions of political liberalism. However, the clear development of political liberalism in the past centuries should be highlighted in broad terms: modern political liberalism has clearly evolved radically from 18th-19th century British liberalism – the classical liberalism variously exemplified by the likes of John Locke and John Stuart Mill – which assumed and was theorized within the context of ethnically, linguistically and religiously highly homogenous Protestant Anglo-Saxon societies (what one may describe as a racial or ethno-nationalist and social conservative liberalism) to contemporary multicultural (i.e. multi-racial, multi-ethnic, multi-religious), civic nationalist, progressive liberalism buttressed by post-World War II universal human rights declarations and legislation, and increasingly focused on racial and gender equity.⁶¹ The left wing, progressive critique of ‘liberal neutrality’

⁶⁰ “[Scruton] affirms many principal features of a classically liberal regime and seems at times to be seeking a conservative pathway into liberal constitutionalism. ... Specifically, the principles of political practice in John Locke’s liberalism are similar to, or not so very different from, Scruton’s ...” (Wirls 2016, [237]). Indeed, it may be argued that Scruton was ultimately an idiosyncratic modern liberal, a believer in individual rights and liberal pluralism, for whom conservatism as a political worldview and tradition was a private choice of the modern autonomous individual rather than the premodern acceptance of unchosen collective ethnic, national and civilizational identities, and participation in collective conservative values imposed and/or guarded by an authoritarian political elite.

⁶¹ “Before the war prevailing public opinion within Western states — including democratic states — did not condemn racial discrimination in domestic social and political life. Nor did it question the ideas and institutions of colonialism. In the minds of most Europeans, equality and democracy could not yet be extended successfully to non-Europeans. In other words, these ideas were not yet considered to be universal human rights divorced from any particular civilization or culture. ... Racial distinctions thus served as a brake on the extension of democratic rights to people of non-European descent within Western

mentioned in (i) above highlights precisely both modern political liberalism's historical Anglo-Saxon ethnocentrism and accommodation to Victorian patriarchal, sexist social conservatism. In other words, the original liberalism (what may be described as Liberalism 1.0) was much more right-leaning in terms of its underlying ethnic and cultural nationalism and social conservatism than the left-leaning progressive ultra-liberalism (Liberalism 2.0) dominant today in western multicultural societies.

The individualism of classical liberalism assumed in traditional intellectual freedom advocacy (e.g. Anderson 2018, Popowich 2022) is currently being challenged in western societies by both the identitarian right and woke left which defend the primacy of collective social identities, the former indigenous racial and ethnic European groups, the latter a variety of designated marginalized, oppressed or excluded victim and aggrieved subaltern groups (racial, ethnic, religious and gender minorities). Hence, the liberal defense of individual interests and rights assumed in intellectual freedom discourse is being increasingly overshadowed by the political struggle between competing forms of 'post-liberal' social collectivism, mainly conservative nationalism and 'Marxism' in its current woke version.⁶² However, as already argued above, librarians should arguably be dubious about and suspicious of any strong collectivist reframing (whether more left-leaning or more right-leaning) of intellectual freedom because it will inevitably lead to less liberal, more ideologically exclusionary and censorship-prone libraries.

Hence, this researcher tends to agree with contemporary philosophers who have recently advocated for a return to JS Mill's more free-speech friendly, earlier version of classical liberalism (in contrast to the linguistic intolerance of contemporary liberal

countries as well as in Western colonies" (Jackson 1993, 135). "Liberalism at that time [19th century] referred to constitutionally responsible government, a free-market economy relative to the mercantile one it replaced, religious freedom within well-defined traditional cultural and moral limits, and academic freedom within the same general limits. *Those who voted for parties that contained the word "liberal" were typically nationalists, not universalists* [emphasis added]. Most liberals, certainly in Protestant countries, were churched, and they were likely to hold Victorian views about the family and gender roles... *It is also open to question whether most self-described liberals believed in universal individual rights* [emphasis added]. They believed in constitutional government run by the affluent and educated, national autonomy, and material progress. They may even have opposed slavery and objected to the burning of widows on their husbands' funeral pyres in India. But they certainly had no qualms about restricting immigration and limiting the vote to propertied males of a certain age" (Gottfried 2023).

⁶² See Gottfried 2023c.

progressivism) to tackle contemporary information and culture wars, ideological homogeneity and alleged woke censorship that involve academia and, at least indirectly, academic libraries (see, for instance, Jakobson 2019; Benn 2021). Adopting such an expansive view of freedom of expression would imply, however, a clear subordination of the progressive values of diversity, inclusion and equality/equity to the liberal/libertarian value of individual freedom (understood as ‘autonomy’, ‘right’ and ‘choice’). Another practical consequence would be the rejection of EU-style ‘hate speech’ legislation (see 1.6 below). Since not all liberal values can be emphasized equally, librarians are inevitably forced to choose, caught in the inherent ambiguity of the ever-evolving modern political liberalism, dividing themselves in a conflict of priorities between liberal individual freedom and liberal progressive equality (i.e. equal dignity/rights/outcomes) (see also 1.5).

1.3.3 Content-neutrality and Truth

Another controversial implication of ‘neutrality’ as non-endorsement of any content (so called ‘content-neutrality, see fn.) is the librarians’ lack of responsibility for the veracity, accuracy and exactitude of the content being rendered accessible: “Librarians aren’t responsible for the “truth” or accuracy claims of any material” (Jones 1999, 132). However, in a ‘disinformation age’, a ‘post-truth’, ‘fake news’, ‘alternative facts’ world, other librarians have argued that libraries are ethically obliged to abandon ‘content-neutrality’ and actively oppose, even ban, false information – mis/dis/malinformation⁶³, pseudo-science, pseudo/crypto-history, conspiracy theories, and propaganda⁶⁴ – because “[d]isseminating

⁶³ A significant challenge for contemporary freedom of expression advocates is that institutional censorship is often justified – even of constitutionally protected speech – in the name of combating ‘dis-/mis-/mal-information.’ It is difficult to use such related terms clearly and precisely in discussions on free speech today because different dictionaries and academic sources give different, incompatible definitions of these often-used and intimately related three terms: the UNESCO handbook *Journalism*, “fake news” and disinformation (Ireton et al., 2018), defines misinformation as simply misleading content, mal-information as something produced with harmful goals – leaks, harassment, hate speech – and disinformation as something in between, blending both components. The Oxford English Dictionary does not list mal-information and explains misinformation as “[f]alse or inaccurate information, especially that which is deliberately intended to deceive,” hence, a definition very close to other sources’ definition of malinformation and disinformation. Yet another formulation presents misinformation as a mistake, disinformation as a lie, and malinformation as false information with the malicious intent to cause harm (Knox 2023, 113).

⁶⁴ The negatively connotated term ‘propaganda’ is perhaps less used today than the terms ‘mis/disinformation’. Despite its typical use in the sense of ‘political propaganda’ or ‘state propaganda’, it may be basically defined as any information with a particular ideological and/or political bias circulated by individuals or organisations to persuade the recipient to accept a

distorted information deliberately is not the task of the library” (Haasio, Ojaranta & Mattila 2018, 9; see also Buschman 2018).⁶⁵ Relatedly, recently there has been the interesting discussion of and advocacy for the notion of ‘alethic rights’ (rights to truth) of library users; some scholars have argued for a shift in focus and language from neutral access to ‘information’ in general to “the right to be informed truthfully”, “the right to have access to reliable alethic authority” and “the right to live in an alethic society ... which, where necessary, promotes and safeguards the acquisition of truth” (see Lor et al., 2021; Froehlich 2022).

The ongoing academic debate on the librarians’ desirable stance regarding misleading, false or erroneous information brings to the fore the ambiguity of the key term ‘neutrality’ because when it means ‘objectivity’ (“being objective in providing information”, Scott and Saunders 2021, 153), it assumes a concern with and commitment to (objective) truth; librarians have long been expected to try to provide “accurate, unbiased ... responses” to reference questions (*ALA Code of Ethics*), and provide access to materials presenting “all points of view” yet “of sound factual authority” (*Library Bill of Rights*). However, neutrality or impartiality as an intellectual freedom principle is also meant as an active commitment to extreme intellectual, ideological, political and viewpoint diversity (“all points of view”) as well as a value/moral pluralist metaethics (see 1.3.1 above), the awareness of radical and intractable moral disagreement (hence different ‘moral truths’ and ‘moral facts’) dividing both librarians and potential library users on controversial moral issues like abortion and euthanasia, religious/spiritual beliefs, political partisanship and ideology, etc.

particular, biased point of view. Hence, ‘propaganda’ can be helpfully understood as the ‘marketing campaign’ of certain political or ideological positions. As in the case of ‘mis/disinformation’, the use of the term is problematic because it can be easily invoked to censor and/or discredit alternative viewpoints with which the speaker using such negative terms strongly disagrees. Academic librarians and library users should be very aware that ‘propaganda’ may easily wear the cloak of academic respectability. As much as ‘academic racism’ and ‘Holocaust denial literature’ are often criticized as ‘propaganda’ moved by racist and anti-Semitic agendas respectively, right-leaning intellectuals have tended to assess the published academic work of some left-wing academics strongly committed to “social justice” as propaganda, and their academic careers and courses as masked social/political activism; e.g. the gender studies program at the New College of Florida (NCF) was abolished by the right-leaning Board of Trustees in August 2023 because according to them “its ideologically-driven and tendentious character render it more a movement of cultural politics than an academic discipline” (Samsel '24, 2023).

⁶⁵ “Scholars must work in tandem with librarians in the discovery and dissemination of the truth about our world” (Weinfeld 1987, 50).

Nevertheless, it is noteworthy, at least in my view, that despite the uncontested philosophical importance of – and unavoidable engagement with – concepts like ‘truth’ and ‘objectivity’, as well as the aforementioned already present official references to accuracy, factual authoritativeness and unbiased stances, terms like “accuracy/accurate information”, “veracity”, “(objective) truth” or “alethic rights” have not been affirmed and adopted yet – explicitly, formally and officially – as a “core value” by prominent library organizations like the ALA or IFLA.⁶⁶ This may be the case because the challenge of balancing the extreme viewpoint diversity defended in ALA and IFLA documents, the meta-ethical value pluralism inherent to both professional librarianship and a liberal political order (see 1.3.1 above), as well as factual accuracy when providing access to information brings up a variety of irresolvable theoretical and practical issues like:

- (i) the subject specialization (i.e. academic competence and expertise) of librarians⁶⁷
- (ii) the personal beliefs and convictions of, as well as social influences on, librarians⁶⁸
- (iii) the unavoidable, certified ideological and political biases of academics⁶⁹

⁶⁶ Jones interestingly notes a process of increasing disillusionment from ‘truth’ in American librarianship in that “[t]he *Library Bill of Rights* began its life with a “truth” qualification, which was revised over the years and fully deleted by the 1980s” (Jones 1999, 38).

⁶⁷ For instance, the librarian as a non-scientist may not be able to fully understand all the relevant scientific concepts, issues and details to be able to determine whether a purportedly scientific text is actually pseudo-scientific or not. It is normal, rational and inevitable in practice for non-specialists (librarians or not) to have beliefs taken on authority, i.e. to rely on the mainstream consensus of the scientific community on particular science-related issues, topics or papers; however, it remains debatable what degree of expert consensus is necessary for a scientific claim to be held as objectively or authoritatively true. Moreover, a dominant scientific view amongst the credentialled experts does not mean that there has not been institutional or self-censorship of rival views, or that the relative majority of scientists endorsing such a view are not somewhat ideologically or politically biased (see also fns. 69, 70 below).

⁶⁸ Whilst Hauptmann’s famous study on 13 librarians’ provision of information regarding bomb-making did not report any librarian denying reference assistance to users due to personal beliefs (see Hauptmann 1976), Harkovitch reported 37% of sampled librarians had to deal with a conflict between their personal beliefs and their professional approach regarding pornographic materials (see Harkovitch 2003). On the very realistic possibility of “personal beliefs” and “personal convictions” influencing and “interfering with” the various duties and responsibilities of librarians, see also Tsompanakis 2014. On the strong influence of “community standards” on librarians’ self-censorship, see Moody 2005. Moreover, to note that the well-known ‘Fiske report’ (1959) by Marjorie Fiske Lowenthal underlined the reality of self-censorship amongst US librarians who sought to avoid external pressures and controversy.

⁶⁹ Some representative academic studies on alleged left-leaning political bias in western academia should suffice: Jonathan Haidt, “Post-partisan Social Psychology”, Presentation at the meetings of the Society for Personality and Social Psychology, San Antonio, TX, January 27, 2011 (see also John Tierney, “Social Scientist Sees Bias Within” in *The New York Times*, Feb 7, 2011); Inbar, Y., & Lammers, J. (2012). “Political Diversity in Social and Personality Psychology”. *Perspectives on Psychological Science*, 7(5), 496–503; Duarte, J. L. et al. (2014) ‘Political Diversity Will Improve Social Psychological Science’ in *Behavioral and Brain Sciences*; Cofnas, N., Carl, N., & Woodley of Menie, M. A. (2017). “Does activism in social science explain conservatives’ distrust of scientists?” *The American Sociologist*; Mitchell Langbert, “Homogenous: The Political Affiliations of Elite Liberal Arts College Faculty”, 2018; Eric Kaufman, “Academic Freedom in Crisis: Punishment, Political Discrimination, and Self-Censorship”, CSPI Report No. 2, March 1, 2021; Oswal, S., “Faculty at American Universities: Becoming Increasingly Liberal?” (December 29, 2020); Meimei Xu, “More than 80 Percent of Surveyed Harvard Faculty Identify as Liberal” in *The Harvard Crimson*, July 13, 2022; Finseraas H., Midtbøen A. H., and Thorbjørnsrud, K., “Ideological biases in research

- (iv) the inescapable, pervasive influence of ideology on scientific research and its dissemination⁷⁰
- (v) the ever-relevant, potential conflict between modern science and religion as authoritative sources of objective truth⁷¹
- (vi) the sometimes-fuzzy distinction between fact and opinion, fact and value, fact and interpretation, fact and theory.⁷²
- (vii) so-called 'postmodern' (i.e. post-foundationalist) critique of modern Enlightenment rationality and 'ironic' stances of cultural relativism and epistemic/moral skepticism reject any 'substantive' or 'metaphysical' notion of truth, making unironic

evaluations? The case of research on majority–minority relations” in *Scandinavian Political Studies*, Vol. 45: 3, September 2022, 370-381.

⁷⁰ Jonathan Haidt has underlined the social reality of what he calls “motivated scholarship”, “[s]cholarship undertaken to support a political agenda [which] almost always ‘succeeds’”, scholarship which “often propagates pleasing falsehoods that cannot be removed from circulation, even after they are debunked” (Haidt 2016). This author agrees with Bob Young who argues that “[i]deology is an inescapable level of discourse” (Young 1971), i.e. value-laden, biased ideology is inseparable from objectivity-seeking science (see <https://iep.utm.edu/sci-ideo/>). Furthermore, the philosopher Daniel Dennett notoriously wrote that it may be ethically justified to deliberately misrepresent and caricature dangerous scientific findings (i.e. scientific truths) in the name of a supposed “public good”: “if I encountered people conveying a message [based on science] I thought was so dangerous that I could not risk giving it a fair hearing, I would be at least strongly tempted to misrepresent it, to caricature it for the public good. I'd want to make up some good epithets, such as genetic determinist or reductionist or Darwinian fundamentalist, and then flail those straw men as hard as I could. As the saying goes, it's a dirty job, but somebody's got to do it” (Dennett 2003, 19-20). For a case study regarding the evident influence of politics/political ideology on scientific research in the sociobiology controversy of the 1970s, see Segerstråle 2000. Another relevant case showing the evident influence of religious ideology on historical research is arguably the Christian continuity controversy in recent Maltese historiography (see Vella 2015). Regarding the interplay between science and ideology in the controversial genre of so called ‘academic racism’, see 2.2.1 and fn. 160.

⁷¹ Contemporary harsh critics of theistic religions in the name of modern natural science like ‘new atheists’ Sam Harris (author of *The End of Faith*, 2004), Richard Dawkins (author of *The God Delusion*, 2006), Daniel Dennett (*Breaking the Spell*, 2006) and Christopher Hitchens (author of *God is not Great*, 2007) deem most religious belief to be irrational, false and dangerous whilst apologists of religion deem such criticisms theologically illiterate, holding religious truths to be of a different kind than scientific truths, arguing that modern natural scientific explanations and religion, reason and faith, are compatible with each other (see, for instance, Terry Eagleton’s *Reason, faith, & revolution: reflections on the God debate*, 2009). Defenders of religion may also argue that academic studies show that “religiousness” is strongly associated with improved mental and physical health (see, for instance, Lucchetti, Koenig, & Granero Lucchetti 2021). However, it remains significant that empirical research shows as well that almost all (over 90 %) US-based top scientists (members of the National Academy of Sciences, NAS) do not profess religious/spiritual belief in the existence of the transcendent and personal God believed in any of the Abrahamic religions (see Larson and Witham 1998). This means that in practice the truth-claims defended by academics of a certain discipline (theology) may well be in strong disagreement with the truth-claims defended in other academic disciplines (natural sciences, philosophy).

⁷² “Although it may seem straightforward, sorting out what is or is not truthful information is more of a question of interpretation rather than a question of facts ... Interpretation of facts is embedded in societal structures and language” (Knox 2023, 113). “[A] fact is a particular ordering of reality in terms of a theoretical interest. There is no such thing as a pure fact.’ [It] is an aspect of reality extracted and described by an observer on the basis of some ‘prior interest’....” (Easton in Zuckert & Zuckert 1997, 145). To note that personal preferences and highly disputable subjective claims can be easily presented as ‘facts’ through the use of so called ‘factive’/‘factive expressions’ like ‘the fact is’/‘it is a fact that’, ‘the truth is’, ‘the key point is’, as well as by the use of factive verbs as in ‘we should recognise’, ‘we must not/never forget’, and ‘make no mistake’, etc. (see Scott 2024).

commitments to objective truth ('Truth') or, in Rortian terms, a "final vocabulary" of "thick terms" to invoke in order to settle conclusively alethiological and ethical disagreements, more problematic.⁷³

- (viii) the moral duty and responsibility of librarians to preserve and provide access to the whole "historical record" – the full record of humanity's intellectual, cultural, religious, social, economic and political history – as completely and accurately as possible (including potentially or allegedly false information) to future researchers.⁷⁴
- (ix) the particular role of retrospective purchases in academic libraries aimed at preserving the complete history of a particular discipline, idea or topic including controversial material containing outdated or false information according to the latest scholarly consensus (see Jones 1999, 132).
- (x) the issue of who, if anyone (i.e. so-called misinformation experts, fact-checkers, etc.), should be trusted to decide what counts as censorable 'mis/dis/malinformation' when the concept of false information becomes too expansive, vague, and value-laden (see Williams 2024).⁷⁵
- (xi) difficult cataloguing decisions on subject headings (regarding the use of non-neutral categories like "pseudo-science" or "pseudo/crypto-history");
- (xii) the thorny issue of *equal*, *some* or *no* representation, as well as cataloguing, of very controversial minority viewpoints/claims/narratives (e.g. Holocaust denial/revisionism literature) which still have information/educational value, can be the subject of personal interest and used in academic research.

These various, complex issues arguably make it pragmatically impossible, as well as ethically and legally undesirable, for librarians to dare guarantee provision of *only* truthful

⁷³ Relatedly, one can also mention standpoint theory's focus on the socially situated character of "objective truth".

⁷⁴ "Regardless of the truth value of the propositions and perspectives contained in such controversial literature [morally offensive art or literature, hate literature, etc.], the truth value must be suspended so that a complete picture of recorded history is not compromised. If the historical record is compromised, any and all theories of truth would be compromised" (Labaree & Scimeca 2008, 62).

⁷⁵ The very short life-span (April-May 2022) of the "Disinformation Governance Board" established by the Department of Homeland Security in the US to combat the spread of online mis-and-disinformation, suspended after serious backlash, arguably shows the massive difficulty of establishing today any supposedly impartial and non-partisan, omniscient specialized agency or authority (similar to the Congregation of the Index of the Catholic Church in early modern Europe) determining definitively truthful information and shutting up those who persistently disagree (see Volz 2022).

information, rather than access to ‘information’, ‘ideas’, ‘works of imagination’, ‘opinion’, ‘creative thought/expression’, ‘intellectual activity’, and ‘alternative points of view’ (all terms used by the ALA and/or IFLA in various official documents). Academic librarians can emphasize the importance of and promote information literacy, appeal to written materials selection and intellectual freedom policies for clarity and transparency (see 2.3), as well as elaborate criteria that tend to guarantee higher scholarly quality: (i) reputable and prestigious academic publishers⁷⁶, (ii) works of academically credentialed authors, (iii) explicit recommendations by widely respected experts in the field, and, (iv) reception of favorable professional, academic reviews (mostly in academic journals). However, irrespective of the quantity, quality and diversity of the library materials provided by the academic library, other factors beyond the direct control of the librarian should be also acknowledged: beyond the privileged role of academic staff to influence through their teaching and recommended reading lists, as well as the varied cognitive ability or intelligence of users, the individual user’s long-term cultivation of intellectual/epistemic/cognitive virtues⁷⁷ remains a most significant factor in

⁷⁶ Nevertheless, “publisher bias” has been identified in LIS literature as a possible cause of censorship (see Moody 2005, 140). Relying solely on very visible, prestigious, well-known academic publishing houses (e.g. OUP, CUP, HUP, Routledge, Sage etc.) and shunning so called “independent and alternative publishers” or “small publishers” may be evaluated problematically as “covert censorship” in that less visible alternative items “can often be the only published sources of non-mainstream or controversial topics” (Moody 2005, 140). Selth (1993) highlights the fact that ‘radical’ or alternative’ works, such as publications of the radical left, or ‘zines’, are often published by small companies or even individuals, who do not have the visibility and self-promotion of large academic publishers. On the other side of the political spectrum, Prof. Paul Gottfried has praised the controversial right-wing publishing house Arktos Press for “filling a scholarly and informational need” and making available “critical ideas that challenge the assumptions of our political culture” by publishing the controversial works of obscure and less obscure, right-wing, 20th century and contemporary European thinkers (See Gottfried 2023b). In this regard, the Browne Popular Culture Library (BPCL) at Bowling Green State University (Ohio, US) is noteworthy and commendable for having an Alternative and Underground Press Collection with 250 radical, anti-establishment, and counterculture serial titles (nearly 2,000 issues), ranging in dates from 1950 to 1989. This collection interestingly includes both extreme left and extreme right publications facilitating research on the social and cultural history of the US in the 1960s, 1970s and 1980s; its online catalogue permits users to search by title or subject. Of course, it is not realistic for all academic libraries to have such specialized collections of alternative (‘small/independent publisher’) items, yet the online availability of such a catalogue remains exemplary and very useful to the global scholarly community.

⁷⁷ “Epistemic virtue is virtue with respect to the formation of belief and hence the acquisition of knowledge” (Benn 2021, 12). Whilst Benn distinguishes neatly between epistemic virtue and epistemic competence (ibid.), the philosophical scholarship on virtue epistemology is divided over how exactly to characterize intellectual virtue: so called ‘virtue reliabilists’ understand intellectual virtues to include the ‘faculty-virtues’ of perception, intuition, and memory; however, so called ‘virtue responsibilists’ understand intellectual virtues to be forms of moral virtue, i.e. cultivated character traits such as conscientiousness and open-mindedness (see Turri, Alfano and Greco 2021). In other words, there is no agreement on the definition of epistemic virtue, and to what extent it is natural or acquired. If one follows more the ‘virtue responsibilists’, a list of intellectual virtues may include “adaptability of intellect, the ability to recognize the salient facts, sensitivity to detail, the ability to think up explanations of complex sets of data, and the ability to think up illuminating scientific hypotheses or interpretations of literary texts, as well as such virtues as intellectual care, perseverance, and discretion” (Zagzebski 1996, 21). A list of epistemic vices may include “intellectual pride, negligence, idleness, cowardice, conformity, carelessness, rigidity, prejudice, wishful thinking, closed-mindedness, insensitivity to detail, obtuseness, and lack of thoroughness” (Zagzebski 1996, 152). On the relevance of cultivating epistemic virtues in the context of contemporary debates on free enquiry, see Benn 2021.

individual users' search for truth, their fruitful engagement in disciplinary enquiry and production of new knowledge that cannot be underestimated.

It should be perhaps emphasized that by defending the traditional understanding of intellectual freedom as content-neutrality, and by arguing that librarians aren't responsible for the "truth" or accuracy claims of any material, it does not mean that 'truth', 'truth-seeking', 'truth-claims', 'truth-sensitive methods', 'objective enquiry', 'rational scrutiny', and 'epistemic duties and virtues' should not be very important terms for librarians as promoters of information literacy. In other words, the traditional liberal defence of "content-neutrality" should not be confused with a philosophical endorsement of the 'postmodern' skeptic and/or intellectually lazy, relativist abandonment of reason, objectivity and truth. The librarians' commitment to content-neutrality entails providing diverse, alternative viewpoints and truth-claims on controversial issues to expand the scope, enable and empower the intellectual freedom (as freedom of inquiry and of thought) of individual users; the adoption of a content-neutral stance permits the users rather than the librarians to be 'arbiters of truth', individually responsible to distinguish truths from falsehoods.⁷⁸ Hence, the classical conception of intellectual freedom as 'content-neutrality' is intimately linked to the users' increased freedom in truth-seeking in that academic libraries have traditionally been understood to embody and fortify universities' mission of aiding students "to think and to search for truth in freedom" (Schmidt 1992, 15).

Whilst recognizing differing perspectives on the main purposes of higher education in present times, and the reasons for some to propose "critical inquiry" as a preferable academic ideal to "truth" (see Butler 2020; Khalid and Snyder 2022), the concept of 'truth' still cannot be completely abandoned by libraries more generally and academic libraries in particular because library ideology and practices cannot avoid implicit truth-claims; a commitment to truth is implicit in the human rights discourse invoked to justify the fundamental 'human right' to free expression and information access (see 1.1), in the importance of the preservation of

⁷⁸ "As librarians our cause is, in a very practical sense, not truth but freedom. Indeed, our truth is freedom, freedom of access, freedom for our patrons to draw upon our resources, to sort their own truths out of our carefully collected and managed mélange of truths, half-truths, untruths, and nontruths" (Swan and Peattie 1989, 3).

the whole historical record (see fn. 74), in the use of the ever-relevant conceptual distinctions between science/pseudo-science or information and mis/dis/mal-information (see fn. 61), in the choice of Subject Headings for and classification of controversial materials (see fn. 128), etc.

Moreover, a certain commitment to truth is actually assumed in the advocacy of both the traditional 'liberal/libertarian' conception of intellectual freedom and the more contemporary 'progressive' conception limiting more clearly intellectual freedom by social justice/inclusion (see 1.5). The defence of the classic ideal of intellectual freedom as content-neutrality requires a privilege of 'truth' over 'social justice' in that potentially emotionally/mentally harmful or hurtful expression is not banned or removed because it is potentially factually and/or morally truthful (see Haidt 2016). From the perspective of progressive, critical librarianship, the current practice of content warning or harmful language statements (see fns. 108, 208-9) also assumes truth-claims and a commitment to a certain version of oppressive and exclusionary power-dynamics and power-structures as objective social reality. Beyond these truth-implicit commitments underlying contemporary library intellectual freedom discourse and practice, it should be noted that the academic library's commitment to enable truth-seeking and the legitimacy of making truth claims doesn't require dogmatic commitments to any particular belief-system justifying censorship practices or to any particular position on very controversial topics (e.g. race, gender, religion, political ideology and diverse issues in applied ethics).

To conclude on the very important and critical contemporary issue of the relationship between the academic librarian as defender of intellectual freedom and truth, the academic librarian should arguably promote what could be described as a philosophical orientation in the sense of strong commitment to 'thinking'⁷⁹ and the individual cultivation of epistemic virtues (see also fn. 77), especially 'intellectual humility', 'intellectual perseverance' and 'open-mindedness', "the pursuit of truth, combined with scepticism about any claim to have

⁷⁹ "Thinking is equally dangerous to all creeds and, by itself, does not bring forth any new creed" (Arendt 1978, 176).

found it for certain” (Benn 2021, 154).⁸⁰ The training of such epistemic virtues depends on a variety of factors including the country’s education system; however, they are arguably best nourished and enhanced by academic libraries by prioritizing the users’ optional engagement with alternative viewpoints on a wide variety of controversial topics over censorship of controversial materials for ideological reasons, or due to offended sensibilities.

1.3.4 Collection Balance

Another aspect or implication of the principle of content neutrality is the principle of balanced collections. The discussion of the concept of ‘balance’ in librarianship typically has to do with balance between formats (digital/print, journals/books), kind of accessibility (purchased/licensed material), academic disciplines and, particularly relevant from the standpoint of intellectual freedom, viewpoints, i.e. political ideologies, value-systems, moral frameworks/traditions/systems, religions/spiritualities, etc.

The balancing of collections through the inclusion of alternative viewpoints is the librarians’ response and alternative to banning controversial information resources. The intimate link between neutrality and collection balance is particularly emphasized in the 2012 *IFLA Code of Ethics for Librarians and other Information Workers* document: “Neutrality results in the most balanced collection and the most balanced access to information achievable.” The importance of including “controversial resources” in academic library collections for the sake of “balance” has been explicitly emphasized in the key ALA document *Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights*: “In the interests of research and learning, *it is essential that [academic library] collections contain materials representing a variety of perspectives on subjects that may be*

⁸⁰ “Many books contain ideas diametrically opposed to each other and were written with the best will in the world by their authors who sincerely believed in the truth of their work. Many of the older works, once respectable in their day, now only evoke laughter. *That’s why librarians are so leery of those who know the full truth about anything at a given time, who try to choke off debate about controversial issues* [emphasis added]; those who too easily label people they perceive as opponents, and those who wish to label books (or their catalogue cards) to show their approval or disapproval of the contents” (Richards 1987, 53).

considered controversial [emphasis added] ... Preservation and replacement efforts should ensure that *balance in library materials is maintained* [emphasis added] and that controversial materials are not removed from the collections through theft, loss, mutilation, or normal wear and tear” (IFM 2021, 258-9).

The principle of content-wise or viewpoint wise balanced library collections can be linked to liberal neutrality (see 1.3.1 and 1.3.2), more particularly to JS Mill’s liberalism, in that it entails as well that the library user should have direct access to the original exposition of controversial authors and not rely solely on other scholars’ critical reception, i.e. on how critics characterize, formulate and discuss the concepts, arguments and positions of the controversial authors with which they may disagree in their reviews, original articles and books.⁸¹

Collection balance in an academic library has to be contextualized within a selection policy that takes into special account that particular university’s teaching programs and research (see Point 1 in 2.3.2 below). For instance, a library user should not expect a religious-wise balanced collection if in that university only certain religions are officially taught and researched.⁸² It should perhaps be also emphasized that the concept of balanced collections does not mean a perfect quantitative equality on every controversial issue (e.g. abortion); as the official ALA policy document *Diverse Collections: An Interpretation of the Library Bill of Rights* puts it, “a well-balanced collection does not require a one-to-one equivalence for each

⁸¹ J.S. Mill’s emphasis on the importance of being exposed to the original formulation of a position by those who truly believe in it and seek at all costs to defend it arguably applies as well to the inclusion of controversial materials in the library context: “Nor is it enough that he should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest, and do their very utmost for them. He must know them in their most plausible and persuasive form; he must feel the whole force of the difficulty which the true view of the subject has to encounter and dispose of; else he will never really possess himself of the portion of truth which meets and removes that difficulty” (Mill 1991 [1859], 55).

⁸² E.g. At the University of Malta Library, it is to be expected that Roman Catholic religious material is much more prevalent than other religions because Catholicism has much more prominence in both teaching and research at the University of Malta (at the Faculty of Theology) than other religions and Christian churches. The user may rightly expect to find credible and authoritative information on other religions/spiritualities yet cannot reasonably expect equal representation of all world religions and Christian churches. For instance, the absence of a single course on any Chinese philosophical or religious school makes the significant quantity of information items on Confucianism, Daoism or Chinese Buddhism both unlikely and unjustified even if undesirable. At the same time, the academic library’s subscription to many databases and vendor packages means that users can still benefit from material not directly recommended by the academics or chosen for its direct relevance to users by the library.

viewpoint...” (IFM 2021, 150). It has been reasonably (and more realistically) argued for at least *some* (i.e. minimal) not *equal* representation of controversial viewpoints.⁸³

An important challenge to librarians in this regard, and another significant factor to keep in mind, is that some representation may not even be possible let alone the pursuit of a balanced collection (in a meaningful sense of the term) due to political discrimination in hiring, censorship and self-censorship in certain academic fields (e.g. the alleged, documented liberal bias of social psychologists, Haidt 2011; Inbar and 2012; see also fns. 69, 70, 117) leading to controversial viewpoints being underrepresented, and controversial topics like immigration, race, gender and religion being academically approached in a politically or ideologically biased way (i.e. not enough publications representing the currently marginal, unpopular or unorthodox minority position). In such cases, librarians do not have many options and cannot ‘correct’ the imbalance of academic production; in fact, librarians cannot do much more than seeking minimal representation and advocating for (as well as exemplifying and embodying as much as possible) a liberal moral and intellectual atmosphere, as well as a ‘culture’ of intellectual freedom in academia and universities (see fn. 221).

1.5 Intellectual Freedom and Democracy

The intimate link between intellectual freedom and democracy is often emphasized in library literature especially the fact that democracy requires a well-informed citizenry which has unrestrained access to information to be able to vote competently for its representatives and to participate actively in the democratic process (see Buschman 2007; “Intellectual Freedom” 2022).⁸⁴ The intellectual freedom promoted in and by libraries is rooted in the

⁸³ “Most librarians would agree that if a particular author, title or theory is an integral part of a debate, *some of this view should be represented* [emphasis in italics added], if just for the purposes of discussing the issue on a general level” (Jones 1999, 37).

⁸⁴ “Freedom can be protected in a democratic society only if its citizens have unrestricted access to information and ideas” (ALIA, 2018); “Intellectual freedom begets and supports democracy, and democracy in turn provides appropriate conditions for the further development of intellectual freedom.” (Sturges 2016, 169); “The right to intellectual freedom is a foundation of a strong and representative democracy...” (CILIP, April 2022).

fundamental human rights to freedom of expression and to receive and impart information (see IFLA 1999, 2019), rights which are also the bases of other fundamental democratic freedoms, namely the freedom of the press and the freedom of information.⁸⁵ Article 1 of IFLA's Code of Ethics (2012), repeated verbatim in the CFLA-FCAB Code of Ethics (2018), presents the core mission of librarians as "to ensure access to information for all for ... informed participation in and enhancement of democracy."⁸⁶ The ALA significantly posit 'democracy' as one of the "core values" and "foundations" of the American library profession; the very first sentence in another ALA key document, *The Freedom to Read Statement*, presents "the freedom to read" as "essential to our democracy". The term 'democracy' and 'democratic' appear in total 10 times in the aforementioned document. The 2014 Librarians' Code of Ethics of the Italian Library Association (AIB) describes "the autonomy and efficiency of library service, as a tool of democracy and freedom" (art. 3.2).⁸⁷ The MaLIA Code of Ethics affirms in the first article that librarians "must always defend and further democracy". The meaningful achievability of the classic intellectual freedom ideal of apolitical neutrality (as famously expressed by D.J. Foskett⁸⁸) has been challenged on the grounds that libraries are effectively inseparable from the democratic political context within which they operate daily in most modern western countries.⁸⁹

This very close link between contemporary professional librarianship and the prestigious yet vague political ideal of democracy in western countries has to be clarified because it has led, or may lead, librarians and library scholars to consider, sometimes even

⁸⁵ "Intellectual freedom is the bedrock for many of our democratic freedoms: the freedom of expression, speech, and the press, and it also relates to freedoms of information and privacy... Libraries additionally burnish bedrock democratic principles including freedom of assembly, freedom of expression, freedom of the press and, ultimately, freedom of information." (Kosciejew 2022, 99).

⁸⁶ In both the 1999 *IFLA statement on Libraries and Intellectual Freedom* and the 2002 *Glasgow Declaration on Libraries, Information Services and Intellectual Freedom*, libraries' contribution to "the development and maintenance of intellectual freedom" is linked to their role "to help to safeguard basic democratic values and universal civil rights."

⁸⁷ "1B. The role of library and information professionals in the promotion of democratic principles and intellectual freedom (including the freedom of expression, thought, and conscience)" (ALA's *Core Competences of Librarianship*, 2009).

⁸⁸ "He [the librarian] must be the reader's alter ego, immersed in his politics..." (Foskett 1962, 10).

⁸⁹ "To say that libraries could be used for some other purpose than those of a democratic society is vapid and meaningless – and says nothing about our practices and purposes in democratic societies." (Buschman 2018, 431).

argue, that supposedly ‘undemocratic’ and ‘anti-democratic’ material should be banned from or at least restricted in libraries, using ‘democracy’, ‘democratic values’, ‘democratic principles’, ‘democratic equality’ and the closely related concept of ‘human rights’ as criteria to somewhat censor ‘hateful’ and ‘harmful’ controversial material.⁹⁰ McPherson’s proposal of adopting inequality as a criterion of exclusion of library material, inspired and strengthened by Popper’s influential, paradoxical justification of liberal intolerance of illiberal intolerance, is also, at least indirectly, an argument in defense of the individual egalitarianism of modern liberal democracies.⁹¹ Such argumentation insists that the core value of ‘democracy’ (as equality) should have precedence over the core value of intellectual freedom, basically understood in the library context as value-neutral, individual access to information, or that intellectual freedom should be contextualized (hence limited) by liberal democratic values and principles.

Such calls for and justifications of censorship and exclusion in the name of democratic ideology are relatively common in today’s difficult information environment, especially in the media landscape (particularly in relation to so called ‘far right’ or ‘extremist’ parties, politicians, activists and writers). They are also somewhat understandable given the renewed importance, prestige and emotional appeal of ‘democracy’ in the post-1945 world order (as also attested to in the various position statements and codes of ethics referred to above). However, such ideological censorship in the name of ‘democracy’ is theoretically very problematic for the reasons elaborated below.

⁹⁰ “Libraries should promote democracy and equality all over the world... Different opinions and views belong to the democratic society, but not the kind of harmful material [hate speech] which defeats human rights” (Haasio, Ojaranta & Mattila 2018, 9, 18). Similarly, McPherson (2020) makes the moral case for the total exclusion of ‘hate literature’ (see 2.2) from American libraries even if hate speech is actually protected speech according to current US law (see also 1.6, fns. 18, 91, 120).

⁹¹ “[Karl Popper] stated that the answer to the paradox of tolerance is to demand for systems in which the principles of egalitarianism and protectionism are upheld, with regards to library selection, then, a library in which selection is based on the principles that all mankind is inherently equal” (McPherson 2020, 29).

1.5.1 Official Library Statements opposing *any* form of Political Censorship

It is significant that both the ALA's and IFLA's statements on intellectual freedom and censorship express clear opposition to *any* form of ideological, viewpoint and political censorship, presumably including intellectual censorship in the name of democracy. The free-speech maximalist position of the *Library Bill of Rights* clearly doesn't admit any exceptions.⁹² Similarly, the ALA's *The Freedom to Read Statement* also defends the public interest in the availability of "the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority". Likewise, the ALA's exemplary statement of "Academic Library Selection of Materials on Controversial Topics" stipulates that "[m]aterial will not be excluded because of ... the political, moral or religious, sexual, social, economic, or scientific views expressed or because of the race or national origin, politics, or religion of the author." In IFLA's 1999 and 2002 historic statements on intellectual freedom, it is affirmed that libraries should oppose "*any form of censorship*" (italics my emphasis).⁹³

All these authoritative statements by library organizations arguably tend towards an absolute rather than merely a liberal democratic neutrality, as Wenzler famously reframed library neutrality (see 1.3.2 above), in that they significantly do not link, as the aforementioned librarians and other library position statements do, libraries to the exclusive ideological promotion and/or privilege of one type of "politics", i.e. contemporary liberal democratic ideals and values. This intellectual openness beyond liberal democratic pluralism is important because it permits the inclusion of serious, direct or indirect theoretical critiques of democracy, liberalism and liberal democracy, i.e. different types of controversial anti-democratic material ranging from political manifestoes and academic research to classic philosophical works (see 1.5.3 below) for the sake of preservation of the historical record for

⁹² "Materials should not be excluded because of the origin, background, or views of those contributing to their creation... Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval."

⁹³ See also and compare with the even more explicit and clear *IFLA-UNESCO Public Library Manifesto* (2022): "Collections and services should not be subject to *any form* [emphasis added] of ideological, political or religious censorship, nor commercial pressures."

posterity (i.e. future historical significance) (see fn.74), general education and academic research. Such position statements should be or would have to be significantly changed, qualified by a more explicit and direct commitment to a clearly defined and widely agreed upon version of democratic ideology, certainly a very difficult feat (see 1.5.2 below), for supposedly anti-democratic and/or illiberal material to be justifiably restricted, deselected or excluded.

1.5.2 Which ‘Democracy’?

Professional librarianship’s commitment to ‘democracy’ in general (as testified above) has to be unpacked, clarified and tackled at a deeper theoretical level given that, as in the case of other overused political words in contemporary public debate, it is arguably very difficult to elaborate a clear and precise, consensual definition of the concept of democracy; the latter is a very lofty yet abstract and nebulous political ideal which has been historically theorized, rhetorically claimed, institutionally organized, and actually enacted in practice in a significant variety of imperfect and ever-changing concrete ways.⁹⁴

The significant difference between contemporary American liberal democracy and western European liberal democracies regarding both free speech and crime and punishment

⁹⁴ “What makes a country democratic and why that is a good thing have generated much less agreement. The meanings that Western, communist, fascist, and tinhorn dictatorial governments have attached to democracy have very little in common...” (Achen and Bartels 2016, 6); “Even among those today who subscribe to some version of liberal democracy, there is no agreement about what ‘democracy’ means or entails. Libraries are filled with volumes defending competing versions of democracy – deliberative, participatory, elite-based, and so-on. Countries that call themselves democratic are characterized by mind-boggling institutional diversity – presidentialism vs parliamentarism, federal vs unitary systems, and so on” (Nguyen 2014); “[T]he term democracy refers to an ideal that can hardly match with reality to its fullest degree ... any definition of democracy that is applicable to existing political systems in a meaningful way is, to a certain degree, arbitrary. If the criteria of equality ... are applied to the fullest degree, hardly any political system would qualify as a fully-fledged democracy, because most, if not all, political systems discriminate to a certain degree against some social groups, for instance on the basis of gender, sexual orientation, ethnicity, or social background” (Beck 2019). Significant institutional differences separating self-described democracies, but also the inescapable gap between democracy as lofty ideal and the concrete reality of political practices in self-described democracies make the concept of democracy more unclear, and the minimum threshold of criteria/conditions to be satisfied for a political regime to be called democratic, difficult to agree about.

has to be emphasized.⁹⁵ Regarding the former issue, more relevant for this discussion, freedom of speech and expression don't have the same role, importance and protection in all western liberal democracies: the extent and scope of speech protected by the First Amendment of the US Constitution is much wider than the one currently permitted by EU 'hate speech' legislation. In American liberal democracy, freedom of expression is deemed more fundamental to democracy than in EU liberal democracies where the value of "equality" (i.e. equal dignity and rights) is given priority over the value of individual freedom of expression (see Levin 2010). The distinction between offensive 'hateful' protected speech and hate crime, emotionally or mentally 'harmful' speech (i.e. causing emotional discomfort) and physically harmful or threatening violent action, is fundamental in the present US free speech maximalist legal framework.⁹⁶ In practice, this means that certain controversial speech and writing that is constitutionally permitted in a certain western liberal democracy, is not permitted in another western liberal democracy.

One has to distinguish clearly as well, both theoretically and practically, between candidate-centred, representative (i.e. elite-based) democracy and issue-centred, direct (i.e. participatory) democracy; for instance, the recent political phenomenon of national populism has been typically accused by critics of being fundamentally "anti-democratic", even "fascist".⁹⁷ However, populism has also been interpreted by some scholars to express distrust of the elitist, representative model of democracy rather than a rejection of democracy itself, national populists tending to advocate for more direct and effective forms of democratic participation (e.g. referenda, plebiscites, etc).⁹⁸ The contemporary divide between national

⁹⁵ A well-known, crucial point of divergence between the US and European liberal democracies is in the realm of crime and punishment; the former currently has 29 death penalty states whilst no EU member state can have the death penalty (see Article 2 of the *Charter of Fundamental Rights of the European Union*).

⁹⁶ "'Hate speech' doesn't have a legal definition under US law, and is protected under the First Amendment. It can be criminalized only when it directly incites imminent criminal activity or consists of specific threats of violence targeted against a person or group" (Morgan 2021, 300). For instance, the federal district court in *Iota Xi Chapter of Sigma Chi Fraternity v. George Mason University*, 993 F.2d 386, declared that "[t]he First Amendment does not recognize exceptions for bigotry, racism, and religious intolerance or ideas or matters some may deem trivial, vulgar or profane" (retrieved from: <https://www.thefire.org/news/there-no-such-thing-hate-speech>). For a more detailed discussion of intellectual freedom and 'hate speech', see 1.6 below.

⁹⁷ See, for instance, Yascha Mounk's *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It* (2018).

⁹⁸ "... most national-populist voters want *more* democracy — *more* referendums and *more* empathetic and listening politicians that give *more* power to the people and less power to established economic and political elites. This 'direct'

populist democracy and elitist representative democracy interestingly reflects the persistent fault line separating participatory/deliberative and elitist theories in the history of western political philosophy and political theory.⁹⁹

The crucial distinction, even tension, between liberal democracy and democracy introduced in the discussion of national populism above is worth dwelling on because the former term actually combines the related yet ultimately distinct and ambiguous concepts of ‘liberalism’ and ‘democracy’.¹⁰⁰ As much as (leftist/rightist) populism emphasizes the supposed betrayal of national, popular sovereignty and direct democracy by supposedly self-serving, ‘traitorous’ political, financial, intellectual and media liberal elites, the journalistic and academic use of the term “illiberal democracy” indicates that democracies do not guarantee nor require liberal leaders with liberal values. The debate on the rise of “illiberal democracy” arguably shows how the real issue with ‘saving’, ‘protecting’ or ‘defending’ democracy is actually ‘liberal democracy’ rather than the vaguer, more polymorphous and original ideal of ‘democracy’. The ambiguity and gradual, ongoing transformation of liberalism in leading western countries – already briefly discussed above in relation to library neutrality (see 1.3.2) – further complicates this discussion on the legitimate restraints, if any, to be imposed by liberalism to democracy. It is ultimately debatable, heavily dependent on one’s ideological commitments, preferences and historical references, which of these two competing models and understandings of democracy (just to limit oneself to the liberal-illiberal democracy opposition) is the more truly democratic, desirable, advantageous and realistically effective for the self-determination and flourishing of self-determined political communities.

conception of democracy differs from the ‘liberal’ one that has flourished across the West following the defeat of fascism and which, as we discuss in Chapter 3, has gradually become more elitist in character.” (Eatwell & Goodwin, 2018, xi-xii); “Calling for referenda on immigration or opposing LGBTQ initiatives may be a good or a bad thing, but there is nothing fascist about holding views on these subjects that do not accord with those of political and cultural elites. Nor does the fact that populist leaders come forth to speak for like-minded followers mean that we are on the path to fascist authoritarian rule” (Gottfried 2021, 93).

⁹⁹ In modern political philosophy, one may oppose the social contract theorists Rousseau to Locke and Hobbes, the former defending the primacy of popular sovereignty, the latter two advocating in different ways the primary role of elite representatives of the people. See also Nguyen 2014.

¹⁰⁰ “The belief in parliamentarism, in government by discussion, belongs to the intellectual world of liberalism. It does not belong to democracy. Both, liberalism and democracy, have to be distinguished from one another so that the patchwork picture that makes up modern mass democracy can be recognized” (Schmitt 1988, 8-9).

Finally, a historical perspective comparing contemporary liberal democracies to ancient Athenian democracy can further complicate the thorny issue of defining clearly and precisely ‘democracy’ as a distinctive political system of government. This is the case because despite the contemporary association of the concept of ‘democracy’ with the concepts of (universal) ‘equality’ and ‘human rights’, ancient Athenian democracy significantly did not operate assuming any of these contemporary, apparently essential ‘liberal’ features.¹⁰¹ This means that one can theoretically disjoint the concept, ideal and practice of ‘democracy’ not only from ‘parliamentarism’ and ‘modern liberal individualism’ but also from the universalist, egalitarian and human rights assumptions that continue to underpin post-1945, contemporary liberal democratic ideology and discourse.

To conclude, any attempt to associate very closely librarianship and democracy, to present librarians as defenders of democracy, and any appeal to exclude or restrict access to controversial material in the name of the ideal of democracy must at least take into account the conceptual distinctions and the rival understandings of ‘democracy’ discussed above; librarians as policy-writers and ethical decision-makers have to be fully aware of the full historical evolution, as well as the lingering contested meanings and ideological ambivalence of the two key political terms “democracy” and “liberalism”.

1.5.3 The Challenge of Anti-egalitarian and Illiberal Philosophical Works

¹⁰¹ “There should be no doubt that ancient and modern democracies are two entirely different systems... All these systems have in common is their name, for they are the result of completely different historical processes... It would be wrong to assume that they only have to do with the ‘direct’ or ‘indirect’ nature of the decision-making process. Rather, they are due to two different conceptions of man, two different views of the world and of social ties. Ancient democracy was communitarian and ‘holistic’, whereas modern democracy is primarily individualistic. Ancient democracy defined citizenship by one’s origin, and gave citizens the opportunity to participate in the life of the city. Modern democracy organizes atomized individuals into citizens, primarily viewing them through the lens of abstract egalitarianism. Ancient democracy was based on the idea of organic community; modern democracy, as an heir to Christianity and the philosophy of the Enlightenment, on the individual. The meaning of the words ‘city’, ‘people’, ‘nation’ and ‘liberty’ radically changes from one model to the other... The effective functioning of Greek democracy ... was first and foremost the result of cultural cohesion and a clear sense of belonging. The closer the members of a community are to one another, the more likely they are to have common sentiments, identical values, and the same way of viewing the world and social ties, and the easier it is for them to make collective decisions concerning the common good without the need for any form of mediation. Modern societies, in contrast, require . . . have ceased to be places of collectively lived meaning.” (de Benoist 2011b, 28).

The proposed criteria of “[democratic] equality” (McPherson 2020), “liberal neutrality” (Wenzler 2019), and “democracy” (Haasio, Ojaranta, Mattila 2018) to determine inclusion and levels of accessibility of library material imply (perhaps unwittingly) that librarians should or would have to exclude, or at least deprioritize, or somehow restrict access to, philosophical texts and authors of varying quality and influence which are critical of the aforementioned contemporary political ideals and values. Such a stance would include foundational classic works of western political philosophy like Plato’s *Politeia* (more famously and popularly known as the *Republic*). Plato (429?–347 B.C.E.) has been notoriously described as an illiberal enemy of the open society (in Popper’s *The Open Society and its Enemies*, 1945); the anti-egalitarian, anti-democratic, eugenicist and ethnonationalist elements of his political thought inspire and resonate closely with some modern and contemporary radical critics of liberal democracy (see below, also fn. 102).

Similarly and relatedly, the still highly influential, anti-modern philosophers Friedrich Nietzsche (1844-1900) and Martin Heidegger (1889-1976) also can be interpreted and have been appropriated as fundamentally right-wing reactionary critics of modern egalitarian, liberal-democratic politics despite serious scholarly attempts by leftist commentators (so called ‘Left Nietzscheans’ and ‘Left Heideggerians’) to tame, moderate and redirect their harder and potentially more offensive positions, arguments and implications for contemporary right-wing politics (see Beiner 2018; McManus 2020; Sharpe 2021).

One cannot permit “proto-fascist” political works like Plato’s in academic libraries for the sake of comprehensive intellectual history, general education and advanced scholarly analysis but then reject for purely ideological reasons modern and contemporary right-wing ‘anti-democratic’ and/or illiberal political writings inspired by and continuing such an old and persistent tradition of western political thought (e.g. Julius Evola, Aleksandr Dugin).¹⁰² To note

¹⁰² In written reflections on his 1951 trial, Julius Evola (1898-1974) famously defended himself by arguing that he was more of an inheritor, continuator and developer of the European Right-wing political tradition originating in Plato and expressed by Metternich, Bismarck, Dante amongst others, rather than a 20th century “Fascist” (Evola 2009, 187). The contemporary anti-liberal, Russian political philosopher Alexander Dugin returns to and revives Plato in his *Political Platonism* (2019).

that most pre-modern philosophers in the western philosophical tradition would be categorized as “right wing extremists” by contemporary liberal democratic standards. However, many would agree that such works have indisputable historical and future significance that should be preserved, and made accessible due to their relevance to students of political philosophy, political theory and political science; moreover, such classic works still provide an important conceptual and argumentative repertoire that permits what could be described as a right-leaning critique of contemporary liberalism (see fns. 56, 149).

Some may also rightly counter-argue for the sake of inclusion of illiberal and anti-egalitarian political philosophical content that most of those who have studied and are somewhat influenced by Plato, Nietzsche, Heidegger (just to name some of the most influential right-leaning western philosophers¹⁰³) do not ever become right wing, anti-liberal, anti-democratic authoritarian political theorists or right-wing activists. One could also argue that there is enough room for significant philosophical critique of right-wing political philosophies from more liberal and left-wing perspectives that there is no need to enhance the value and appeal of notable right-leaning philosophers by banning them or somehow restricting their accessibility.

Indeed, since most highly educated readers would agree that it is very problematic to exclude or restrict access to high quality, canonical thinkers and texts of western intellectual history and philosophy (e.g. Plato, Nietzsche, Heidegger, etc.) for purely ideological reasons, especially in academic and research libraries, it becomes difficult to link too closely libraries and librarianship in general, let alone academic libraries, with quasi-official, exclusive or privileged promotion of modern egalitarian, liberal democratic ideology. The tacit consensus on the inclusion of anti-democratic and illiberal philosophical works given their high intellectual quality suggests that the value pluralist ideology underpinning libraries in general,

Moreover, it should be noted that beyond their controversial political philosophies, both thinkers have a special place in the intellectual histories of their respective countries, Italy and Russia.

¹⁰³ One could also mention Edmund Burke, Joseph De Maistre, and Louis de Bonald amongst others yet these right-wing political thinkers do not have the contemporary influence, relevance and prestige in academia of the likes of Plato, Nietzsche and Heidegger.

and the academic library in particular, cannot be narrowly understood as a modern liberal pluralism because that would mean that only publications defending or assuming liberal democratic ideology would be permitted to be accessible.¹⁰⁴

1.5 Intellectual Freedom and Diversity, Equity and Inclusion

Another possible approach to discuss the progressive critique of neutrality is to focus on the exact relation between intellectual freedom and social inclusion/social justice, the latter as promoted in western universities' DEI policies. The ever-increasing, pervasive emphasis on Diversity, Equity and Inclusion (henceforth DEI in short, also expressed by the acronym EDI) in the US, Canada¹⁰⁵ but also in EU countries (including Malta) has impacted and transformed greatly academia as well as the library world in general and academic libraries in particular.¹⁰⁶ As clearly shown in a longitudinal bibliometric study, the use of terms related to

¹⁰⁴ A similar ethical challenge to academic libraries' provision of right-wing anti-democratic, anti-egalitarian, and anti-liberal political content, is the teaching of and academic research on anti-democratic, anti-egalitarian and illiberal political philosophers in philosophy departments in liberal democratic societies; it has been proven impossible to prevent some US-based PhD philosophy graduates (e.g. Greg Johnson, Costin Vlad Alamaru, Darren Beattie, Michael Millerman) from becoming somewhat actively engaged in radical right metapolitics and/or politics. See Linker, D. EYES ON THE RIGHT: Philosophy and the Far Right 1, 2, 3. Notes from the Middleground. The latter cases arguably show the superficial link between philosophy and liberal democracy (defended for instance by Droit, 1995) as well as the futility of restricting access of controversial anti-egalitarian, illiberal, anti-democratic material to supposedly more scholarly advanced and mature students. As argued below, the effects of texts on readers cannot be effectively controlled (see also 2.1).

¹⁰⁵ In Canada, one finds the more extensive and sophisticated acronym "I-EDIAA" meaning, "Indigenization, equity, diversity, inclusion, anti-racism, and accessibility".

¹⁰⁶ It has been argued that DEI/EDI statements have become mandatory ideological litmus tests or loyalty oaths to 'woke orthodoxy' in the hiring of faculty in the US (See <https://www.washingtonexaminer.com/restoring-america/equality-not-elitism/diversity-statements-faculty-litmus-test-colleges>; see also Cofnas 2022). The University of Malta website has a short equity, diversity and inclusion (EDI) statement linking this discourse to the protection of human rights, as well as more detailed explanations and discussions of the key concepts in the Equity Office page. (See: <https://www.um.edu.mt/about/equity/#:~:text=The%20University%20of%20Malta%20%28UM%29%20values%20equity%2C%20diversity,all%20individuals%20working%20or%20studying%20within%20this%20entity;https://www.um.edu.mt/about/equity/office/>). The University of Malta also offers periodically training courses on equity, diversity and inclusion to its staff, delivered by the UM Equity coordinator (formerly Ms Marcelle Bugre Zanya, presently Nadia Abdilla). The University of Malta also participates in Diversity, Equity and Inclusion conferences thus showing its commitment to the implementation of formulated DEI/EDI policies (<https://www.um.edu.mt/newspoint/news/2024/03/um-participation-diversity-equity-inclusion-conference-poland>). Of particular note is that in the aftermath of an incident involving a part-time lecturer, the UM issued formal statements (on the 17th and 19th Oct 2016) affirming its commitment to diversity and inclusion, disassociating itself from "all actions, whether verbal or otherwise which attempt to promote discrimination and/or incitement to racial hatred against any groups of people", as well as condemning "all actions which are motivated, wholly or partly by any form of hostility towards diverse groups." (<https://www.um.edu.mt/newspoint/news/2016/10/universityofmaltastatement>; <https://www.um.edu.mt/newspoint/news/2016/10/universityofmaltastatement2>)

DEI have increased sharply in quantity in Anglophone LIS literature since 2015 reflecting its increasing importance, demographic, social and cultural changes, as well as the full endorsement of this rhetoric from influential, professional library organizations like the ALA (Gardner 2022).¹⁰⁷ Moreover, another study shows that every US academic library website examined “engaged with DEI content in some way”, 12/13 of 16 sites containing explicitly labeled DEI statements (Ely 2021, 16). Yet another manifestation of the influence of DEI/EDI ideology on librarianship is the increased awareness and promotion of ‘inclusive language’ in cataloguing: the avoidance or proper contextualization of offensive terminology, the proper categorization of minority authors and the remapping of problematic Subject Headings in order to explicitly advance anti-racism.¹⁰⁸ Anglophone LIS literature also features more advocacy for ‘diversity audits’ of general or subject-specific library collections and services to increase representation and inclusion.¹⁰⁹

Universities’ DEI policies represent an ever more real challenge to the primacy of the core value, and exact understanding of the practice, of intellectual freedom because DEI discourse typically demonstrates ideological non-neutrality in its advocacy for a distinct and narrow set of progressive values and its ‘calls to action’, to prioritize and advance social justice goals in general, anti-racism, diversity, equity and inclusion activism (see Farkas 2020; Jones et al. 2022). Hence, official endorsement of DEI ideology by universities, university departments and/or academic libraries transforms the latter into partisan ideological institutions wherein the likelihood of ideological, political and viewpoint censorship due to “partisan or doctrinal disapproval” (to borrow the words of the *Library Bill of Rights*) increases

¹⁰⁷ The ALA has also posited increased racial/ethnic diversity in the profession as one of its top strategic priorities acknowledging the importance of professional librarians mirroring more closely the diverse demographic make-up of their communities (see Smith 2019).

¹⁰⁸ Academic libraries increasingly provide statements on inclusive library description. See, for instance, Duke University Libraries’ “Statement on Potentially Harmful Language in Library Descriptions” (<https://library.duke.edu/about/statement-potentially-harmful-language-library-descriptions>) Examples of such changes include ‘illegal aliens’ (changed to ‘undocumented immigrants’), ‘slave’ (changed to ‘enslaved’), as well as the addition of specific SHs like ‘racism against Black people’.

¹⁰⁹ See, for example, Wood, C. (May 25, 2021), Counting the Collection: Conducting a Diversity Audit of Adult Biographies, *Library Journal*: <https://www.libraryjournal.com/story/Counting-the-Collection-Conducting-a-Diversity-Audit-of-Adult-Biographies> ; Bright, K. (November 1, 2022), The Value of a DEI audit, *American Libraries*: <https://americanlibrariesmagazine.org/2022/11/01/the-value-of-a-dei-audit/> ; Bradley-Ridout, G., Mahetaji, K., Mitchell, M. (2023), “Using a reverse diversity audit approach to evaluate a dermatology collection in an academic health sciences library: A case presentation”, *Journal of Academic Librarianship*.

significantly; i.e. censorship of ‘offensive’, ‘objectionable’ and ‘problematic’, controversial views (i.e. ‘racist’, ‘xenophobic’, ‘anti-Semitic’, ‘sexist’, ‘misogynist’, ‘homophobic’, ‘transphobic’ and ‘Islamophobic’¹¹⁰) which might be claimed to be politically ‘regressive’, ‘dangerous’, ‘violent’, ‘hostile’, ‘hurtful/harmful’, ‘hateful’ and ‘oppressive’ to different so described ‘vulnerable’, ‘marginalized’, ‘aggrieved’ and ‘underrepresented’ racial, ethnic, gender and religious groups. DEI discourse encourages only “positive representations” of minority groups rather than exposure to all kinds of representations (including negative, disparaging or demeaning representations) due to a commitment to intellectual freedom. A 2022 survey report involving 220 US college and university libraries investigating the application of equity, diversity, and inclusion (EDI) standards in the acquisition of digital resources, reported that one third of the respondents said that book bans were being conducted for materials that did not pass the DEI audit.¹¹¹ The censorship implications of adopting DEI discourse as official ideology can already be seen in both public and academic libraries alleged to have removed from public view or promotional display so called ‘transphobic’ or ‘gender critical’ works.¹¹² It is also noteworthy that censorship in the name of DEI/EDI seems to be much less publicized and focused upon both in LIS literature and mainstream (progressive-leaning) media than the more conspicuous right-leaning, conservative inspired book challenges and book bans against “diverse books”.¹¹³

¹¹⁰ To note that the frequent use of such ‘-phobic’ terms in unhelpful name-calling and labelling already assumes an acceptance of a left-leaning worldview which implies an irrational and unjustified fear of foreigners, transgender, Muslims, Jews, etc. The Right has also developed its own ‘-phobic’ counter-terms like ‘oikophobia’, ‘biophobia’, ‘Anglophobia’, ‘Russophobia’, etc. The frequent use of such ‘-phobic’ terms psychologizes debates on controversial issues related to politics, race, gender, immigration, religion, etc. implying the object of such negatively connotated terms to be unable to have good reasons and arguments backed by facts against certain ideologies and policies without being stigmatized, discredited and demonized.

¹¹¹ See *EDI in Academic Library Digital Resources Survey Report 2022*. Retrieved from: <https://www.libraryjournal.com/story/research>

¹¹² See <https://www.telegraph.co.uk/news/2023/07/31/gender-critical-books-hidden-librarians-calderdale/> ; <https://www.dailymail.co.uk/news/article-13053605/Swansea-University-censorship-row-library-pull-Helen-Joyce-book-Trans.html#article-13053605>

¹¹³ “Of those [2,571 unique] titles [targeted for censorship in 2022], the vast majority were written by or about members of the LGBTQIA+ community or by and about Black people, Indigenous people, and people of color” (Retrieved from: <https://www.ala.org/advocacy/bbooks/by-the-numbers>); “Attempts at banning books in US reach record high: report” Retrieved from: <https://timesofmalta.com/articles/view/attempts-banning-books-us-reach-record-high-report.1021156> See also Gilley 2023.

In other words, formal endorsement of DEI statements by universities, university departments and academic libraries may lead to DEI-inspired censorship, non-acquisition, removal ('deselection') and restriction of controversial material, as well as unbalanced collections on certain controversial topics, making practically impossible the free, open and frank academic discussion of, and intellectual inquiry on, very sensitive and difficult, even taboo, topical issues "from all points of view"; i.e. very controversial topics like sex and gender (the importance and relevance of biological sex in general, transgenderism/transsexualism in particular¹¹⁴), race/ethnicity (so called 'academic racism', especially research on genetic bases of group differences in intelligence and behaviour, see 2.2.1, fn. 139), eugenics, religion (especially Islam), the so called 'Jewish Question' in general and Israel-Palestine relations in particular, as well as Holocaust denial/revisionism.¹¹⁵ For academics to express publicly any kind of controversial views like strong criticism of 'protected' minorities and/or disagreement with the powerful socio-political ideologies of multiculturalism, diversity, gender ideology, transgenderism, (racial/gender) egalitarianism, and 'progressive liberalism'¹¹⁶ even in academic settings, is to invite institutional condemnation and sanctions, censorship, disciplinary measures, professional ostracism, student and peer harassment, disinvitation, suspension, cancellation, dismissal and forced early retirement.¹¹⁷ DEI policy was invoked in

¹¹⁴ One could further specify the controversial subtopics of transgenderism as mental illness, transgenderism as pseudoscience, as well as 'child transgenderism'.

¹¹⁵ Other controversial topics that could be included in such a list are vaccine skepticism, conversion therapy, and creationism.

¹¹⁶ Although 'liberalism' has recently often been restyled or reformed as 'liberal progressivism' or 'progressive liberalism', progressivism and liberalism are intimately related yet ultimately distinct political ideologies, the former privileging left-wing identity politics and state enforcement of DEI values, the latter individual rights and freedoms: "The progressive will gladly strip the individual of liberty in the name of progress. The Liberal, on the other hand, believes in liberty" (Campbell 2017). The gradual evolution and radicalization of 'classical liberalism' into contemporary 'progressive liberalism' requires qualifying which phase and conception of 'liberalism' one is discussing or defending. See also 1.3.2 and fn. 120 on wokeism.

¹¹⁷ "Because knowledge has been replaced by values such as inclusivity, diversity and sustainability in the university, academics are expected to "adhere to these values, and it creates a very stifling climate where people can't speak out," Williams told *The Fix*." (Iszler 2015). Some representative examples relating to different controversial cases in different western countries should suffice. For race-related cases, one can mention those of Andrew Fraser, Glayde Whitney (<https://www.salon.com/1999/04/26/genetics/>), Noah Carl (see Hugh Campbell, "The Truth about Noah Carl," *The Spectator*, May 4, 2019); Bo Winegard (see Bo Winegard, "I've Been Fired. If You Value Academic Freedom, That Should Worry You," *Quillette*, March 6, 2020); Nathan Cofnas (see <https://freespeechunion.org/cambridge-in-free-speech-row-over-researchers-race-realism-blog/>); Charles Negy (see <https://www.foxnews.com/media/ucf-professor-fired-rejecting-notion-systemic-racism-speaks-diversity-pretty-much-anti-white>); and Amy Wax (see <https://www.thedp.com/article/2023/04/penn-carey-law-amy-wax-free-speech-webinar-recap>). For gender-related cases, one can mention the more famous cases of [gender critical] philosophy professor Kathleen Stock for her supposed 'transphobic' views on gender identity in 2021 (see <https://www.bbc.com/news/uk-england-sussex-59084446>); Criminology professor Jo Phoenix who advocated gender critical views resigned from the Open University in December 2021 due to a public campaign of harassment that made her working life unbearable. For more examples of censored academics in US universities, the reader may consult the Scholars Under Fire Database by the Foundation for Individual Rights and Expression (FIRE).

the rejection of a proposed course on Conservative Political Thought in a US university.¹¹⁸ In at least one recent case, the official justification given for the termination of a research fellowship was due to the offending academic's implicit "rejection of Diversity, Equality, and Inclusion (DEI) policies" and "challenge to the College's core values [including DEI] and mission" implying that freedom of expression and academic freedom, even in one of the world's most prestigious western universities, do not include the intellectual freedom to disagree with and intellectually challenge the recently hegemonic DEI policies.¹¹⁹

It should be perhaps emphasized that this increasingly common situation of *de facto* academic censorship and self-censorship in western universities to a certain extent reflects censorship as "an enduring feature of all human communities" (Jansen 1988, 4), as a "foundational aspect of civilizations around the world" (Knox 2023, 18). Some type and degree of censorship happens in all kinds of political regime (including liberal democracies) because all societies require shared norms, values and legislation which permit a minimally socially cohesive and ordered society effectively circumscribing to a certain degree individual intellectual freedom (see Cooley 2009, 422-23). However, the intellectual and academic censorship highlighted above also expresses a larger socio-cultural phenomenon of undesirable ideological homogenization in western countries; namely, the gradual radicalization and intensification of the liberal commitment to (moral) "equality" at the expense of individual freedoms of thought, expression and access to information as demonstrated in the progressive turn from what is typically called "classical liberalism" (i.e. libertarianism) to so called 'woke ideology', 'wokeness' or 'wokeism' as the dominant ideology of the academic, political, religious and media establishment.¹²⁰

¹¹⁸ "PSU [Portland State University], like many other higher ed institutions, defines diversity primarily with regards to race, gender and sexuality. Ideological diversity is, apparently, not considered important or valuable in this regard... In short, asking how a course on conservative political thought advances the contemporary diversity 'agenda' is like asking how a class on feminism advances patriarchy, or how a class on Marxism advances capitalism. The honest response is: It does not, and students interested in those perspectives can, and should, find them elsewhere on campus" (Gilley 2019).

¹¹⁹ See Peter Singer, "Will Cambridge Support Free Speech?" in *Project Syndicate* (12 April 2024).

¹²⁰ The term 'wokeism', like the related yet distinct older term 'political correctness', is typically used pejoratively by critics. Wokeness has been defined as "the sacralisation of historically marginalised race, gender and sexual identity groups" (Kaufmann 2023). In this work, wokeism is being understood primarily as progressive illiberalism or illiberal progressivism, i.e. modern progressive liberal egalitarianism taken to its illiberal intolerant extreme (see fn. 116). Wokeism has been traced to the so-called 'Great Awakening', dated to circa 2012, when there was a notable increase in social justice talk in leading American newspapers. It has also been linked to the so called 'Generation Snowflake', the generation of millennials (born

The challenge of reconciling or balancing the two conflicting core values of intellectual freedom and social justice/social responsibility (i.e. social inclusion) has been acknowledged and discussed in library literature long before the emergence of contemporary DEI/EDI policies and ‘woke’ ideology: “Our strong support for one value – intellectual freedom – is in conflict with our value of responding to community desires and the social value of creating safe and welcoming library environments” (Symons and Stoffle 1998, 56).¹²¹ It should perhaps be emphasized that as much as intellectual freedom as free access to information has long been a central issue to professional librarianship (see 1.1), the fact that librarianship has always been a patron/user-oriented, service-driven and community-embedded profession makes it understandable for librarians to give importance to the social inclusion argument that not excluding potentially psychologically harmful, offensive content may alienate a significant segment of service-users.

The recent discussion in Anglophone LIS literature of the two very similar controversial cases of meeting room rental by feminist ‘hate groups’ which oppose transgender ideology, the Women’s Liberation Front (WoLF) at the Seattle Public Library (SPL) and Feminist Current at the Vancouver Public Library (VPL), is noteworthy because it indicates at least the following points:

- (i) the persistent incompatibility of the core values of intellectual freedom (as value-neutral freedom of access to information) and social inclusion/social justice;

from the early 1980s) who are easily upset because supposedly their parents’ over-protection led them to become anti-free speech, narcissistic individuals who want ‘safe spaces’ where they can be protected from all offensive ideas and language (see O’Malley 2016). However, it could be also argued that wokeism is a logical development and intensification of the premises of liberal egalitarianism. On wokeism as a force for academic censorship and as a kind of ‘religion’, see Cofnas 2022, Kaufman 2023. See also fns. 128, 129.

¹²¹ Before ‘wokeism’ (ca. 2012-), the concern with leftist bias in and ideological domination of academia was couched in the debate on “political correctness” (see Jones 1999, 126-128). The irresolvable conflict of giving importance to both intellectual freedom and social justice at the same time has been variously expressed in Anglophone LIS literature: “The result is that at the same time ALA leaders articulate the profession’s adherence to intellectual freedom as a policy without restrictions, other library leaders suggest that there might be limitations to that principle when it does not encompass respect for marginalized social groups. A tension, over the years, for the in-library practice of intellectual freedom has arisen from conflicting social values” (Dresang 2006, 170-1); “In these contentious times, free and unfettered access to information is more important than ever, and this book is coming out when we are at a professional crossroads: how to support intellectual freedom and equity, diversity and inclusion *all at the same time* [emphasis added by this researcher]” (Garnar, M. in Pekoll 2019).

- (ii) this particular value conflict keeps dividing sharply North American librarians into opposite ideological camps who have different priorities or hierarchical orderings of library core values: between librarians who insist on defending the traditional concept of intellectual freedom as ‘neutral’ or ‘impartial’ inclusion of controversial viewpoints and others who privilege ‘post-neutral’¹²², progressive social and political activism entailing exclusion of perceived hateful, harmful/hurtful and oppressive content;¹²³
- (iii) such value clash may easily result in inevitable yet undesirable lose-lose situations for libraries in that the latter either alienate and lose the trust of the offended groups of users, their allies and advocates (e.g. in these two cases, the LGBTQIA+ or gender diverse community) or distract free speech advocates opposed to censorship and the supporters of the censored position (in these two cases, gender critical feminists, or ‘TERF’s, and social conservatives) (see Thomas 2019). It is interesting to note how representatives of the two sides of this contemporary fierce debate argue that librarians can only be credible, empathetic and truly trustworthy if they adopt their preferred stance, i.e. defend access to controversial content in the name of freedom of expression and individual intellectual freedom, or be fully engaged in a non-neutral, ‘partisan’ commitment to diversity, equity and inclusion in the name of social justice and social inclusion.¹²⁴
- (iv) Librarians are increasingly caught in a double bind: doomed if they include certain ‘exclusionary’ controversial materials (transgressing DEI policies), and doomed if they don’t (facing censorship accusations). The conflict between intellectual freedom and social justice, the professional commitment to individual truth-seeking and the progressive commitment to mental/emotional harm-avoidance, safety and indignity, is likely to become ever more unmanageable. Academic libraries, just like their parent institutions more generally, are being forced to make explicit and clear choices

¹²² Regarding so called “post-neutrality librarianship”, see Mathiasson & Jochumsen 2022.

¹²³ See ‘Are Libraries Neutral?’ (2018); compare, for instance, Farkas 2020 and Szetela 2021.

¹²⁴ “Once government officials—that would be us—start deciding who is and is not a hate group and what general information should or should not be shared, we will cease to be trusted. And in that case, no one should trust us.” (James LaRue in ‘Are Libraries Neutral?’); “And to find meaning, they [communities] need professionals who are not neutral but advocates; are not unbiased but trusted” (R. David Lankes in ‘Are Libraries Neutral?’)

regarding their ultimate purpose and superior value, truth-seeking or social justice, so that users can know where they stand. Academic libraries and universities that attempt to value equally both or oscillate inconsistently between truth-seeking/intellectual freedom and social justice/social inclusion are likely to project more incoherence, internal conflict and confusion (see Haidt 2016).

A fundamental aspect of social justice emphasized in recent discussions on intellectual freedom in US-based LIS is 'information justice'. Scholars have expressed the concern that intellectual freedom (as free speech maximalism and unlimited information access) may lead to "harmful outcomes for the communities that are most vulnerable to injustice", namely the perpetuation of "systemic racism, sexism, heteronormativity, ableism" (Oltmann et al. 2021, 625; 628). This doesn't necessarily entail, however, that the best solution is prohibition of perceived or alleged 'hate speech' (see 1.6). It has been counter-argued that intellectual freedom may still lead to social justice in that intellectual freedom advocacy permits higher visibility of marginalized and underrepresented voices due to the deliberate inclusion and promotion of such voices on the part of librarians, especially in conservative communities which do not share certain progressive views. Hence, hosting drag queen storytimes has been understood and presented by librarians in the US as both a defence of intellectual freedom (in terms of viewpoint diversity and equitable service) and as promotion of "diversity, equity and inclusion" (see Oltmann, Kitzie, & Barriage 2023). This approach agrees with "a [social] justice-based understanding of [intellectual freedom] which facilitates the information-seeking and expressive behavior of those who have historically faced systemic oppression" (Seiter 2019, 109). The negative aspect of this DEI reframing of intellectual freedom is that it could mean for some librarians the justified exclusion of exclusionary controversial content like 'gender critical', 'racist', 'Islamophobic' or 'anti-Semitic' works.

A basic, preliminary analysis of the key DEI terminology may be useful to further clarify the key value conflict between intellectual freedom and social justice at the centre of contemporary professional librarianship. The term "diversity" as used in LIS rhetoric is ambiguous because when employed in discussions about intellectual freedom, it clearly

includes ideological, intellectual, political and viewpoint diversity¹²⁵, but ‘diversity’ as one of ALA’s “core values” and in typical DEI statements of universities, university departments and academic libraries refers to the US’s (or other western/European states’) racial, ethnic, gender, cultural and religious diversity.¹²⁶ In other words, such DEI statements assume a robust and exclusive commitment to the particular ‘socially inclusive’ socio-political ideologies of ‘multiculturalism/cultural diversity’, ‘gender theory’, ‘egalitarianism’, and ‘human rights’ i.e. ideological frameworks or viewpoints which may be easily invoked to censor controversial material which disagrees with, challenges, opposes or critiques these ideals, values and worldviews. To note that the main concern of DEI policy is the avoidance of emotional or psychological ‘harm’, a concern that goes against the academic pursuit of ‘truth’ which can be offensive, upsetting, unpleasant and emotionally harmful (see 1.3.3).

Hence, the ALA promotes the free speech maximalism and implicit ‘neutrality’ of the *Library Bill of Rights* yet *at the same time* fully endorses non-neutral DEI discourse in favor of transgenderism, and “categorically rejects all statements and actions intended to invalidate, harm, erase, and oppress transgender people’s identities and lives.”¹²⁷ Accordingly, gender critical works and speech would be protected if a librarian follows the long-standing text of the *Library Bill of Rights* yet removed or restricted if a librarian follows the ALA’s 2020 declaration just quoted above. This contradiction between endorsing both the core value of intellectual freedom (i.e. extreme viewpoint diversity) and DEI discourse was arguably aggravated by the ALA’s addition of a ninth principle within the ALA Code of Ethics in 2021 emphasizing even more an ethical commitment to diversity and inclusion, racial and social justice.¹²⁸ Similarly, IFLA defends strongly library neutrality in its Code of Ethics (see 1.3 above)

¹²⁵ *Diversity in Collection Development: An Interpretation of the Library Bill of Rights*.

¹²⁶ The ALA’s “core value” of ‘diversity’ is presented as an American value, understanding the latter more in terms of reflection of the American nation’s contemporary demographic, ethnic, cultural and religious diversity rather than in terms of the political, ideological or viewpoint diversity originally defended in the *Library Bill of Rights*.

¹²⁷ See <https://www.ala.org/news/press-releases/2020/06/ala-statement-affirming-rights-transgender-people#:~:text=ALA%20celebrates%20the%20recent%20Supreme%20Court%20decision%20recognizing,inclusion%20are%20embedded%20within%20the%20work%20of%20ALA>.

¹²⁸ “We affirm the inherent dignity and rights of every person. We work to recognize and dismantle systemic and individual biases; to confront inequity and oppression; to enhance diversity and inclusion; and to advance racial and social justice in our libraries, communities, profession, and associations through awareness, advocacy, education, collaboration, services,

yet *at the same time* takes an unequivocally non-neutral political stand in another official IFLA document by promoting the contemporary political ideology of multiculturalism as “the foundation of our collective strength in our local communities and in our global society”.¹²⁹

The use of the term ‘inclusion’ in LIS literature is ambiguous in a similar and parallel way to ‘diversity’ as discussed above. Certain official library documents clearly refer to an intellectual, ideological or viewpoint inclusiveness, “an inclusive approach ... irrespective of the controversial nature of the information or ideas”.¹³⁰ However, ethical commitment to social inclusiveness in the DEI sense elevates “identity leftism” (Kaufmann 2023), “customer service” culture¹³¹, “safety culture” (Haidt 2016), “victimhood culture/narratives” (Saad 2020) and “the values of the nursery and the kindergarden” (as the controversial conservative professor Amy Wax put it, see Hanania 2022); universities come to privilege making everybody feel good, satisfied with the service, included and emotionally safe, avoiding displeasing or making uncomfortable the paying, hypersensitive student, avoiding hurt feelings and emotionally harmful language, over the values of individual truth-seeking, free enquiry and robust criticism, however offensive, upsetting and unpleasant truth-claims may be.¹³² In other words, universities in general and university libraries in particular cannot be a

and allocation of resources and spaces.” (see <https://www.ala.org/news/member-news/2021/07/ala-adopts-new-code-ethics-principle-racial-and-social-justice>)

¹²⁹ See the IFLA/UNESCO Multicultural Library Manifesto.

¹³⁰ “Adopting an inclusive approach in developing and implementing policies regarding access to information and ideas that are relevant to the library and information service concerned, irrespective of the controversial nature of the information or ideas” (ALIA, *Statement on Free Access to Information*, 2001); “*Librarians have a professional responsibility to be inclusive, not exclusive, in collection development* [emphasis added] and in the provision of interlibrary loans. Access to all materials legally obtainable should be assured to the user, and *policies should not unjustly exclude materials even if they are offensive to the librarian or the user* [emphasis added].” (*Diversity in Collection Development: An Interpretation of the Library Bill of Rights*).

¹³¹ “But perhaps an even bigger causal factor in the UK was the move towards conceiving of the student as a customer... For trailing in the wake of the new breed of customer came the smooth professionals good at customer service — lecturers adept at producing fancy PowerPoints and ticking items off on promotion checklists, but low on intellectual aggression and the will to stand against the mob” (Stock 2024).

¹³² “[P]ersonal offense becomes objective reality; evidence gives way to ideology; [and] ideology replaces rationality as the basis of intellectual authority” (Rufo 2023, 236). Wax blames “the feminization of the academy” for this heightened sensitivity to offence and emotional harm (Hanania 2022); similarly, Stock laments “the professional feminist activism in the 2010s which resulted in a change of approach within the discipline of philosophy, an influx of guidelines and policies governing “conduct” within professional associations and departments, and a consequent stigmatising of gladiatorial theatrics and abrasive personalities” (Stock 2024). This link to femininity is confirmed yet otherwise explained by the contemporary American conservative intellectual Christopher F. Rufo who pinpoints to Angela Davis’ and fellow activists’ “uniquely feminine program that marshalled identity, emotion, trauma, and psychological manipulation in service of their

‘safe, inclusive’ space in the particular DEI sense popularized and increasingly imposed in universities today and, at the same time, a ‘safe space’ for free academic objective enquiry in the classical liberal sense.¹³³

It should be clear from the brief discussion above that in practice, some kind of ‘balance’, ‘synthesis’, ‘partnership’ or ‘co-existence’ of these two distinct conceptions of ‘diversity’ and ‘inclusion’ is impossible, at least in this researcher’s view, because librarians cannot provide access to certain controversial viewpoints in the name of intellectual, ideological, political or viewpoint diversity, whilst at the same time exclude them in the name of DEI/EDI because deemed hateful, hurtful, hostile, emotionally harmful and oppressive to specific protected minorities in their multicultural, multi-religious and gender diverse communities. It does not seem to be pragmatically possible to attempt to present “all sides of view” in the name of individual intellectual freedom while simultaneously “taking a side” that explicitly supports excluded, oppressed, marginalized, victimized and/or underrepresented social groups by deliberately excluding alleged or supposed hateful/harmful/oppressive content. This practical, irresolvable conundrum for librarians arguably reflects the inherent theoretical ambiguity of liberalism; there’s no scenario where the two key liberal values, freedom as individual freedom of thought, of expression and of

political objectives,” recasting “left-wing politics as an identity-based, therapeutic pursuit.” (Rufo 2023, 103). A 2023 survey of more than 10,000 students at the University of Wisconsin system’s 13 campuses indicates that 37.7 % of female participants (in contrast to 17.9 % male) were the most likely to think “quite a bit” or “a great deal” that “expressing views perceived as offensive can be seen as an act of violence toward vulnerable people” (Bleske-Rechek et al., 2023, 28); women respondents (26.8 %) were also the most likely (in sharp contrast to males [13.1 %]) to “think “quite a bit” or “a great deal” that administrators should ban the expression of views that some students feel cause harm to certain groups of people” (Bleske-Rechek et al., 2023, 30). In another empirical study proposing a scale for measuring “critical social justice attitudes” in university students, teachers/researchers in Finland, women’s average score was always higher than men’s, in some academic fields women’s average score being more than double that of men (see Lahtinen 2024). These reflections and studies can be fruitfully appreciated in the context of Geert Hofstede’s well-known yet controversial theory of cultural dimensions used to characterize different national cultures; western liberal societies can be assessed as increasingly reflecting a tender, ‘feminine culture’ wherein “everybody is supposed to be tender and nobody is supposed to be very tough” (Hofstede 2004, 32). Despite the essentialist metaphysical tendency of the above discourse of femininity, the researcher still finds such a tentative explanation through the analytical category of ‘femininity’ interesting, pertinent, and worthy of further discussion; at the same time, the investigation into the exact causes underlying the recent ‘woke’ (ultra-progressive) shift of liberalism and preference of avoiding students’ hurt feelings and intellectual discomfort over individual truth-seeking in western academic contexts falls outside the scope of this section and academic study more generally.

¹³³ “University libraries are generally considered to be one of the sites for the safe space debates roiling on university campuses, *which raises the question of how safe space is defined* [emphasis added]. At the very minimum the library, and its accompanying exhibit spaces, should provide a safe space for the free and open exchange of ideas.” (Kandiuk 2017, 106). Kandiuk emphasizes the classical liberal sense of ‘safe space’, i.e. safe for discussion of controversial views, but this conflicts with the DEI sense and use of the term which approves banning harmful, hateful and oppressive expression.

access to information on the one hand, and the moral equality/equity of all individuals on the other can be satisfactorily and effectively reconciled.

1.6 Intellectual Freedom and ‘Hate’

IFLA’s list of “exceptional situations in which certain restrictions on the free flow of information access might be justified to protect the safety or legal interests of members of a state or of the state itself”, includes “[t]he publishing of “hate” speech or writing against vulnerable populations”.¹³⁴ This so called “writing against” can mean “material ... which incites religious or political hatred”, or to borrow the United Nations’ definition:

“any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.”¹³⁵

The UN definition is similar to the language used in EU legislation in rejecting any negative characterization, and/or discriminatory, exclusionary, or hostile statements regarding certain racial, ethnic, national, religious and gender characteristics of individuals. An evident limit of such an influential definition of ‘hate’ communication is that it does not clearly include pejorative, hostile language or ‘attacks’ on social groups or individuals not on the basis of protected, intrinsic and immutable identity characteristics (i.e. “on the basis of who they are” e.g. the police, journalists, political ideological partisans, supporters of a controversial moral position [e.g. abortion/pro-life]). Despite such legal demarcation of hate-filled and hate-inducing communication, radical intractable disagreement in public opinion about what is hateful expression or not persist depending on one’s social background and especially one’s political and ideological leanings (see II below).¹³⁶

¹³⁴ IFLA *Statement on Censorship*, Annex 2, Censorship in Practice, 2019.

¹³⁵ <https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech>

¹³⁶ “What constitutes hateful and harmful speech is not agreed upon across all sectors of society ... To put it plainly: the problem with outlawing hate speech is that there is no agreement on what hate speech is.” (Knox 2023, 42, 45); “The difficulty begins with the lack of any generally agreed definition of what constitutes hate speech” (Sturges 2015, 116). See also fn. 140.

The IFLA document addressed to a global readership seems to be recognizing the possibility and accommodating the reality of so called ‘hate speech’ legislation in the EU and other countries¹³⁷, unfortunately, without much qualification or detailed elaboration. The following brief discussion is meant to provide more context and critique on the very controversial topic of ‘hate’ legislation and regulation.

[1] Despite the use of this particularly strong term in legislation, the term ‘hate’ remains problematically too “inherently vague, broad and manipulable” (Strossen & Lukianoff 2021). It is difficult to discuss and write confidently about ‘hate’ because there arguably isn’t a sufficiently clear conceptualization of it and abundant empirical research demonstrating its distinctive characteristics (Martinez 2022). There doesn’t seem to be a scholarly consensus about hate’s distinctive nature as an emotion, the latter having been differently understood as ‘extreme anger’ or ‘extreme dislike’, a blend of emotions like ‘anger’, ‘contempt’ and ‘disgust’, or a distinct and unique feeling. Indeed, it seems to be most closely related to the negative emotional states of ‘contempt’ and ‘disgust’.

‘Hate’ has also been most interestingly linked to “fundamental and non-negotiable disagreements in core moral beliefs” (e.g. pro-life vs pro-abortion, left-right political, ideological antagonism) (Martinez 2022). This would entail that it is ‘normal’ for people to hate people whose moral and political values and beliefs are so distant that they feel their own profound sense of personal identity threatened. Hence, considerations on preliminary studies on ‘hate’ lead one to conclude that hate-centered legislation is problematic because: (a) it is actually difficult to distinguish neatly ‘hate’ from similar negative affective states like ‘dislike’, ‘contempt’ and ‘disgust’, making hate-centered legislation inevitably too broad, unclearly vague and subject to political manipulation (see II below); (b) the limited research on this delicate topic already shows the ubiquity and inescapability of a certain manifestation of ‘hate’ in everyday human life, especially given profound moral and ideological differences

¹³⁷ The non-EU countries with hate speech legislation include Australia, Canada, New Zealand and South Africa.

separating people, an unavoidable emotion which shouldn't necessarily lead to physical, bodily violence.

[II] The important link between 'hate' and different political ideologies or worldviews must be acknowledged. For instance, it has been noted how in the specific US context, both progressive and conservative ideological positions (e.g. CRT, TERF) and groups (e.g. Black Lives Matter, Family Research Council) are claimed to be 'hateful' by critics/culture warriors/political activists pertaining to the other ideological side. Relatedly, the 2019 IFLA document does not acknowledge and discuss the claim that hate speech legislation may be instrumentally used and politically weaponized for ideological and political censorship, to delegitimize and criminalize political opponents.¹³⁸ Right-wingers of different hues argue that 'hate speech' legislation is meant to stifle any dissent from the currently hegemonic liberal-left political orthodoxy, to shut up supposedly informed and rational (hence legitimate) criticism of certain ideologies or truth-claims on the very controversial topics of immigration, race, gender and religion.

Interestingly, liberal and more left-leaning academic commenters like Nadine Strossen, Shannon Oltmann and Emily J.M. Knox have similarly opposed any form of legal banning or restriction of alleged 'hate speech' because legislation against the incitement of hatred can be and has already been used against activists defending the rights of marginalized and oppressed communities which 'hate laws' are supposed to protect (e.g. activists of the Boycott, Divest, and Sanction (BDS) movement for Palestine were found guilty of inciting hate and discrimination against Jews, another protected category). Moreover, both Strossen and Knox lament the potential of hate speech legislation to be abused politically by right-leaning presidents, supreme courts and governments who could make or interpret such laws to criminalize controversial activist groups like Black Lives Matter (BLM) in the US (See Oltmann 2021, 628; Morehart 2020; Knox 2023, 45). This more left-inspired opposition to hate speech

¹³⁸ "The practical effect of banning hate speech is to present a new weapon to the antagonists of free speech: to argue that some doctrine is beyond the pale of toleration, one merely needs to claim that it constitutes hate speech. If putatively harmful or hateful speech is banned, then those who wish to suppress unorthodox opinion will attempt to frame it as hateful and violent. That is just what we now see playing out on [the American] campus." (Jakobson 2019, 33; see also Roger Scruton, "Free Speech and Universities"; Wenzler 2019, endnote 41).

legislation, in parallel to the more right-leaning critiques, shows how easily instrumentalized for political ends hate speech legislation (given its vagueness) can be.¹³⁹ Hence, the imposition and interpretation of ‘hate speech’ legislation may be too dependent on the ideological and political leanings of those in power – both the legislators and the court – who can make or use the law to impose their particular more conservative or progressive political views on (and hence censor) the rest of the population.¹⁴⁰

[III] The 2019 IFLA document does not acknowledge and discuss the important distinction between descriptive and normative claims especially regarding the sensitive issues of claimed biological (i.e. genetic) racial/sex group differences in IQ and behaviour/personality.¹⁴¹ The thorny philosophical issue of the separability between science and ideology comes to the fore because some “writing against” has been or may be claimed to be objective scientific truth (i.e. the natural distribution of traits of different human groups or sexes is unequal) which has nothing to do with anthropocentric, moralistic considerations of desirable moral equality/equity (the socio-political ideology of egalitarianism/equalitarianism) and sentimentalism (“hurt feelings”); race-realist scholars have insisted on not committing the “moralistic fallacy’ that good science must conform to approved outcomes” (Rushton &

¹³⁹ Hence Knox argues that “it is unlikely that laws against hate speech or harmful knowledge will ever be used to truly support the marginalized” (Knox 2023, 45).

¹⁴⁰ A contentious and difficult related issue is who gets to decide in a supposedly politically impartial manner, without any ideological bias or vested interest in the metapolitical and political struggle for economic, cultural and political power, authoritatively and definitively, which organizations, movements or political parties should be negatively labelled and ostracized as ‘hate groups’ or not and hence excluded from public debate. This awareness of the political-ideological weaponization of ‘hate’ labels for political benefit was well expressed by then Director of the ALA’s Office of Intellectual Freedom (OIF) James LaRue at the time of intense debate amongst American librarians on the legal and ethical obligations of libraries to host or not alleged ‘hate groups’:

“ALA does not endorse hate groups. It does not seek to normalize hate speech, but it recognizes that *hate groups is a remarkably elastic term prone to be thrown about by both sides of the political spectrum* [this author’s emphasis in italics added]. It’s been attached to book discussion groups, Black Lives Matter, Muslim groups and others” (LaRue, “Library Meeting Rooms for all”, 2018).

Knox has similarly emphasized differing interpretations of hate speech depending on one’s “interpretative community” (see Knox 2023, 45). In the US context, the Southern Poverty Law Center (SPLC), often cited by mainstream journalists for their ‘official’ list of hate groups, have been regularly criticized by right-leaning commentators for their left-wing bias due to their inclusion of the Family Research Council, and the continued exclusion of certain alleged hate groups like Antifa and Black Lives Matter from their ‘hate’ lists. The left-leaning organization has been criticized of conveniently adopting too restrictive a definition of ‘hate’ that excludes manifest expressions of hate towards specific social groups like right-wingers and the police respectively by the aforementioned groups.

¹⁴¹ See, for instance, Richard Lynn’s controversial research including *Race Differences in Intelligence* (2015), *Race Differences in Psychopathic Personality* (2019), and the special issue of the *Personality and Individual Differences* journal, Vol. 53 (2), “Evolution of race and sex differences in intelligence and personality: Tribute to Richard Lynn at eighty”, edited by Prof. Helmuth Nyborg. See also 2.2.1.

Jensen 2005, 328). Racist or sexist descriptive claims remain ethically challenging because they may not be made with the self-evident or demonstrable intention of directly ‘inciting hatred’ and advocacy of discriminatory policies; however, they may still be interpreted and claimed to be at least mentally harmful to and inhumanely degrading by affected persons belonging to certain racial and gender groups. It is arguably problematic to deem potentially truthful, factual claims about some kind of biological inequality in nature – however controversial, offensive and inhuman – as somehow necessarily indicating a ‘hateful’ or ‘discriminatory’ intention that should be morally condemned and legally punished; the cultivation of a liberal moral atmosphere entails that academic and public discussion of such racist/sexist descriptive claims should not be prohibited because the latter may be true irrespective of any sentimental projection of human moral categories on amoral, ‘inhuman’ nature (see also fn. 160).

[IV] The aforementioned 2019 IFLA document doesn’t acknowledge the controversy and debate surrounding hate speech legislation in both librarianship and legal scholarship; it may be interpreted to be implicitly taking a side in favor of the hate speech legislation currently in force in EU countries rather than expressing preference for the free speech maximalism – at least legally, on paper – assumed in the US constitution and espoused in the ALA’s *Library Bill of Rights* and *The Freedom to Read Statement*. A more moderate and charitable reading would make IFLA simply recognizing the reality of hate speech legislation affecting library communities in a significant number of western countries rather than endorsing it as the preferable and more desirable legal framework when compared to the unique US alternative.¹⁴² All citizens, both librarians and library users, valuing freedom of expression should be at least informed that the advantageousness, effectiveness¹⁴³ and legitimacy of

¹⁴² Of course, it would have been also problematic for IFLA to privilege the US legal framework relating to freedom of expression hence opening itself to the criticism of arrogantly trying to impose the particular American model – controversial in the US itself – on the rest of the world.

¹⁴³ The case for the ineffectiveness of hate speech legislation has been emphasized by Strossen who argues that “[e]ven when hate speech laws are enforced to punish speech of avowed racists, they are not effective in reducing intolerance” (Strossen in Strossen & Lukianoff 2021). This claim can perhaps be best confirmed by the fact that despite the robust hate speech legislation of EU countries and the intention of such laws to deter those who would engage in such speech, the conviction of several ‘far right’ leaders in Europe (e.g. Zemmour, Wilders, Lowell) did not stop their political activism and relative political success, such controversial figures still persisting in their views, receiving thousands of votes and in at least one case even obtain political power.

hate speech legislation in general is not only a divisive issue in international, Anglophone, library scholarship; it remains a very controversial topic which continues to divide well-established, prominent, US-based legal scholars.¹⁴⁴

[V] Apart from protecting individuals from mental harm and indignity, ‘hate speech’ legislation aims to combat ‘intolerance’, ‘radicalization’ and ‘extremism’ by banning certain speech and ideas from the public space hoping presumably that by criminalizing such controversial speech and ideas, legislators will make hateful, intolerant, radicalized extremists of different kinds disappear. However, the state’s legal regulation of publicly spoken or written language doesn’t guarantee the absence of such supposedly hateful/harmful content in one’s most private thoughts and motives.¹⁴⁵ The criminalized radical speech and ideas “that are buried or deemed subversive will merely become like any contraband, shared as dirty secrets under society’s radar, and the harder to combat for that reason” (McMenemy 2009, 88).¹⁴⁶ The state-imposed prohibition of hate speech desired and implemented by progressives encourages a self-censorship mentality and, perhaps even more importantly, invites further entrenched underground opposition, defiant radicalization and subversive appeal.¹⁴⁷ Hence, the classical liberal emphasis on public competition of diverse viewpoints and on counter-offensive speech arguably permits a potentially more effective strategy of public engagement and solid attempts at informed, rational refutation of dangerous positions expressed openly rather than the more dubiously effective top-down suppression of speech.

¹⁴⁴ Compare, for instance, Waldron 2012 with Strossen 2018. “However, individual librarians and scholars of law are not unanimous in defending hate speech... *A challenge that exists in law and librarianship, though, is that there is not unanimity among individual voices speaking about the topic* [emphasis added]. Sometimes the message is that there should be no limits to expression, but sometimes speakers say that there should be some boundaries” (Bossaller and Budd 2015, 26).

¹⁴⁵ “A nice young student who ticks all the approved linguistic standards might harbour murderous, racist and ableist ideas but who would know?” (Ham 2024).

¹⁴⁶ The controversial owner of X (formerly *Twitter*) Elon Musk defended himself with such an argument to justify the readmittance of the very controversial American commentator/activist Nick Fuentes, often described as racist and anti-Semitic, on his social media platform: “It is better to have anti whatever out in the open to be rebutted than grow simmering in the darkness.” (X, Elon Musk’s account, May 2, 2024).

¹⁴⁷ “Committed racists and their supporters are not likely to repudiate their beliefs in response to censorship or punishment, but to the contrary may well become more resentful and hardened in their attitudes. Moreover, attempts to suppress their ideas inevitably draw more attention to those ideas” (Strossen in Strossen & Lukianoff 2021).

To conclude, individual librarians do not agree on such a controversial topic like ‘hate speech’ regulation (see fn. 144), and even in the very unlikely scenario of being united and speaking in one voice through national and/or international library associations, they would probably have very limited influence on both national and EU legislation. In practice, individual librarians, whatever their personal view and preferred legal framework in respect of ‘hate speech’ is, have to follow the policies and procedures of their libraries, in turn highly restricted by the policies of their parent academic institutions, and preferably written after consultation with legal professionals specialized in this domain. Academic librarians should be aware of the diverse issues mentioned above, and at least be able to understand the practical implications of current ‘hate speech’ legislation for their professional duties (see also Point 5 in 2.3.2).

Chapter 2: Managing Controversial Materials in Academic Libraries

2.1 Introducing Controversial Materials in Academic Library Collections

Several ALA documents, academic libraries’ policy statements, and LIS literature more generally refer to the very vague and general yet distinctive umbrella category of ‘controversial materials’ which typically refers to different specific publications and types or ‘genres’ of “material that might raise controversy for different reasons” (Jones 2021).¹⁴⁸ In the particular US context, controversial literature consists of works which have been officially challenged and/or banned in certain libraries. In a recent guidance document by the

¹⁴⁸ ‘Controversial materials’ are also described as ‘materials on controversial topics’, ‘controversial content’, or ‘controversial titles’. See, for instance, the ALA’s “Selecting Materials on Controversial Topics in Academic Libraries” and “Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights”. An example of academic libraries’ policy statements including ‘controversial material/s’ is Queen’s University Library (Ontario, Canada) and the University of Manchester Library (UK). Regarding the prominent use of the technical term ‘controversial material/s’ in Anglophone LIS literature, see Metz & Obenhaus 1993, Boles 1994, McMenemy 2009, Tsompanakis 2014, Jones 2021, and Green 2023 amongst many others.

Museums Libraries Archives (MLA), controversial material was mainly linked to “extremism”, described as “inflammatory and extremist material” (3) and as “material regarded by some as culturally or morally extreme” (5). Although one could attempt to distinguish between extremely controversial and moderately controversial material (as Ruth Jones does in the classification discussed below), what is extreme to one person may not be extreme to the same degree to another. Extremism – like offensiveness – changes significantly from one person to another (and over a person’s lifetime) but also according to geographical, temporal and socio-cultural contexts. This fact is particularly relevant given that contemporary academic libraries (just like public libraries) in western countries are likely to have a particularly culturally, religiously and politically diverse clientele. One should be also very mindful of the fact that the pejorative adjective/noun “extremist” may be cleverly abused to discredit, delegitimize and give a bad name to political and ideological opponents.

A quick survey of censorable literature indicates that controversial material may be differentiated and organized on the basis of the different grounds on which works have been censored or challenged. Malley proposes three major categories of censorable material, classifying hierarchically from less to more serious: obscene/indecent literature (sexually explicit/pornographic), racist literature (works with ‘racist’ slurs/stereotypes/worldviews), and seditious literature (politically subversive content) (Malley 1990). A survey of the ALA Banned Books lists of challenged or banned books over recent years provide at least 6 very different kinds of reasons invoked to justify book censorship:

- a) religion-related: unorthodox, blasphemous beliefs conflicting with a religious viewpoint held by many in the community (see fn. 154 below);
- b) bias: anti-police, anti-male;
- c) race-related: racism (use of racial slurs and racist stereotypes) or not encompassing racism against all people
- d) sexuality-related: explicit sexual references (including rape and child-abuse) or criminal sexual allegations about author
- e) immoral/vicious behaviour: depiction of vices: profanity and vulgarity; drug abuse, alcoholism or material that goes against family values/traditional family structure (LGBTQIA+ characters and themes)

Bobbitt (2019) opts to distinguish 5 big areas causing censorship efforts: profanity, race, sex sexual violence, sexual identity, politics and patriotism, and religion. In her tentative preliminary classification of controversial literature, Ruth Anna Jones distinguishes four main classes according to perceived degree of offensiveness and extent of moral disapproval in society:

- (i) material almost universally disapproved (“[m]aterial that is offensive or abhorrent to almost everyone”) supposedly exemplified by “hate literature, Holocaust denial literature, child pornography”;
- (ii) material that divides opinion (“offensive to some but not all”) like adult pornography, political opinions or beliefs, LGBTIQ-related material.
- (iii) material promoting “dangerous or illegal activities”
- (iv) material that may not be considered appropriate in public, even if enjoyable in private (e.g. crude language).

To note that so-called ‘hate literature’ (or ‘hate items’) in Jones’ classification is a very general category that includes race-related, gender-related and religion-related controversial content (i.e. ‘racist’, ‘xenophobic’, ‘sexist’, ‘misogynist’, ‘homophobic’, ‘transphobic’, ‘Islamophobic’, ‘anti-Semitic’, etc.) which may encounter strong social opposition. Such publications are supposedly “characterized by hate; intended or aiming to stir up hate” (McPherson 2020, 18). More broadly, hate literature is at least deemed ‘offensive’, ‘harmful’, ‘hurtful’, ‘demeaning’, ‘degrading’ and ‘defaming’ by certain social groups, especially minority racial, ethnic and religious groups, women, LGBTIQ+ communities, and disabled people. Hate literature may or may not have been condemned in a court of law for “public incitement to violence or hatred” depending on the country’s specific legal framework as well as the initiative and success of law enforcement.

Controversial materials may also be redescribed as ethically problematic texts in that they involve different kinds of ethical challenges to librarians. The inclusion of controversial materials in libraries in general raise different kinds of ethical issues relating to acquisition by the library (“Should the library buy/keep [if donated] this material or not?” “What reasons justify the inclusion?”), levels and criteria of accessibility (“Should controversial material be

accessible under the same conditions as the less controversial parts of the collection?”; i.e. “Should the controversial material be moved to non-loanable special collections/closed stacks or not?”), and different options of modifying access (e.g. content warning statements/labels, harmful language statements, changes in the language of subject headings, creation of special subject heading divisions, and special classification¹⁴⁹). The ethical complexity of librarians’ management of ‘controversial materials’ is evidenced by the different factors they need to take into account beyond offensiveness to the user: “the best use of limited resources to meet their users’ need; remaining relevant, empathetic and trustworthy to their local communities (and parent bodies); doing the ‘right’ thing; and the need to remain at all times within legislative constraints” (Prof. Louise Cooke in Green 2023, 17). Indeed, librarians’ management of ‘controversial materials’ can perhaps be best understood as a difficult, ethical “balancing act” that requires “an ability to use ethical thinking to balance the rights and wrongs of any particular course of action” (Prof. Louise Cooke in Green 2023, 16-17). Hence, librarians must be able to provide appropriate contextual information, justify and qualify the inclusion, conditions of accessibility, and classification of the various kinds of controversial materials made available to their users. Hence the importance of regularly reviewed, clear and precise, written materials selection and/or intellectual freedom policy statements relating directly to controversial materials (see 2.3 below). Librarians need to be well aware of the different types as well as particular items of controversial materials in their collection (e.g. *The Pernkopf Atlas*, see 2.2.4 below) given the extra risk of theft, displacement or mutilation of controversial works, a reason which may be invoked to justify placement in closed stacks (see Point 8 in 2.3.2 below).

¹⁴⁹ The issue of how different kinds of controversial items ought to be classified in libraries has long been debated. Some preliminary reflections may suffice: race-realist/racist works ought to be placed with ‘genetics’/‘science’ or ‘racism’? Holocaust denial/revisionist literature ought to be classified under ‘history’ or under ‘anti-Semitism’? Creationist works on evolution ought to be classified under ‘science’ or ‘religion’? Such controversial works may be challenging to classify because they may be written in a scientific style and the authors may have doctorates from and teaching posts at reputable, western universities. Moreover, the classification of the academic library may be in conflict with such scholars’ understanding and presentation of their own work. Hence, the classification of controversial materials assumes librarians’ unavoidable commitment to certain truth-claims and a certain understanding of objective reality (see 1.3.3). For instance, the Library of Congress (LOC) does have “Pseudoscience” and “Scientific racism” (as NT) as subject headings, the latter being defined as “Here are entered works on pseudoscientific attempts to justify racism through inherent biological differences.” However, interestingly, no major academic work of the 20th century major ‘race-realist’ scholars, A. Jensen, J.P. Rushton and R. Lynn is given the authorized subject headings of “pseudo-science” and “scientific racism”, labels that organizations like the SPLC typically give to the aforementioned scholars. Moreover, representative racist/race-realist works of these scholars like J. Philippe Rushton’s *Race, evolution, and behavior: a life history perspective* (1995) and R. Lynn’s *Race differences in intelligence: an evolutionary analysis* (2006) have been classified ‘normally’, with anthropology (GN) and psychology (BF) respectively. The issue of subject headings and classification of controversial materials is a topic which requires a more extensive and focused discussion relating to the different ‘genres’ of controversial materials (discussed in 2.2).

The inclusion of controversial materials also requires libraries to train adequately staff who work with such challenging materials (namely cataloguers), especially different kinds of so called 'hate literature', not forcing staff to work with emotionally harmful content which might be demoralizing, anxiety-provoking and personally insulting (see Jones 2021). Staff are not to be forced to work on such material and to be encouraged to express any concerns which they may have, concerns which should be timely addressed with empathy and concrete assistance.

Furthermore, it should be noted that library service leaders may use the excuse of "limited funds/resources" or "tight budgets/budget limitations" to avoid collecting controversial materials 'merely' to defend idealistic intellectual freedom principles of viewpoint neutrality, collection diversity and balance (see Jones 1999, 19); spending limited financial resources on controversial information, particularly 'hateful', 'harmful' and 'ethically problematic' content that is more likely to cause controversy, especially given the fact that the volume of available informational items relevant to academic libraries keeps increasing, might be ethically unjustifiable to certain library staff and users alike. Furthermore, certain (left-leaning) librarians may argue that a choice for one item in a library is inherently a choice against something else and that opting to buy a hate or harmful controversial item means excluding a less ethically problematic information item, effectively taking the side of the racist, transphobe, Islamophobe, Holocaust revisionist/denier, etc. in contemporary information and culture wars (see Carlton 2018). Library directors and managers should be vigilant, reflective, and self-aware enough to recognize when the money objection is being invoked to justify passive/covert censorship, to censor for ideological reasons, or to preempt trouble for the library by not purchasing items (or access to items) that can cause controversy.

It should be also observed that although libraries are ethically obliged to provide access to contentious material, it is more debatable if they are necessarily obliged or not to advertise or publicize all types of controversial material, thus potentially antagonizing or distracting certain users or groups. The individual librarian and/or library service leaders have

to be careful and seek professional guidance as well as legal counsel about when, if ever, the display of very offensive material – whether on open shelves or in an exhibition setting – is morally objectionable and/or legally interpretable to be harassment of a user. This issue is arguably especially important in the context of library exhibitions; for instance, it would make sense from an intellectual freedom perspective to include gender critical ('transphobic') works next to pro-transgender materials in an exhibition related to gender even if the former kind of controversial material is typically considered to be 'hateful', 'harmful' and 'hurtful' content by pro-LGBTIQ+ persons, 'progressives' and according to universities' DEI/EDI policies.¹⁵⁰

Academic libraries have typically justified or can justify the inclusion of different kinds of controversial materials (see 2.2 below) by referring to: (i) the human right to freedom of expression¹⁵¹; (ii) collection diversity and balance (see 1.3.4); (iii) "the purpose of studying the controversy" (IFM 2021, 87); (iv) the preservation of the full historical record (see fn. 74) and of "social and cultural memory" (Kandiuk 2017, 93); (v) better/more complete education by knowing 'any and all sides of a [controversial] question'¹⁵²; (vi) academic research potential (historical, sociological, political, psychological, philosophical, etc.) or scholarly value of the information resource; (vii) a social progressive aim expressed as the critical engagement with problematic original texts "in the context of anti-racist and anti-oppressive modes of inquiry".¹⁵³ These reasons – or a relevant selection of them – may be included in collection development and/or controversial materials policies (see 2.3.2 below). The list above of distinct 'reasons' to justify inclusion and access to controversial materials is not meant to

¹⁵⁰ See fn.110 and Kandiuk 2017. This fundamental conflict of library core values, as well as competing conceptions of 'safe space' and intellectual freedom (in its exact relation to social inclusion/social justice) has already been addressed above (see 1.4 and 1.5 above).

¹⁵¹ Regarding 'freedom of expression' as a fundamental human right, see 1.1. In the specific US legal context, it is based on the First Amendment (see fns. 18, above). The academic librarian's non-endorsement of content (see Point 6 in 2.3.2) may be also formulated and explained as the endorsement of freedom of expression; librarians may elaborate that defending the right of freedom of expression of someone does not entail endorsing that person's controversial viewpoint. Given that by defending intellectual freedom, librarians risk being perceived and attacked for defending the controversial stance, librarians should emphasize the fundamental difference between the defence of the right of free expression (and intellectual freedom more broadly) and the defence of the controversial views expressed.

¹⁵² "In other words, yes, controversial materials must be included, but so that by studying them an intelligent person might be better educated" (Bossaller & Budd 2015, 32).

¹⁵³ See, for instance, the formulation in Queen's University Library's *Controversial Materials* policy statement.

suggest that all reasons are of equal importance, and that there isn't a certain overlap between some of them (e.g. iii – vi). In a distinctive academic library setting, 'academic research potential' or 'scholarly value' should arguably be the most important criterion (as it will be further emphasized below).

Furthermore, regarding controversial materials, academic libraries are advantaged in comparison to other types of libraries, namely school and public libraries, because: (i) the users of academic libraries are tendentially more educated, mature, receptive, open-minded and tolerant; in the LIS literature about intellectual freedom in US academic libraries, it is noted (as one would expect) that academic libraries tend to face fewer censorship challenges than public or school libraries (see Jones 2009, 55; Oltmann 2017, 742); (ii) moreover, US courts have tended to be more understanding of the need of academic libraries to provide access to controversial content.¹⁵⁴ Comparable empirical data and studies do not exist for the Maltese library context, at least to this researcher's knowledge, yet one should reasonably expect a similar difference in levels of openness and tolerance to controversial materials.

Finally, an inevitable corollary and cost of the inclusion of controversial materials for the above-mentioned purposes is that of permitting the possible consequence that some readers of such materials may not accept the intended purpose of the authors or the mainstream, culturally hegemonic or orthodox interpretation promoted by intellectual elites who possess immense social and cultural power at universities or in the media. Librarians have to be realistically prepared for and cognizant of the fact that their valorisation of reading and defence of the readers' 'freedom of choice in reading' in the name of intellectual freedom also entails that readers' interpretations and appropriations of controversial texts, ideas and views cannot be effectively controlled and may lead to the readers' preference for very controversial ethical and political positions. For instance, the inclusion of Hitler's *Mein Kampf* in academic library collections may be justified in permitting a better historical appreciation of Adolf Hitler's views and of National Socialist ideology more generally; however, even if

¹⁵⁴ "Traditionally the [US] courts have afforded libraries in institutions of higher learning a wider latitude regarding content, scope and subject matter of collections" (Jones 1999, 18).

including a critical scholarly edition with copious notes and accompanied by lectures, the reader may still become a neo-Nazi and/or an anti-Semite rather than an anti-fascist. The case of PhD philosophy graduates reading and studying anti-egalitarian and/or illiberal political philosophers later becoming prominent right-wing metapolitical or political activists and commentators has already been referred to and briefly discussed above.¹⁵⁵ The same complete uncontrollability on readers' appropriation of controversial texts or the effects of controversial texts on readers can be said about publications discussing other very controversial topics like suicide (see 2.2.3.1 below), 'pedophilia' (see 2.2.3.2 below), eugenics, incest, etc. In other words, both educators and librarians have to take into account the so-called "modernist-agnostic view of reading wherein one cannot know what the particular individual effect of being exposed to knowledge might be" (Knox 2023, 100).

The active role and relative freedom of the 'poaching', critical reader to take a different view to the received opinion or the official, mainstream/institutional framing of information, and to appropriate texts despite their intended or original purpose, has been noted and described by the likes of Hans Magnus Enzensberger and, perhaps more famously, Michel de Certeau. The celebrated French scholar of 'everyday life' emphasized the "surreptitious" way of the critical reader to resist privately the powerful role of socially authorized professionals (academics/book reviewers/journalists) in the production and imposition of the authoritative 'literal' interpretation of the text.¹⁵⁶ To note as well that in

¹⁵⁵ See fn. 104. Similarly, readers of recent academic studies of dissident right-wing ideology and key writers, however critical their scholarly authors may be, may not find the views discussed therein as self-evidently wrong. Some representative examples of such recent academic literature discussing controversial right-wing writers may suffice: *Key Thinkers of the Radical Right: Behind the New Threat to Liberal Democracy* by Mark Sedgwick (ed.) (Oxford University Press, 2019), and *A World after Liberalism: Philosophers of the Radical Right* by Matthew Rose (Yale University Press, 2021).

¹⁵⁶ "[T]he reader is always right and no one can take away the freedom to make whatever use of a text which suits him... to read sentences against the grain, to misunderstand them, to reshape them, to spin sentences out and embroider them with every possible association, to draw conclusions from the text, of which the text knows nothing" (Enzensberger 1992, 11); "What has to be put in question is ... the assimilation of reading to passivity. In fact, to read is to wander through an imposed system (that of the text) ... The reader takes neither the position of the author nor an author's position. He invents in texts something different from what they 'intended'. He detaches them from their (lost or accessory) origin. He combines their fragments and creates something un-known in the space organized by their capacity for allowing an indefinite plurality of meanings..." (de Certeau 1985, 169). The appropriation of J.R.R. Tolkien's epic fantasy literature by both left-wing hippies and environmentalists in the 1960s and by Italian neo-fascists in the 1970s, as well as by contemporary right-wing traditionalists/identitarians and progressive LGBTIQ+ activists/culture warriors in western universities, is just one example of readers' significant interpretative freedom (see Birzer 2002, 16). Tolkien himself wrote that "[n]o one who publishes anything can control the effects it may have or the uses it may be put to in other minds" (Tolkien's letter to William E. Ratcliffe, as quoted in Birzer 2002, 17). Another relevant representative example is arguably that of the French writer Henry de Montherlant (1895-1972); in the essay "Le Treizième César" in the book of the same name, Montherlant relates how his

Hans-Georg Gadamer's influential hermeneutics, "[a] text's meaning is always conditioned and constituted, in part, by its readers" (Weberman 2004, 255); textual meaning is not fixed and authorial intention does not uniquely determine textual meaning. This means that there can be diverse, non-erroneous understandings of a text dependent on different readers' 'hermeneutic horizon', the set of (conscious/unconscious) interests, prejudices, and attitudes shaped in large part by a variety of factors like readers' intelligence, personality, socio-cultural background and historical situatedness.

Hence, the issue of access to controversial materials in libraries highlights the latter's contradictory mission: librarians are in the difficult ethical position of endorsing reading in the name of the individual's intellectual freedom, including reading of 'dangerous' material (see 2.2.3 below) which might well lead to dangerous consequences for individuals and/or society (because ideas/textual content do have consequences, i.e. real effect on readers), yet resisting calls for censorship motivated by (understandable) public concern for such dangerous consequences.¹⁵⁷ Librarians may defend accessibility to supposedly 'dangerous' controversial materials by maintaining that, as philosopher David Hume argued, "it is not certain that an opinion is false because it is of dangerous consequence."¹⁵⁸

2.2 Introducing Different Typologies of Controversial Materials

Although library organizations' official documents, policy statements and LIS literature tend to mention 'controversial materials' as one general, very broad category (see fn. 145 above), different types of 'controversial material' entail different ethical and legal issues as

reading of the pro-Christian historical novel *Quo Vadis: A Narrative of the Time of Nero* (1896) by Henryk Sienkiewicz, given to him by relatives to enhance his Catholic upbringing, was fundamental in his drifting away from the latter to anti-Christian paganism: "Mon antichristianisme me fut révélé par ma mère et ma grand-mère, bonnes chrétiennes s'il en fut, donatrices du livre, et d'un livre réputé édifiant" (Montherlant 1970, 154).

¹⁵⁷ "Librarians are in the peculiar position of saying that reading matters, that it entails risks, and, at the same time, resisting any restrictions on access to books and other library material" (Robbins 1996, 156).

¹⁵⁸ "There is no method of reasoning more common, and yet none more blameable, than in philosophical debates to endeavour to refute any hypothesis by a pretext of its dangerous consequences to religion and morality. When any opinion leads us into absurdities, it is certainly false; *but it is not certain an opinion is false, because it is of dangerous consequence* [emphasis added]. Such topics, therefore, ought entirely to be foreborn, as serving nothing to the discovery of truth, but only to make the person of an antagonist odious." (Hume, Book 2, Part III, *A Treatise of Human Nature*, 627)

well as practical, policy-related challenges to the librarian. Some basic, preliminary remarks and context on some of the above-mentioned different typologies of ‘controversial material’ which may be avoided, challenged and censored are being deemed necessary for the academic librarian to be able to engage in ethical decision-making and write policy in an informed manner related to these different kinds of controversial material. The aim of these introductory discussions is to demonstrate the importance of librarians’ becoming very familiar with these different kinds of library material to be able to discuss competently related ethical, legal and policy-related issues, as well as to justify persuasively their inclusion and/or restricted access conditions and/or exclusion.

The reader should keep in mind that the list below is not exhaustive but merely indicative and representative. Moreover, the division into separate categories somewhat reflects yet is not equivalent to the different typologies reported above. Furthermore, to note that due to limits of space of this dissertation project, certain specific categories of controversial materials like blasphemous content¹⁵⁹, gender-related ‘hate literature’ (‘homophobic’, ‘sexist’ yet especially so called ‘transphobic’ or ‘gender critical’ works), and Holocaust denial/revisionism literature¹⁶⁰ are not being tackled separately and distinctively

¹⁵⁹ Blasphemous content may be broadly defined as content involving “some sort of perceived disparagement of a god or gods, prophets and messiahs, the texts and physical copies of religious books, beliefs and practices associated with religion, religious sites and structures, and probably various other connected objects of reverence” (Sturges 2015, 112). Both the First Amendment in the US constitution and Articles 18 and 19 of the UN Declaration of Human Rights, the latter article being explicitly endorsed by IFLA (2012), make it clear that any kind of religion-related opinion and expression should be legally permissible, including irreligious non-theist, atheist and agnostic views as well as irreligious commentary using a tone of mockery and expressed in the literary form of satire. Librarians as defenders of intellectual freedom may oppose apostasy, blasphemy and defamation of religion legislation which privilege offended sensibilities of religious individuals and groups over freedom of expression and individual intellectual autonomy in religious matters (see Sturges 2015). The issue of blasphemous content in academic and public libraries is particularly relevant today given that western societies have an increasing number of religiously diverse user communities, some of whom have cultural backgrounds and religious beliefs that do not condone the same levels of liberal tolerance towards the expression of blasphemous content one finds in the modern, western, liberal tradition (see also fn. 68).

¹⁶⁰ The central importance and impact of the Holocaust narrative in post-1945 historiography and on western political life more generally makes the inclusion of Holocaust-related material imperative even in academic libraries whose parent institution does not offer specific courses directly related to Holocaust or Jewish studies. Anglophone LIS literature indicates two different positions on Holocaust denial/revisionism literature: a first position unequivocally condemns or at least assumes the historical inaccuracy and anti-Semitic agenda of Holocaust denial literature yet defends its minimal, representative inclusion in the name of academic potential, education and intellectual freedom interests of users (see, for instance, Jones 1999, 130; Bossaller and Budd 2015, 32). However, another position is for the librarian not to have any clear morally or scholarly prejudicial stance leaving it entirely up to the reader to decide what is the historical truth on the Holocaust (see, for instance, Richards 1987). This latter more epistemically neutral and prudent position is arguably preferable given that most academic librarians would not have read all the relevant material, are not experts on the Holocaust, and may not be able to respond competently on the exact reasons why distinct Holocaust denial/revisionist claims are false. Moreover, the fact that a majority of contemporary scholars in a field have a certain opinion is important to

even though the latter two categories have already been mentioned recurrently throughout this work.

2.2.1 Race-related ‘Hate Literature’

‘Racist material’ (see, for instance, Malley 1990, Burke 2010) is one broad category of the even broader and vaguer genre of controversial material that is typically called ‘hate literature’ (or ‘hate items’). There is no universal agreement on and fixed definition of the pejorative term ‘racism’. Tzvetan Todorov famously distinguished between racism and racialism.¹⁶¹ Another way of putting it is to distinguish between descriptive (e.g. so called ‘scientific/academic racism’) and normative works (e.g. political manifestoes, advocacy of certain race-based discriminatory and exclusionary policies), the former raising problems of information accuracy, veracity, and the separability of science and ideology¹⁶², the latter racial

acknowledge and should be reflected in the majority of material represented on the topic, but it doesn’t make it objectively true. See also fns. 65, 155.

¹⁶¹ “The word “racism,” in its usual sense, actually designates two very different things. On the one hand, it is a matter of behavior, usually a manifestation of hatred or contempt for individuals who have well-defined physical characteristics different from our own; on the other hand, it is a matter of ideology, a doctrine concerning human races. *The two are not necessarily linked*. The ordinary racist is not a theoretician; he is incapable of justifying his behavior with “scientific” arguments. Conversely, the ideologue of race is not necessarily a “racist,” in the usual sense: *his theoretical views may have no influence whatsoever on his acts, or his theory may not imply that certain races are intrinsically evil*. In order to keep these two meanings separate, I shall adopt the distinction that sometimes obtains between “racism,” a term designating behavior, and “racialism,” a term reserved for doctrines.” (Todorov 1993, 91-92). [The emphasis has been added by this researcher.]

¹⁶² Academic racist authors (see fn. 164 below) are typically accused of biased scholarship based on a racist socio-political agenda; it is also true that many of these controversial academics did/do associate themselves with white nationalist groups/publications/meetings or at least identify as right-wing politically. However, these ‘racist’ academics accuse their critics of being clearly driven by an anti-racist, progressive political agenda, and of committing the “moralistic fallacy” (see Rushton & Jensen 2005). The contemporary mainstream scientific consensus on the non-existence of ‘race’ as a meaningful biological category doesn’t exclude the intrusion of ideology, intimidation, censorship and self-censorship of scientists. Despite recent claims that the often-touted censorship of hereditarian research on race differences in intelligence is a “mythical taboo” (see Jackson and Winston 2021), the social reality of censorship, self-censorship and intimidation of scientists, particularly evolutionary biologists, regarding the study of genetic differences between different ancestral populations (‘races’) is amply documented (see fn. 117). This self-censorship and moral atmosphere of intimidation can be perhaps best surmised in Harvard biologist E.O. Wilson’s letter to the Appeals Committee at the University of Western Ontario to support J. P. Rushton’s controversial work. Wilson argued that Rushton’s data and interpretation were “sound, being adapted in a straightforward way from well documented principles of r-K selection in biology” and that many other unnamed biologists agreed with his positive assessment but were afraid of publicizing their agreement:

“You may wonder why almost none [i.e. biologists] have published their opinions. The answer is fear of being called racist, which is virtually a death sentence in American academia [sic] if taken seriously. I admit that I myself have tended to avoid the subject of Rushton’s work, out of fear.” (E.O. Wilson’s letter to the Appeals Committee at the University of Western Ontario dated April 4, 1990, (Library of Congress, box 143 folder 9); cited from <https://magazine.scienceforthepeople.org/online/the-last-refuge-of-scoundrels/>).

It should be noted that the significant degree of genetic determinism and biological inequality implied in any ‘race realist’, hereditarian theory is very likely to be strongly opposed as well because it goes against the theoretical foundations of

sensitivity issues as well as problems of an ethical and legal nature. This distinction remains important because accepting descriptive ‘racialist’ claims doesn’t lead one necessarily to advocate race-based identity politics.¹⁶³

Despite being often criticized as “pseudo-science”, “pseudo-scholarship”, “scientifically deficient” or “outdated science”, ‘academic racism’ (or ‘race science’, ‘racialism’, ‘race-realism’) is challenging because – similarly to Holocaust denial literature – some of its most representative and influential works in the past decades were written by credentialled tenured professors at western universities.¹⁶⁴ In fact, along with creationism and Holocaust denial/revisionism, it is particularly regarding this type of content “that the excuse of “unscholarly” may be used to challenge the presence of controversial content in the library” (IFM 2021, 105). Given the number of intimidation cases, calls for and dismissal of scholars for unorthodox opinions related to race (see fn. 117), and the fact that even the current major supposedly heterodox movement in US academia (Heterodox Academy, HxA) is unwilling to defend the public discussion of racialist viewpoints (see Cofnas 2022), on the very sensitive issue of ‘race’, the academic library is ethically obliged to provide access to “all expressions of ideas through which *any and all sides of a question* [emphasis added] ... may be explored”.¹⁶⁵ The professional commitment to intellectual freedom requires the academic library to adopt a critical distance from the dogmatic race-blindness and/or anti-racism pervading western academia and societies not stopping the individual user’s potential consultation of alternative viewpoints/truth-claims on this very sensitive topic. Issues of

contemporary economic, social and political liberalism: the latter’s exaltation of individual freedom, choice, autonomy and self-determination as well as its moral egalitarianism. Most people, especially those inculcated with the above-mentioned liberal political values, don’t like being told and having to concede that genetic heredity and biological inequality places extreme limitations on life outcomes. In brief, since both racism and anti-racism are ultimately ideologies, both racist and anti-racist scientific scholars may be accused of being ultimately moved by and rationalising their respective political and ideological biases; academic work may be cynically understood as “motivated scholarship” (to borrow Haidt’s term) consisting of dressing up ‘bias’ and/or ‘hatred’ with the trappings of apparently sophisticated scholarship and submitting it for peer review by respective racist or anti-racist fellow scholars/activists.

¹⁶³ e.g. Nicholas Wade’s *A Troublesome Inheritance: Genes, Race and Human History* (2015) and Charles Murray’s *Facing Reality: Two Truths About Race in America* (2021).

¹⁶⁴ e.g. Edward Dutton, Hans Eysenck, Linda Gottfredson, Henry Harpending, Arthur Jensen, Michael Levin, Richard Lynn, Helmuth Nyborg, John Philippe Rushton, Vincent Sarich, William Shockley, Tatu Vanhanen, James Watson and Gayle Whitney. Amongst the most notable contemporary academic defenders of so called ‘race realism’, one could include Nathan Cofnas, Carl Noah, Bo Winegard, Emil Kirkegaard and Amy Wax (see also fn. 117).

¹⁶⁵ *Diversity in Collection Development: An Interpretation of the Library Bill of Rights*

collection balance, minimal representation, as well as the academic credentials, reputation and significance of authors should all be seriously considered in the selection of such works.

Regarding the ethical and political aspects of race-centered viewpoints, one has to distinguish ethically as well between an aggressive, exploitative, subjugating and dominating normative racism (as variously historically manifested in slavery, imperialism, colonialism and segregation) and contemporary ethno-separatist racism (i.e. ethno-nationalism, e.g. white/black ethno-nationalism) which advocates for permanent separation of and separate states for different racial and ethnic groups. The latter position is arguably much less ethically problematic in general, theoretical terms because it does not promote hegemonic domination of one ethnic/racial group over another; advocates claim that is moral and it can be implemented relatively peacefully and humanely through restrictive immigration policies, legal secession, partition, remigration, and/or generous financial incentives. However, critics argue that it can only be effectively implemented by violating current international migration law, and by some kind of inhumane, violent 'ethnic cleansing' in certain already multi-racial and multi-ethnic western countries. Hence, serious ethical and legal issues arise in the context of competing political worldviews.

One has to distinguish as well between collecting and preserving racist historical documents essential for historical research on certain periods, places and communities¹⁶⁶, and contemporary race-centered political manifestoes (e.g. Greg Johnson's *The White Nationalist Manifesto* or Norman Lowell's *Imperivm Evropa*) which are meant to enact a political program and effect political change in the present and the immediate future; the former kind of collecting and access-provision should arguably be less ethically problematic and controversial than the latter because it should be more understandable that historical documents essential for contemporary historical research have racist content. Such historical documents may be particularly relevant for historical research in the history of race relations of a certain community/country in a certain historical period. Regarding contemporary race-

¹⁶⁶ E.g. Michigan State University academic library's well-known, ever-expanding Radicalism Collection, including notably Ku Klux Klan related collections in their Stephen O. Murray and Keelung Hong Special Collections. See also Boles 1994.

centered manifestoes, although they may be considered at the very least ethically problematic and politically very controversial, they may still be deemed collectable for the full historical record (see fn. 74), i.e. for their indisputable ‘future historical significance’ (to use CILIP’s terminology), and for their being essential for varied academic research on contemporary ‘far right’ political thought and activism (see fn. 136).

Beyond knowing the relevant, race-related, ‘hate speech’ legislation, and clarifying with legal experts its impact (if any) on libraries’ collection development and reference services, it would be also beneficial for academic librarians to know the levels of social tolerance to ‘racist’ material in their particular community of users, especially of those who are/would be most likely to feel offended and disrespected by the inclusion of this particular kind of controversial material (see Burke 2010).

2.2.2 Controversial Materials having Sexually Explicit Content

It may be theoretically difficult to agree on what exactly constitutes ‘pornography’ (also known as ‘adult/mature content’) given its traditional distinction from ‘erotica’ and ‘indecent literature’, too broad definitions that might include literary classics like *The Arabian Nights*, definitions which are too ideological¹⁶⁷, and the constantly evolving community and legal standards regarding the related legal term of ‘obscenity’¹⁶⁸; for the sake of this work, pornography shall be mainly understood as materials of any medium depicting sexually explicit behaviour, intended to cause sexual arousal and gratification, that are manufactured, distributed and/or sold as forms of adult entertainment. Pornography remains an ethically and legally complex type of content inside and outside the library world; its production and dissemination have been defended in the name of freedom of expression, sexual and bodily

¹⁶⁷ Feminist critiques of pornography are characterized by female-centered definitions emphasizing pornography’s misogyny, its violent, harmful and degrading aspects in relation to women in particular (see also fn. 167 below).

¹⁶⁸ “The decision about what is pornographic is largely subjective and reflects changing community standards and the subjective views of the individual. Imagery that might be considered merely erotic or even religious in one society may be condemned as pornographic in another” (Morgan 2021, 301).

autonomy, as well as potential sexual education utility. However, it has been firmly opposed due to the documented harmfulness of addiction, of (typically female) exploitation and degradation in the porn industry, and the promotion of sexually objectifying, violent, degrading or inhuman treatment of persons (especially women/girls).¹⁶⁹

The normalization and mainstreaming of pornography – its increasing central role in mainstream entertainment and assimilation into popular culture especially through the Internet – has led to pornography becoming increasingly an important area of academic research and focus of academic courses (especially in the US). Academic libraries may be obliged to include academic works that discuss pornography, as well as original pornographic works themselves, such as recordings, magazines, literature, and comic books (see Dilevko & Gottlieb 2002). The widespread, often free of charge online availability of legal pornography might make collecting the latter redundant yet not historical pornographic publications; if an academic library specializes in the history of human sexuality or eroticism and collects this subject area in-depth, the inclusion of potentially very offensive pornography, suitably catalogued and classified, would be even more justified and to be expected by users.¹⁷⁰

A complex ethical challenge somewhat involving ‘pedophilia’ (see also 2.2.3.2 below) is the art/pornography controversies related to the controversial works of artistic photographers like David Hamilton (1933-2016), infamous for his photography of mostly nude or semi-nude early teen and adolescent girls.¹⁷¹ The British art photographer’s reception

¹⁶⁹ On the ongoing and ever relevant ethical debate regarding pornography, see ‘Pornography’ section in Cohen and Wellmann 2005 (p. 221-250). Social conservatives have opposed pornography as reflecting cultural degeneracy and moral decline. As in the case of transgenderism in present times, feminism has been divided regarding pornography. In the particular US context, the banning of pornography was strongly sought by the antipornography feminist movement in the late 1970s and 1980s led by the likes of Andrea Dworkin and Catharine MacKinnon who argued that it promoted violence against women, sexual inequality and violated women’s civil rights (see Jones 1999, 76-9). However, another feminist group, Feminists for Free Expression, have not been in favour of censorship of pornography and have argued that the latter does not necessarily cause violence to women.

¹⁷⁰ For instance, the Rubenstein Rare Book & Manuscript Library at Duke University (Durham, North Carolina, US) includes an ‘Erotica collection 1940-1969’ which consists of an “archive of original illustrations, sketchbooks, and erotic stories, depicting transgressive sex acts including (but not limited to) lesbian and heterosexual sex, incest, pedophilia, sadomasochistic behavior and copulation with objects as varied as sex toys, produce, and household appliances.” (<https://archives.lib.duke.edu/catalog/eroticacollection>)

¹⁷¹ Another type of potentially problematic pornographic material somewhat related to ‘pedophilia’ collected by some academic libraries in the US are Japanese comics (“manga”); the latter may include drawn images of minors engaging in

changed in the wake of the increased quantity and visibility of pedophilia cases bringing a more suspicious attitude to his work which could be criticized as encouraging pedophilic tendencies. To note that although his works blending artistic photography and soft minor pornography have been banned in South Africa, one of his most famous works *The Age of Innocence* is found in tens of academic libraries in English-speaking countries.¹⁷² It is problematic to deem Hamilton's photography as exceptional in the history of western art in that any kind of artistic work including nude or semi-nude minors in the history of western art (and there are many exemplars including nude putti, the infant Jesus and/or John the Baptist, etc.) may be similarly considered encouraging an erotically charged 'pedophilic' gaze. Beyond the relevant ethical and legal issues of minors' rights in such cases, the contentious philosophical issue at stake arguably is the exact relation between ethics and aesthetics; it is a long-standing philosophical debate whether art should be – or to what extent – informed (hence limited) by ethical considerations or art should be created for art's sake (aesthetic considerations overriding ethics, aesthetic judgements being different in kind from ethical judgements). This debate depends as well on the exact conception one has of the fundamental nature of artistic creativity.

The very delicate and challenging nature of handling legal pornographic content for librarians can be noted from a specific empirical study that showed 37% of the librarian sample had to deal with a conflict between their personal beliefs and their professional (neutral) approach, whilst 79% admitting that they find pornographic materials offensive (see Harkovitch 2003). The increase in quantity and sophistication of both pornographic subgenres

sexual acts with adults ('virtual child pornography'). Masuchika (2015) notes that no US librarian has ever been prosecuted for purchasing such content, that the civil liability immunity of librarians has rarely been tested in US courts, and that criminal liability immunity has never been tested. In his view, US academic librarians have "limited criminal liability" in such a case, even if some librarians may still self-censor in their collection development duties to avoid the chance of being prosecuted (Masuchika 2015, 59). To this researcher's best knowledge, Japanese manga is not collected by Malta's major academic library, the University of Malta Library, mainly because it is considered recreational resource with little educational value and relevance to the teaching and research purposes of the University (as hinted in the 2024 *Gifts and Donations Policy*), rather than for censorship-related or legal concerns.

¹⁷² [BFE - Censored publications - Search result \(archive.org\)](#) ; <https://search.worldcat.org/title/1046382660> In David Hamilton's particular case, the inclusion of his works is further complicated by the fact that he was accused (though not convicted) of sexual impropriety. This makes his works potentially fall also into the category of works of ethically problematic origins (see 2.2.5). Hamilton's soft pornographic artistic photography arguably should be distinguished from Sally Mann's comparable artistic photography which included photos of her own underage children, naked. In the latter's case, the nude photos were family photos taken by the parent rather than by a professional, artistic photographer.

and published academic studies on pornography may generate particular cataloguing challenges for the academic library: the different concepts, genres and broader cultural contexts of pornography may need to be distinguished by cataloguers in order to facilitate access of content to the user (see Dilevko & Gottlieb 2002). As already mentioned in more general terms regarding controversial materials above, library staff should not be obliged to work closely with any kind of controversial material, including pornography, if they do not feel comfortable (for any personal reason) to do so.

A particular library policy issue is if a specific policy for sexually explicit content is necessary or not; it may be argued that due to the fact that sexually explicit content raises similar issues to other types of offensive, controversial material, the library may integrate its position on such material in an overall collection development policy or in an intellectual freedom policy statement on controversial materials in general (Jones 1999, 115-117; see 2.3.2). However, an academic or research library specializing in the history of sexuality and eroticism perhaps has more reason to focus directly, explicitly and in detail on such content in its materials selection policy and/or controversial materials policy (see, for instance, Metz & Obenhaus 1993). Even if not specializing in the collection of such material, it would be reasonable for an academic library having even a minimal amount of sexually explicit content to preempt potential criticism by declaring in its collection development policy or controversial materials policy something to the effect that its selection practices recognize that sexuality and eroticism are often important aspects of diverse forms of cultural and artistic expression and significant areas of academic study (in different disciplines) in themselves.¹⁷³

Another related issue discussed in Anglophone LIS literature is the viewing of legal visual pornography on library owned or personal computers (especially online pornography) in the communal spaces of academic libraries (see Doherty & Stout 2023). Internet filtering should not be an issue in academic libraries given that there are typically no minors present

¹⁷³ The academic library may also want to note and emphasize the distinction between legal and illegal sexually explicit materials (e.g. child pornography, revenge porn).

and users require unfiltered access to the internet in order to study a wide range of perspectives and content related to sexuality and eroticism. As argued above, pornography itself is a legitimate area of academic study. However, users viewing visual sexually explicit content in public areas of academic libraries may still offend, disturb, distract or make uncomfortable other users passing by or sitting close to them. The concern of protecting users' intellectual freedom should be balanced by the equally important concern of keeping the academic library a 'safe', study-focused physical space with a high level of public decency and decorum. Access to legal online pornography should arguably be directly, explicitly and clearly addressed in any of the academic library's publicly available policy statements (e.g. building use guidelines, user/patron behavior policy, online technology/Internet access/computer use policy).¹⁷⁴ Users would thus know the expectations for their behavior in this regard. Library staff also need written, publicly available policy statements to be able to address complaints by users, and to enforce confidently the library's guidelines on this delicate matter.

2.2.3 Material promoting dangerous, immoral and/or illegal activities¹⁷⁵

¹⁷⁴ Such Internet access/computer use policies can include statements like "some users may encounter/find material that is offensive/upsetting to them". Such policies should reflect accurately the concrete situations that may be encountered in their library's particular physical spaces. The user/patron behaviour policy may include an explicit prohibition of individual engagement in acts of public indecency such as masturbation and sexual contact with other users. A recent study notes that many US academic libraries had "policies not addressing the issue directly and using veiled and indirect references to pornography" as well as "policies [that] included references to illegal content, such as child pornography and obscenity, together with references to legal pornography" (Doherty & Stout 2023, 767). Such indirectness, vagueness and ambiguity in official library policies do not help both user and librarian. To this researcher's best knowledge, although the UM Library does not have internet filtering and users can access pornographic content, it does not have any policy statement which explicitly addresses the viewing of online legal pornography. This means that if faced by complaints, librarians would have to decide themselves on an *ad hoc*, case-by-case basis or refer complaints to managers or directors who would decide themselves on a subjective, case-by-case basis.

¹⁷⁵ This section focuses especially on suicide-facilitating or pro-suicide and 'pro-pedophilia' content, yet 'racist' and 'transphobic' materials may also be claimed to be potentially "dangerous". In a certain broader sense, all controversial materials are morally, socially and/or physically dangerous according to critics who seek their banning. Censorship definitions sometimes include the supposed 'danger' or 'harm' of the prohibited or suppressed information item as justification: "[censorship is] an action utilized in order to prohibit access to books or information items because their content is considered dangerous or harmful to their readers" (Prebor & Gordon, 2015, 28).

As promoters of intellectual freedom, academic librarians should by default tend to favour well-informed (i.e. based on factual information and studies) and rigorous, rational debate of controversial topics linked to dangerous, immoral and/or illegal actions (e.g. suicide, pedophilia, incest), both on their ethical nature and on their legal status (whether such acts should be crimes or not), whilst not encouraging or condoning such actions as long as they are illegal in the country/state in which they operate.¹⁷⁶ Accepting the legitimacy of the discussion about such controversial topics, and the importance of individual freedom of enquiry, should not be controversial nor equated to an endorsement or encouragement of concrete illegal action. The professional obligation to include the theoretical, spoken or written defence of the controversial (i.e. supposedly dangerous, immoral and/or illegal) position for the different reasons listed above (see 2.1, p. 81) should be balanced by heightened awareness of applicable legal constraints to be clarified with the library's legal counsel (see also Point 5 in 2.3.2).

2.2.3.1 Suicide-Related Material

It is useful to distinguish ethically between information about self-harming dangerous activities (e.g. suicide/euthanasia) and other-harming dangerous activities (e.g. bomb-making¹⁷⁷, pedophilia); the former being controversial yet arguably much more ethically defensible, and less problematic professionally, than the latter.¹⁷⁸ Examples of the former type providing practical information on suicide and assisted/accompanied suicide (euthanasia) notably include *Final Exit: The Practicalities of Self-Deliverance and Assisted*

¹⁷⁶ The exemplary and highly recommended defence of the importance of informed, "rational debate" on the ethical condemnation and legal prohibition of adult consensual sibling incest by Peter Singer (see Singer 2016) arguably applies as well to other controversial topics discussed in this section.

¹⁷⁷ E.g. *The Anarchist Cookbook* (1971) by William Powell notoriously provides instructions on the manufacture of explosives.

¹⁷⁸ "[T]he reference librarian's obligation to clients to act with diligence and confidentiality in assisting them to find and use the information they request is limited by the obligation that such actions not result in injury to third persons." (Bunge 1999, 57). It may be reasonably argued that suicide has a social dimension and is not a purely private issue because it typically leaves survivors. However, acknowledging the social aspect of suicide, and the importance of ethical considerations regarding harming emotionally significant others, does not mean that suicide is necessarily always ethically and philosophically unjustifiable. To note that in the history of western philosophy, the morality and rationality of suicide has been famously somewhat defended, for different reasons, in ancient Stoic philosophy, late nineteenth century German Pessimism (Mainlander) and, more recently, in relation to Anti-Natalism.

Suicide for the Dying (1991, multiple editions) by Derek Humphry, and *The Peaceful Pill Handbook* (2006) by Philip Nitschke and Fiona Stewart amongst others.¹⁷⁹ Such euthanasia/suicide manuals are ethically challenging because euthanasia is still illegal in several western countries (Malta included) and medical literature indicates that such material has helped non-terminal younger and older individuals to inform themselves well and commit successful suicides (see, for instance, Cina et al., 1994). There is the real risk of so described ‘vulnerable’ (i.e. ‘mentally unhealthy’) individuals searching, finding and using efficaciously such literature to end their life.¹⁸⁰ This risk may explain why such books providing practical information on suicide/assisted suicide (voluntary euthanasia) remain technically illegal and effectively restricted in certain western liberal democratic countries (e.g. Australia) even if easily accessible – to download as a digital copy or even buy as a physical copy – on the web.¹⁸¹

However, at the same time, it is morally patronizing to impose on library users interested in the subject only anti-suicide viewpoints simply due to the personal moral bias of the librarian/s and/or the prevalent socially accepted position that suicide is always morally wrong.¹⁸² Censorship of both the above mentioned ‘suicide manuals’ and any ‘pro-suicide material’ more generally (as exemplified below) assumes taking a side on and effectively banning the persistent philosophical debate on the rationality and ethical justification of

¹⁷⁹ Other notable examples of this ‘genre’ in English include Jessica Düber’s works including *Self-determined Dying: Manual for a rational Suicide by Helium* (2019), and Boris Kilian’s *Suicide: Methods for a safe and peaceful death* (2021, 2023).

¹⁸⁰ Librarians/libraries providing access to such ‘suicide manuals’ should consult legal experts on whether relatives/significant others of suicides may pursue legal action against them for having provided the literature/information leading to a successful suicide. In this researcher’s view, explicit, precise and clear, non-endorsement statements in collection development and/or controversial materials policies should exculpate librarians. See Point 6 in 2.3.2, especially fn. 207.

¹⁸¹ See <https://www.theguardian.com/australia-news/2016/jun/16/border-force-seizes-copy-of-assisted-suicide-book-written-by-philip-nitschke>. The availability of legitimate and pirated digital copies of controversial literature on the internet, especially when combined with the use of VPNs, make the traditional problem of institutional censorship – at national, state, regional, local and individual library level – outdated and irrelevant because legally banned or censored books and articles may be easily retrieved (whether downloaded for free or bought) from the Internet. Censorship may not be effectively enforceable in the age of the Internet (see Akdeniz 2001, 1196). Nevertheless, the defense and promotion of (some significant degree of) intellectual freedom values and principles (subject to different legal constraints) remain an integral part of the ethos and ethics of the library profession worldwide.

¹⁸² The talk of ‘maximising saving lives’, ‘one loss is one too many’ and ‘zero suicide’ of the mental health industry and national suicide prevention strategies assumes dogmatically that ‘suicide’ is always immoral, irrational and undesirable. Yet such a clearly biased, pro-life moral stance can be questioned, and has to pass philosophical scrutiny (see fn. 171 above). At the same time, it is worth emphasizing that philosophical and ethical discussions of suicide are preferably balanced by psychological and psychiatric literature on psycho-pathology, personality, mood and developmental disorders.

suicide and euthanasia.¹⁸³ The delicate issue of suicide should arguably still be treated by the academic library like other controversial topics by providing access to “all expressions of ideas through which *any and all sides of a question* [emphasis added] ... may be explored”.

Furthermore, an ultra-moralistic and/or sentimentalist pro-censorship stance on pro-suicide publications or suicide facilitating manuals on the basis of possible influence on or use by mentally unhealthy individuals would effectively mean banning any work which minimally discusses any positive representation or exploration and/or ethical defence of suicide: imaginative, creative literary works with prominent suicides¹⁸⁴, classic philosophical treatises defending suicide¹⁸⁵, and socio-cultural histories of suicide¹⁸⁶. Beyond intellectual freedom concerns which are also relevant to public libraries, such a censorship stance is particularly problematic within academic institutions because it would make it impossible for open-minded, educated, adult individuals to fully inform themselves on such a philosophically important and very personal topic, as well as study seriously suicide within any academic discipline of the social sciences and humanities.¹⁸⁷ Moreover, the continued prominence and relevance of the topic of euthanasia in applied ethics, bioethics and medical ethics makes including the above-mentioned ‘suicide manuals’ essential for the university student of this subject to understand the advantages and disadvantages of the various logistical options available, the practicalities as well as the degrees (if any) of feasibility, pain/suffering and humaneness of different suicide methods.

2.2.3.2 Pedophilia-related Content

¹⁸³ In its policy statement on ‘Offensive and Controversial Materials’, the world’s major online bookseller *Amazon* mentions “[p]roducts that promote or glorify suicide” as a distinctive kind of prohibited products. However, *Final Exit, The Peaceful Pill*, as well as the other books mentioned in the fns. 177, 182-184, can all be bought from this major bookselling site (as of September 2024). This means that in practice, the above cited official policy is not actually followed for unspecified reasons.

¹⁸⁴ e.g. Goethe’s *The Sorrows of Young Werther* [1774], or Pierre Drieu de la Rochelle’s *Le feu follet* [1931].

¹⁸⁵ e.g. Alberto Radicati’s *A Philosophical Dissertation upon Death* [1732].

¹⁸⁶ e.g. Maurice Pinguet’s *Voluntary Death in Japan*, 1984.

¹⁸⁷ Albert Camus famously claimed in *The Myth of Sisyphus* (1949) that “[t]here is but one truly serious philosophical problem and that is suicide. Judging whether life is or is not worth living amounts to answering the fundamental question of philosophy” (Camus 1975, 11). An example of a PhD Dissertation including a philosophical exploration of suicide is: “A philosophical enquiry into self-destruction” by Grace Campbell (University of Queensland, Australia).

Another particular type of controversial literature that falls within this particular category of dangerous, immoral and/or illegal content is ‘pedophilia’¹⁸⁸ related literature, especially the ethical defence of ‘pedophilic’ acts, perhaps as exemplified by very controversial books like *Understanding Loved Boys and Boylovers* (2000) by David L. Riegel and *The Pedophile's Guide to Love and Pleasure: a Child-lover's Code of Conduct* (2010) by Philip R. Greaves II.¹⁸⁹ One can add as well the controversial French petitions against age of consent laws (1977-1979) signed by some of the most prominent French intellectuals of the time.¹⁹⁰ The literary works of Tony Duvert (e.g. *Journal d'un innocent*, 1976) and philosophical works of René Schérer (e.g. *Émile perversi*, 1974; *Une érotique puerile*, 1978) have also been popularly criticized for ultimately promoting and defending (directly or indirectly) adult sexual relations with ‘consenting’ minors. Stephen Kershner’s *Pedophilia and Adult–Child Sex: A Philosophical Analysis* (2015) can also be tentatively included in such a list given the author’s ultimately ambiguous ethical position about the absolute, intrinsic and total ethical wrongness of ‘consensual’ adult-child sex.¹⁹¹ More recently, academic literature on Minor Attracted Persons (MAPs) has sought to understand better and give a voice to minor-attracted

¹⁸⁸ The widely used, broad term ‘pedophilia’ is problematic because it is often used in an undefined, confused manner to refer to both ‘pedophilic’ sexual desires or sexual orientation, and actual adult-minor sexual relations, to both adult-minor rape and adult-minor ‘consenting’ sexual relations. The term ‘pedophilia’ should be understood here to refer to the (natural?) sexual attraction to minors rather than to the illegal behaviour of adult-minor sexual relations (also called ‘child-molesting’ or ‘child sexual abuse’). Although typically used as a broad term to refer to attraction to minors without a specific age range of attraction, ‘pedophilia’ as a narrow term technically refers to attraction to prepubescent children (age 11 or under). The attraction to minors who are going through early puberty (ages 12-14) is called ‘hebephilia’ whilst the attraction to underage teens/adolescents (15-18/19) is more accurately described as ‘ephebophilia’ (see Walker 2022, 5). These distinctions are also very important in the ongoing discussions about the moral meaningfulness of minors’ sexual consent, a discussion which changes significantly when considering these different age groups.

¹⁸⁹ Removed by Amazon soon after publication due to public pressure; the author was also indicted in Britain.

¹⁹⁰ See https://en.wikipedia.org/wiki/French_petitions_against_age_of_consent_laws

¹⁹¹ Kershner takes seriously a skeptical approach to “the effect of adult child sex on children” and “[th]e problem ... that it is not clear whether these [negative] judgments [on adult child sex] are justified and whether they are aesthetic or moral” (Kershner 2015, xi). Moreover, being an ethical consequentialist, Kershner privileges empirical evidence demonstrating harm, and deems indulging in pedophilic fantasies not necessarily morally wrong given that there is no actual physical or mental harm on actual people: “In the previous four chapters I’ve argued that pedophilic desires and fantasies are not necessarily vicious or wrong and that it is unclear whether adult-child sex is wrong” (Kershner 2015, 105). It should be also noted that the American philosopher distinguishes neatly the ethical from the legal level; he does not endorse the argument that the state should not punish people who engage in willing adult-child sex (see Kershner 2015, 112). Kershner’s work became more controversial after the philosophy professor’s comment in a 2022 philosophy podcast where he argued that it wasn’t obvious for him that for an adult male to have sex with a “willing” 12-year-old girl would be morally wrong. Although such a skeptical statement was contextualized by a philosophical thought experiment, and the academic did also declare that for him such an act should still be criminalized (as already expressed in his 2015 book), he was still banned from teaching and was not allowed on campus at the State University of New York. See Patel 2023.

persons who are presented in a more sympathetic and humane light than before (see, for instance, Walker 2022).

Such varied 'pro-pedophilia' literature (broadly construed) should be neatly distinguished from 'child pornography' or 'child sexual abuse material' (CSAM). Moreover, the pro-MAP literature referred to above (e.g. Walker 2022) and other publications recognizing pedophilia as a natural sexual orientation (e.g. Bering 2016) should not be deemed ethically problematic when they clearly oppose illegal sexual activity between adults and minors, favoring the more ethical, 'virtuous pedophiles' who despite their avowed sexual attraction to minors do not promote pro-contact discourse, and supposedly have an offense-free sexual life.

For librarians as defenders of intellectual freedom, the philosophical, psychological, ethical and legal issues of capability or not of minors of giving meaningful consent to sexual relations with adults, the sexual freedom and rights of minors, the repeal of age of consent laws, as well as the issue of whether 'pedophilia' is another, 'natural' sexual orientation or not, not to be stigmatized like other non-heteronormative sexual orientations, all discussed in some depth and detail in some of the aforementioned material, should not be legal and social taboo subjects but be legitimate topics of well-informed and rational debate just like other controversial topics.

Although almost universally deemed to be ethically and legally problematic in normalizing and encouraging actions of child sexual abuse, molestation and exploitation, even the boldest and most explicit texts promoting pedophilic acts (e.g. Philip R. Greaves II's book) are still very useful academically to understand the distinctive sexual orientation, mindset, rhetoric, self-justifying arguments and strategies adopted by a pedophile to avoid suspicion, detection and apprehension by the law. As in the case of other types of controversial material, the whole variety of pro-pedophilia texts could be very helpful for academic research purposes on specific topics or social phenomena (e.g. pedophilia, post-1968 sexual liberation

French thought, child/adolescent sexuality, MAPs' sexuality and mental health); academic librarians may have to defend the collection and a certain degree of access to such rare material by arguing that *to study social reality in an empirical and analytical manner does not necessarily require or lead to ethical endorsement and/or practice of particularly ethically problematic normative position/s directly or indirectly promoted in such extremely controversial texts*. Certain academic works like Kershner's aforementioned 2015 book remain academically significant, even exemplary from a certain point of view, due to the intellectual courage in trying to tackle dispassionately a very sensitive ethical topic, its emphasis on empirical studies, as well as its willingness to try to get at a clearer understanding of why exactly adult-child sex is wrong or not by investigating fundamental presuppositions in typical argumentation on the topic. To note that for one or more of the reasons justifying inclusion of and a certain accessibility to controversial materials proposed in the list above (see p. 80), Riegel's aforementioned book can be found in many US academic libraries.¹⁹²

The famous social experiments in US libraries by Robert Hauptmann (1976) and Robert Dowd (1990) regarding bomb-making and cocaine respectively arguably show the ethical challenge for librarians to handle this particular kind of dangerous controversial material. Librarians can either be accused of social irresponsibility and of unethically assisting a library user to commit illegal and/or immoral physically harmful acts, or of restricting unjustifiably and unhelpfully information access, thus violating the human right to know. The objection to the social responsibility and immorality argument is that the librarian may not or cannot know the exact, true goals of the library user; the reference librarian cannot assume on the library users' appearances or personal intuition an intent on the part of the information seeker to commit an illegal and/or immoral physically harmful act. There is a fundamental difference between knowing about and executing immorally dangerous, harmful activities. The library users asking for the information may be just satisfying their curiosity or academics/writers researching a paper, book, play or film including prominently the topic of suicide, terrorism or pedophilia. Even if writing fiction, a writer may want to portray the successful practical execution of suicide, the preparation of a bomb for terroristic purposes, or the mind frame of

¹⁹² Worldcat shows 29 academic libraries in the US having a copy:
<https://www.worldcat.org/title/44488961?oclcNum=44488961> (Checked May 2024)

a pedophile competently and realistically. Moreover, even if (unethically) probed or pressed by librarians, educators or law enforcement, library users may still hide the true intentions underlying their information requests.

2.2.4 Works of ethically problematic origins

Certain works like *The Pernkopf Atlas* do not contain controversial claims or content but have ethically problematic authors and/or original context of creation and production.¹⁹³ The scholarly quality (as accuracy and validity of the information), practical usefulness, overall artistic and educational value, as well as commitment to intellectual freedom, make libraries' effort to avoid censorship by keeping accessible such controversial library material understandable. Librarians are confronted by an ethical binary dilemma, forced to either be unethical by engaging in censorship (hence abandoning intellectual freedom as freedom of information) or be unethical by ignoring or minimizing potential grave violations of medical ethics. If librarians opt to privilege information access over censorship due to information resulting from unethical scientific research – as most western libraries tend to do (Atlas 2001, 55) and this researcher agrees should be done – users are to be informed of the original historical context of the library material to be able to decide for themselves in an informed way about *whether* and *how* to use the library resource. In the particular case of *The Pernkopf Atlas*, such a choice may be criticized as potential complicity with and 'cleansing' of Nazi crimes, yet librarians would not be acting as paternalistic gatekeepers by crucially passing the information, power and ethical responsibility of choice to the user.¹⁹⁴ Moreover, such

¹⁹³ The *Atlas of Topographical and Applied Human Anatomy (Topographische Anatomie des Menschen)* consists of highly detailed, accurate and elegant anatomical drawings created by Austrian physician Eduard Pernkopf, an active member of the Nazi Party during World War II, which could have used Holocaust victims or victims of the Nazi regime as subjects for his drawings. The potential disregard for both human life and informed medical consent involved in the creation of this work has led to ongoing and evolving debates in the medical community over whether this ethically problematic material should ever be used and under what circumstances. From what this researcher could surmise, the discussion on the ethical nature of using this anatomical atlas or not is complicated by the fact that there is no absolute certainty based on reliable documentation that Holocaust or Nazi regime victims were actually used as anatomical subjects ("facts are few in a debate where emotions run high and opinions abound", Riggs 1998, 380). For a detailed account of the development of the Pernkopf Atlas Controversy in the medical community, see Riggs 1998, Atlas 2001 and Scheinfeld, Saragossi, and Kasten-Mutkus 2020. To note that although the discussion relating to this item's inclusion and conditions of accessibility typically refers to special libraries (i.e. medical libraries), such medical literature can also be found in academic libraries.

¹⁹⁴ "This is the proper ethical response of a library to the conflict between intellectual freedom and the violation of medical ethics, to let all potential users of a controversial piece of information know its background. Our job is not to judge but to

provision of factual contextual information to inform and facilitate the ethical decision-making of the user should not be confused with the kind of biased, content-related subjective and personal judgement included in labelling statements traditionally disapproved by the ALA.¹⁹⁵ Librarians may also use such controversial historical publications in librarian-led seminars (e.g. medical humanities seminar in this case) to encourage students' appreciation of the historical context of production of the information, and deep discussion of various related ethical issues (see Mages & Lohr 2017).

Another possible proposed solution regarding this type of controversial material is to identify – if they truly exist – adequate high-quality academic substitutes to provide more options to, and avoid the ethical conflict of, both librarian and user. However, even if suitable high-quality academic substitutes could be found, such historically significant works should still be kept by academic libraries for the sake of the historical record (see fn. 74). Going beyond this specific well-known case which has received significant scholarly attention, it would be unfair and unrealistic to demand librarians to know the (potential or actual) significant ethical breaches committed by creators of all their library material. However, librarians should remain attentive to the possibility of having in their collections such controversial works of ethically problematic origins which force potential readers and librarians to “contemplate the decisions, actions, and practices that condition the nature of information and how it is packaged, archived, and transmitted” (see Scheinfeld, Saragossi, and Kasten-Mutkus 2020).

2.3 Writing Library Policy for Controversial Materials

2.3.1 Introducing written library policies

inform, to let users know what we know about a given item in our collection” (Atlas 2001, 56-7). Riggs (1998) argues that the continued use of the Pernkopf atlas would be the most fitting tribute to those who died for it, whether they were Nazi regime victims or not; cadavers may teach anatomy, but also remind the users of past and present human suffering, inviting them to be more compassionate.

¹⁹⁵ See ALA's *Statement on Labeling: An Interpretation of the Library Bill of Rights*.

The importance of a written intellectual freedom policy or of written library policies incorporating intellectual freedom principles which explain clearly the library's position and procedures on key intellectual freedom issues, especially access to the library resources, has been argued for in the IFMs and in LIS literature more generally.¹⁹⁶ A variety of reasons can be provided to justify written library policies: to give an impression of professionalism ("They show everyone that the library is running a businesslike operation", Jones 1999, 94); to increase the efficiency of the library; to show a willingness to be held accountable; the impersonality of written procedures make arbitrary decisions of library management rarer; a way of expressing the importance of "transparency to users and society in general" (as expressed in the Preamble of the 2012 *IFLA Code of Ethics*). Most importantly, written, official policy statements regarding access to library materials guarantee that any selection and de-selection decision will occur within a holistic policy structure and can be evaluated objectively by reference to existing written policies and procedures. Nelson and Garcia (2003) group the various advantages of good policies mentioned above to four main functions: (i) the transformation of an information institution's values (including notably 'intellectual freedom') into action; (ii) provision of information that library staff needs to perform their work; (iii) provision of information to the public so that the latter can know what services to expect and expected behavior; (iv) policies are very important in the context of legal action against the library. To note that the importance of (ii) and (iii) has already been emphasized above in the discussion of policies related to sexually explicit materials (see 2.2.2).

Following Nelson and Garcia (2003), 'policy' as a broader term may actually be better understood as one of four types of policies: guidelines, statements, regulations and procedures. 'Guidelines' are general policy documents from larger national/international organizations or associations (e.g. ALA, IFLA, etc.) which express the core values and principles of the profession, as well as provide a framework for institutions to develop their own more

¹⁹⁶ E.g. "Write policies that clearly explain the library's position on intellectual freedom issues" (Sutton 2001, 56); "The most important aspect of the policy is its existence" (Metz and Obenhaus 1993, 386); "Develop written policies that support intellectual freedom in the following areas: collection development and resource reconsideration, internet use, meeting rooms and exhibit spaces, privacy and confidentiality, social media, and user behaviour" (IFM 2021, [v]); "All institutions that provide information should have written, updated, and accessible policies" (Knox 2023, 61).

specific policy statements. 'Statements' (i.e. policy statements) describe and justify why a particular service is being offered, or why the library follows a certain practice (e.g. collection development); they are usually linked to the mission statement and can be focused on particular aspects or areas of librarianship or library services. 'Regulations' describe the concrete implementation and actualization of the policy statement in terms of rules relevant to (iii) above. Procedures describe the step-by-step process library staff have to undergo to complete a specific library-related task (e.g. cataloguing/circulation duties).

It has been recommended that library policy statements should be written, objective, consistently and equitably enforced irrespective of the identity and beliefs of the user, reasonable and related to library use (IFM 2021, 62). Jones highlights three main characteristics of good library policy – strategy, style and substance (Jones 1999, 96-7); a *strategically* written policy knows well its target audience, anticipates users' reactions and is carefully linked to the library's mission statement. A policy with adequate *style* favors a forceful active voice to be clearer about who does what yet at the same time adopts where possible a gracefully polite tone. A *substantial* policy is well-organized with all relevant points well-covered and well-documented if necessary. Knox emphasizes that good (library) policies should be current (hence, regularly reviewed), honest (i.e. truthfully realistic and actual rather than hypothetical and idealistic) as well as easily accessible (available on the website, as hard copy, etc.) (Knox 2023, 57-8). Moreover, it has also been noted that any library policy related to intellectual freedom (especially controversial content) should not be written during an active controversy because any policy written in the midst of an active controversy will ineluctably appear to be reactive and defensive (see, for instance, Metz & Obenhaus 1993).

It could be argued that intellectual freedom concerns and principles can be included in different library policies (e.g. collection development/materials selection policy, library exhibit policy, etc.) making a separate controversial materials policy unnecessary.¹⁹⁷ However, some academic and public libraries do have specific controversial materials policy statements

¹⁹⁷ "No separate policy about controversial materials is needed if the collection development policy is sound..." (Jones 1999, 130). Indeed, the 2021 IFM does not propose a specific 'controversial materials' policy (see IFM 2021, [v], 62).

(sometimes alternatively named ‘Harmful materials’ statements) in addition to their collection development policy.¹⁹⁸ This researcher tends to favour more the latter approach in emphasizing a more direct, focused and detailed approach to controversial content (as suggested in 2.2 above). Such a policy can better address specific ethical issues related to diverse types of controversial materials. Librarians can consult, review and adapt freely available policies – including controversial materials/harmful language statements – from similar institutions (i.e. academic libraries of public universities in the western, liberal democratic world), as well as consult more general policy-oriented or specialized manuals (e.g. IFMs), and not attempt to formulate policy *ab initio* in a vacuum.

2.3.2 Key Elements of a Controversial Materials Policy for Academic Libraries

An analysis of the exemplary formulation of material selection policy in academic libraries in the ALA’s “Selecting Materials on Controversial Topics in Academic Libraries”¹⁹⁹ permits the identification of three fundamental elements to include in any serious library policy somehow related to controversial materials:

1. *Grounding in the University’s Mission of Teaching and Research*

The delimitation of the university’s mission of teaching and research on the materials selection policy, i.e. the privilege of academic subjects and topics that are taught and/or researched at a particular university, has rightly to be emphasized at the outset. Like other types of libraries, the academic library has a duty to all its users (in this case, academic staff

¹⁹⁸ See, for instance, Metz & Obenhaus 1993, Queen’s University Library’s Controversial Materials statement, and the ‘Rare and Controversial Books’ policy statement of the University of Manchester Library (see also Woolbridge Public Library’s *Controversial Materials Policy*); Regarding ‘harmful materials’ policy statements, see, for instance, Santa Clara University Library’s ‘Statement on Harmful Materials’.

¹⁹⁹ Example: Academic Library Selection of Materials on Controversial Topics: “The university library supports the free exchange of ideas with collections that provide access to a selection of material on all subjects that support the university’s mission (1). The library provides access in accordance with the American Library Association’s Library Bill of Rights, the Freedom to Read Statement, and the Freedom to View Statement (2). The university library strives to balance access to, and ownership of, information resources that offer the widest possible range of viewpoints (3). Material will not be excluded because of frankness of language or controversial approach or because the political, moral or religious, sexual, social, economic, or scientific views expressed or because of the race or national origin, politics, or religion of the author.”

and students) to ensure that the material it collects and provides access to is suitable for and relevant to the particular community it serves. Hence, the university's 'mission statement' reasonably precedes and conditions the university library's materials selections policy. By grounding explicitly its materials selection policy in the university's mission, the academic library would be clarifying its utmost priority to acquire access to those information items that relate most directly and clearly to the academic disciplines, courses and areas of research and hence will support the university's main goals in teaching and research.

2. Reference to national and/or international library associations' statements related to censorship

The international official documents of IFLA (1999, 2002, 2012, 2019) should be acknowledged to be authoritative sources of guidance and inspiration for academic libraries seeking to justify and explain the collection of and provision of access to controversial materials.²⁰⁰ The academic library's clearly defined materials selection policy in written form should reflect and embody – as much as the national and EU legal framework permit (see point 5 below) – the intellectual freedom principles of neutrality and balance espoused in these IFLA statements (see also 1.3, 1.3.2). These documents should also be given more prominence, promoted and popularized to academic staff and students alike, perhaps most realistically and conveniently, by being made accessible online through hyperlinks or reproduction of the texts on the academic library's website. Moreover, academic library staff should be strongly encouraged to become very familiar with and be able to discuss competently the above-mentioned documents.

Given the absence of similar authoritative position statements by prestigious national library associations (like the ALA or ALIA in the US and Australia respectively) catering for the specific Maltese context (with the exception of MaLIA's *Code of Ethics*), these IFLA statements become even more fundamental documents of reference, inspiration and discussion that

²⁰⁰ 1999 IFLA statement on Libraries and Intellectual Freedom; The Glasgow Declaration on Libraries, Information Services and Intellectual Freedom, 2002; IFLA Code of Ethics for Librarians and other Information Worker, 2012; the 2019 IFLA Statement on Censorship.

should be formally endorsed and publicized by Maltese libraries, including academic libraries. They can temporarily yet conveniently and effectively replace the extensive corpus of core ALA texts relating to diverse intellectual freedom issues constantly referred to, paraphrased and elaborated by US academic libraries.

3. Intellectual Freedom as access to the widest possible range of viewpoints

The explicit commitment to inclusion of the widest possible range of viewpoints in the specific sense of intellectual, ideological or 'doctrinal' diversity is fundamental because extreme viewpoint inclusivity is a central and defining aspect of 'intellectual freedom' (see fn. 12), as well as a most significant expression of the liberal element in the 'traditional' conception of intellectual freedom (see fns. 13, 78); however, such an (over-)extended, open and idealistic commitment should be actually qualified and understood in light of both points 1 and 5 of this list. Hence, the elucidation of a certain conception or definition or understanding of the "core value" of intellectual freedom (rather than the broad, vague and less inclusive phrases 'freedom of expression', or worse, 'free speech') on the lines already discussed above (see 1.1) is preferable. The academic library will have to articulate its more liberal or progressive conceptions of intellectual freedom (see 1.3, 1.5) to justify its inclusion, restriction and/or deselection of controversial materials whilst emphasizing its heightened awareness and respect of unavoidable legal constraints (see point 5 below, fn. 203).

Beyond these 3 elements identified in the 'Academic Library Selection of Materials on Controversial Topics', the points below would preferably also be included:

4. Selective, Minimal Representation of Humanity's Intellectual and Cultural Heritage

An academic library should arguably go beyond the strict parameters of taught and researched fields of study by trying to represent purposely and selectively, to a minimal degree, "the entire span of humanity's cultural heritage", "the entire range of human cultural

practice, of science and pseudo-science, and of religious, political, ethnic, and social expression” (Metz & Obenhaus 1993, 387). Whilst remaining realistic, keeping in mind persistent issues of financial cost and very limited physical space, the idealistic goal of minimal inclusion of such representative materials beyond the official institutional limits may be justified in that the qualified goal of universality captures a deep sense of the term “university” and especially the modern research-oriented university library²⁰¹; moreover, the study of the humanities typically found in most universities entails the exploration of what does it mean to be human, the investigation of and reflection on the meaning of the human condition in all its historically and culturally diverse manifestations and expressions, including its more extreme and controversial aspects.²⁰² This latter aspect is particularly important regarding the inclusion of controversial materials because certain controversial topics even if not directly focused on in any course or research are so important, at the individual and social level, that academic library users should still be able to educate themselves well about them (e.g. a variety of specific issues in applied ethics). Moreover, as citizens, academic library users, just like public library users, should be able to inform themselves on very controversial topics that are or may be raised in the public arena and about which (even if in rare cases) they may be even called to vote.²⁰³ Furthermore, such a broad scope may permit the academic library to bypass both the political (liberal-leftist) bias that tendentially characterizes contemporary western academia (see fn. 69), as well as censorship by university administrators who may reject certain courses for purely ideological reasons or due to their potential controversy (see fn. 118). Finally, such a broadly inclusive viewpoint diversity has become even more important given the effective censorship of certain controversial content by the world’s largest online

²⁰¹ The link between the ideal of universality and academic libraries was clearly expressed by Christian Gottlob Heyne, Göttingen University Library’s chief librarian (1763-1812): “for the inclusion and embrace of the most important works of all periods and peoples in all sciences and in domestic literature” (Quoted in Lerner 2009, 112).

²⁰² The Latin quotation from Terence, “I am a human: I regard nothing human as foreign to me” (*homo sum: humani nil a me alienum puto*), also Karl Marx’s favourite citation from Roman antiquity, could also be adopted as a slogan or motto of academic libraries to justify the inclusion of controversial material that expresses the controversial extreme views and behaviour of human beings in history.

²⁰³ For instance, in 2006, the political programme of the newly launched PNVD (‘Charity, Freedom and Diversity’) party in the Netherlands included reducing the age of consent from 16 to 12 years, legalising child pornography and liberalising zoophilia (see https://www.europarl.europa.eu/doceo/document/P-6-2006-2841_EN.html). In 2016, the youth branch of the Swedish Liberal People’s Party made news worldwide by advocating the legalization of the very controversial practices of (consensual) sibling incest and necrophilia which are illegal in most western countries (see Dearden and Vulliamy 2016). The voter requires access to material related to these controversial practices in order to develop a well-informed and rational position as well as be able to vote competently regarding parties/politicians advocating such controversial legislative proposals.

bookseller, *Amazon*, which increasingly has an outsized power in shaping public opinion and discourse by controlling which ideas and viewpoints are permitted to circulate in society.²⁰⁴

5. *Explicit reference to the legal aspect (in the Maltese scenario, national and EU law)*

Most library codes of ethics advise librarians to know and respect relevant (i.e. local, federal, national, supranational, international) legislation. The only ‘justified’ censorship is that of the state as stated or implied in the law whereby ‘merely’ controversial material becomes illegal content (e.g. literature including incitement to terrorist acts, active discrimination, obscene material). Hence “the widest possible range of viewpoints” should be primarily limited by the parameters of the law. The formulations used in certain already existent library documents may be imitated and adapted to the particular national legal framework.²⁰⁵

However, legal ambiguities as in vague and unclear wording²⁰⁶, grey areas and differing interpretations of the law have to be considered as well. Librarians cannot know clearly what specific law and how exactly all potentially relevant legislation (e.g. anti-

²⁰⁴ According to Amazon’s online ‘Content Guidelines for Books’, it is claimed that the bookseller doesn’t sell offensive content including ‘hate speech’, material that “promotes the abuse or sexual exploitation of children”, that glorifies rape or pedophilia, pornography, terrorism, or “other material we deem inappropriate or offensive”. To note that this recent position contrasts strongly with the earliest free speech absolutist position, undoubtedly reflecting both the various challenges on particular books as well as evolved cultural sensibilities. Books censored by *Amazon* at the time of writing include some which may be considered ‘hateful’ and ‘harmful’ like gender critical works (e.g. Ryan Anderson’s *When Harry Became Sally: Responding to the Transgender Moment*, 2018), ‘race realist’ works (e.g. Jared Taylor’s *White Identity: Racial Consciousness for the 21st Century*), ‘anti-Semitic’ works (e.g. Kevin MacDonald’s *Culture of Critique* trilogy), and Holocaust denial works (e.g. the works of). This researcher acknowledges that *Amazon*, as a private company, should have the right to sell whatever it chooses and not sell certain items that customers want. However, given *Amazon*’s enormous share of the international book market, the company’s prerogative to determine selection of available titles significantly affects the ‘marketplace of ideas’; it sometimes becomes very difficult for customers to obtain controversial works promoting non-mainstream viewpoints from other booksellers. See also fns. 175, 181.

²⁰⁵ “Access to information should not be restricted on any grounds except that of the law. If publicly available material has not incurred legal penalties then it should not be excluded on moral, political, religious, racial or gender grounds, to satisfy the demands of sectional interest. The legal basis of any restriction on access should always be stated.” (CILIP, *Intellectual Freedom, Access to Information and Censorship*, 2005); “it should make it clear that the ultimate test against which potentially controversial material should be judged is its legality” (CILIP 2023, 25); “... and the need to remain at all times within legislative constraints” (Louise Cooke in Green 2023, 17).

²⁰⁶ For instance, a vague statement in *The Terrorism Act 2006* (UK) made it an offence to be “reckless” in the dissemination of materials that may be deemed to promote terrorism or terrorist acts. This allusion to “recklessness” was deemed potentially troublesome for librarians in the UK (see McMenemy 2009).

obscenity, anti-discrimination, hate speech legislation) affects their work. Lawyers and even legal specialists may know all the laws and basic legal principles but may not always be clear and certain about their concrete application to the particular library setting of public access-provision of information. The fact that Malta lacks a tradition of library-related court cases, as in the US or the UK, make commenting on this matter in a general manner regarding Maltese academic libraries even more difficult, uncertain, and inconclusive. It should suffice to suggest that librarians should clarify any legal concern with legal experts because doubts and apprehension may lead librarians to undesirable self-censorship in their collection development or reference duties (see also fn. 171).

Moreover, although most international library literature emphasizes obeying the law, as elaborated above (see also fn. 205), it should be noted that law reform on controversial ethical issues (e.g. abortion, euthanasia, capital punishment, pornography, adult (consensual) incest, zoophilia, sexual relations between/with minors, etc.) cannot happen without prior deep and serious public discussion of currently illegal positions. If one cannot defend in publicly available publications the rationality and morality of certain controversial, 'extreme' behaviour, and advance arguments in favor of changing the laws regarding illegal behaviour, then laws cannot be changed in an informed and rational manner. Hence, the librarians' commitment to the obedience of legal constraints has to be contextualized by the social reality that law reform in a democratic political context requires rigorous and robust public debate of controversial ethical positions typically elaborated in published material that presents or aids in the formulation of the best moral case for legal change. The inclusion of controversial materials defending the morality of current illegal behaviour is arguably legally ambiguous because the widespread public availability of such material is necessary for having the best possible (i.e the most informed and most rational) discussion of desirable law reform in a liberal democracy. It is arguably this liberal stance that, at least partly, underlies the radical commitment to free expression – the classical liberal free speech 'absolutism' – protected in the First Amendment in the US constitution (see also fns. 20, 71).

6. *Clear statement declaring non-endorsement of content:*

Such a statement should already appear in the collection development policy yet its importance in a separate controversial materials policy cannot be overstated. The advantage of including such a statement is that it removes the library's responsibility for accuracy/truth (see 1.3.3 above) and emotionally upsetting or mentally harmful content. The academic library should convey clearly its understanding that some of the collected material may be factually incorrect/false (e.g. 'pseudo-science', 'outdated'), 'harmful' or 'hurtful' (i.e. offensive, upsetting) or according to some ethically problematic but is still collected 'in the interest of intellectual freedom', for the different reasons already listed above (see 2.1, p. 80). Hence, it should be made clear to the user that provision of access is not automatically bestowing alethic and/or moral authority and legitimacy to the publications included in academic library collections. Non-endorsement of content may be also very important from a legal perspective for librarians to avoid committing the offence of condoning or encouraging illegal and/or dangerous self-harming or other-harming acts through their providing access to certain 'dangerous' controversial material.²⁰⁷

It should be noted as well that content non-endorsement reflects a liberal/libertarian understanding of intellectual freedom as content-neutrality (see 1.3 above) which contrasts with the non-neutral endorsement of certain anti-racist, anti-colonialist, and anti-sexist positions in socially progressive harmful content/harmful language statements.²⁰⁸ Indeed, the latter kind of library statements, ever more typical in the English-speaking academic and public library world, already indicate a significant distancing from the 'absolutist' or 'maximalist' content-neutrality of traditional intellectual freedom advocacy²⁰⁹; the academic

²⁰⁷ Material related to terrorism, abortion, suicide/euthanasia, discrimination, etc. "A Librarian will have a defence if he can prove that the terrorist publication did not express his views or have his endorsement and that it was clear in all the circumstances that the matter did not express his views or have his endorsement" (MLA 2008, 12-13).

²⁰⁸ E.g. "Here at York St John University, we unequivocally reject the stereotypes and offensive narratives which are contained within these documents." (Rees-Williams Collection, York Saint John University); "The collections include materials which contain negative and/or discriminatory stereotypes, language, or symbols aimed at marginalized groups based on race, ethnicity, gender, social class, or religion, to name a few. Archives & Special Collections does not condone these viewpoints. We affirm that these viewpoints are not only discriminatory & offensive, but also disrespectful, inhumane, and unjust" (Santa Clara University Library, Archives & Special Collections).

²⁰⁹ "[M]any academic libraries are adding content warnings to their institutional repository, understood as a practical and progressive response to the fact that much of our digitized content contains language and descriptions that are offensive and harmful. No one on the panel disputed the propriety of adding contextual information to outdated medical information,

library has to decide what kind of stance to take depending on the type of controversial material collected (see 2.2 above) and, perhaps more importantly, on its exact theoretical understanding of intellectual freedom, especially in its relation to neutrality and social justice (see 1.3, 1.5 above). If the academic library restricts itself to a more general, cautious and non-committal non-endorsement (i.e. content-neutrality), some formulation on the lines of the one presented below, including clearly non-advocacy and non-endorsement of content, may be added: “The academic library does not advocate the ideas, views and content found in its collections. The presence of books and other information resources in the library do not indicate endorsement of their contents by the library.”²¹⁰

7. Identification and justification of any controversial content kept in closed stacks to avoid or minimize theft, misplacement and intentional damage.

Being upfront and transparent to users about such difficult decisions through explicit statements in written intellectual freedom policies avoids the problem of such restricted access being perceived by users as unwarranted institutional censorship.²¹¹ Since by placing materials in restricted-access collections, the library would be effectively erecting a psychological barrier between the user and the information resources (the user may be too embarrassed or inhibited to ask for the controversial content), it should be clearly and explicitly stated that the aim of such restriction is not content-based censorship but purely the physical preservation of controversial material to avoid users’ censorship through frequent theft, displacement and mutilation. The restriction is not directly content-based but

and I don’t think many people would argue against the legitimacy of adding harmful language statements to our institutional repositories. Both these things violate Intellectual Freedom as defined by the American Library Association.” (Popowich, “Who Misunderstands Intellectual Freedom?”).

²¹⁰ This text has been adapted from the key ALA document *Statement on Labelling: An Interpretation of the Library Bill of Rights*. An example of a much simpler and more concise formulation of non-endorsement of content is the following: “An item’s presence in our collection does not indicate that we endorse its views.” (*Controversial Materials statement*, Queen’s University Library, Canada).

²¹¹ This absence of written and publicly accessible policy was arguably a major problem of the UM Library when heavily criticized by the Front against Censorship and faced by public outcry for its cabinet of ‘prohibited books’ (i.e. material with ‘restricted access’) in 2011 (see <https://timesofmalta.com/article/university-library-to-review-protected-books-policy.349315>; <https://www.maltatoday.com.mt/news/national/8604/university-library-to-embark-on-restricted-book-list-review>).

indirectly related to content because “common sense and ... librarians’ practical experience” (Metz & Obenhaus 1993, 387) may indicate that certain controversial material is more likely to be damaged, stolen, misplaced, etc. The restriction of access in these cases should be clearly understood and explained as ‘the lesser evil’ permitting more long-term and guaranteed access to all users.²¹² Beyond the explicit and clear declarations in policy statements made publicly available to users on the library’s website, such restricted items may optionally even have a note in the form of a ‘flyer’ or in the catalogue record referring to the policy statement explaining why such items are restricted.

The academic library may defend itself by referring to other academic libraries’ policy statements and best practices as well as by citing official library organizations’ documents or academic library literature that confirms both the ethical nature and practical necessity of such a practice regarding specific items or categories of controversial material.²¹³ As already stated above, the legal principle of reasonable avoidance of harm may also be invoked to justify ethically and legally such a move. The purchasing of additional copies of controversial publications in order to be placed on open access shelves is another possible action that can be considered in order to solve the potential censorship effect on users implied in restricted access; however, the objections of actual availability of the rare material, and/or limited funds that can be used to buy access to other information items (see 2.1 above) could be reasonably raised. On a final note, the academic library may also want to inform users and clarify explicitly

²¹² “As long as the motive [of keeping materials in closed stacks] is to ensure that these materials survive for library users in future years, this action is consistent with the intellectual freedom principle of ensuring access” (IFM 2021, 63).

²¹³ The ALA’s “Restricted Access to Library materials: An Interpretation of the *Library Bill of Rights*” is one such important classic reference document though it assumes the US legal framework. Anglophone LIS literature provides several concrete examples of controversial materials with restricted access in order to preserve the physical item/s from content motivated damage by users: some erotic/sexuality-related material at Virginia Tech (Metz & Obenhaus 1993, 387); the *Pernkopf Anatomy Atlas* was moved to restricted special or historical collections by several American medical libraries (see Atlas 2001, 55-56; see 2.2.4 above). One of the reasons given by the Simon Wiesenthal Center Library (Los Angeles, California) to justify the placement of Holocaust denial literature in the closed stacks section (being available to researchers only upon request) was that “[t]he materials are less likely to disappear” (see Klein 1987, 56). Another relevant, exemplary policy statement is the ‘Rare and Controversial Books’ policy statement of the University of Manchester Library in which ‘controversial books’ like the ‘rare’ and ‘fragile’ books (from which they are distinguished) are declared to be only accessible upon request due to the difficulty of replacement of the typically ‘rare’ material.

that it has a copier available, photocopying of restricted materials that cannot be checked out being permitted (within legal limits).²¹⁴

2.4 Preliminary Reflections on Controversial Materials in the UM Library

A textual analysis of the Mission Statement²¹⁵, the pages entitled “Library A-Z” and “Guidelines and Policies”, and the website in general of the University of Malta Library (henceforth UM Library) leads one to the conclusion that there is no mention of the key concept of ‘intellectual freedom’, of the key principles of ‘viewpoint diversity’ on controversial issues and ‘collection balance’, or of the key term ‘controversial materials’. The Mission Statement highlights the UM Library’s commitment to freedom of expression (“support freedom of expression”) rather than to freedom of access or the freedom to read, typically the facet of intellectual freedom most relevant in library settings (see 1.1), as well as to the intellectual freedom issue of ‘open science’ (“steer and advocate in favour of Open Science”).²¹⁶ Beyond the aforementioned points in the Mission Statement, there is nothing which might resemble an intellectual freedom statement or policy as typically found in Anglophone academic libraries (as evidenced by the references in this work). Moreover, one finds no reference to and/or link to any other national or international library association documents like the several IFLA statements relating to censorship (see fn. 198; Point 2 in 2.3.2). The policy document *The University of Malta Library Weeding Policy (2021)* does not

²¹⁴ The photocopy machine may have a sign/notice reminding the user of copyright law. The user may also be required to sign a form indicating that the library assumes no responsibility for copyright clearance. Such a signed document protects the library and its parent institution from legal responsibility in cases of the user’s copyright infringement.

²¹⁵ See

<https://www.um.edu.mt/library/aboutus/missionstatement/#:~:text=The%20Library%27s%20mission%20is%20to,technologies%20and%20user%20support%20services.>

²¹⁶ The UM Library has been promoting and advocating in favour of Open Science practices and principles at the University of Malta officially since 2014 when an Open Science Department was first set up. To note, however, that the ethical and policy issues related to ‘open access’ (OA), ‘open science’ (OS) and ‘open research data’ are different from the ethical and policy issues related to viewpoint censorship in academic libraries focused upon in this work: the unsustainability of the high cost of scholarly journal subscriptions for academic libraries; confidentiality, intellectual property law and rights, copyright issues, data protection; transparency in a democracy, and the public’s right to access research output and data that were permitted through public funding, etc. See Galea 2020.

include any consideration of intellectual freedom; for instance, it does not address the concern of librarians using permanent withdrawal procedures to remove controversial items from the collection (see Jones 1999, 111, 133). Another UM Library policy document, *Gifts and Donations Policy* (2024), emphasizes that the donated information items “should support the teaching and learning programmes, research initiatives and/or contribute towards the curation of the national heritage”; however, the donor is not assured that donated controversial materials of any of the different types discussed in this work (see 2.2) would be accepted even if written by academically credentialled authors, and/or are somewhat pertinent to the teaching and/or research conducted in the university.

This general absence of any importance accorded to ‘intellectual freedom’, as a term and as access to ‘controversial materials’, in the UM Library website and policy documents, may be interpreted most charitably to confirm Jones’ observation that “intellectual freedom is such an integral part of a library’s practical mission of providing information and access that librarians often forget to incorporate these principles into the policy process” (Jones 1999, 97). However, the absence of any publicly available, formal, written collection development policy (CDP), the acquisitions department *de facto* purchasing and making accessible mainly material explicitly and directly suggested by academics²¹⁷, entails that controversial materials will not be included in the library’s collection unless directly listed by an academic or happen to be included in donations/bequests. Although there are certainly advantages in relying so heavily on recommended items by the institution’s academics like the acknowledged scarcity of subject librarians/subject specialists at the UM Library, it is also problematic at least for the following two reasons:

- (i) There is no active agency on the part of the library to include controversial views and maintain collection balance (see 1.3.4) on several controversial topics.²¹⁸

²¹⁷ See Camilleri (2005). The continued absence of a written, formal collection development policy (CDP), and the total reliance on academics’ explicit recommendations were recently confirmed by this researcher in an informal conversation with a UM Library manager.

²¹⁸ Jones writes of the need of an “active effort” on the part of librarians to balance controversial views with other views (see Jones 1999, 37).

- (ii) It does not take seriously the documented bias on the part of academics. Jonathan Haidt's research on "tribal moral communities" in academia (Haidt focused on the academic field of social psychology) and varied research on the political-ideological bias of academics in Anglophone and European higher educational institutions by other scholars show that whole departments and fields are likely to be politically biased (see fns. 67, 68, 117); hence, academics cannot provide politically unbiased or politically balanced lists of recommended information items discussing certain controversial topics and critical social issues related to politics, race, gender, religion, etc. In other words, the censorship risk is actually shifted from the librarians to the academics.²¹⁹

This lack of importance to inclusion of controversial content in policy statements is to be confirmed or not by a preliminary analysis of the type and quantity of controversial works present in the UM Library's collection (as found in the online catalogue *HyDi* and preferably confirmed *in situ*); comparing the presence of different types of controversial material in national universities of small European countries can help us assess the extent of availability of controversial materials in the UM Library.²²⁰ However, such a comparative study would still be very limited in the kind of conclusions that could be derived from it in that the researcher would still not be in a position to determine whether the controversial works not found in the UM Library's collection were never included, or they were later deselected by librarians for

²¹⁹ Even if there is no reference to any academic studies demonstrating/arguing for the clear ideological/political bias of academics in western universities as listed and emphasized in this work (see especially fns. 69, 70, 117), in his comments on academics' central role in the UM Library's acquisition and weeding of library materials, Camilleri rightly underlines academics' "risk of being biased" (Camilleri 2005, 48). Camilleri also notes that academics might not appreciate the importance of (and be really interested in) a "balanced collection" (Camilleri 2005, 49), guaranteeing the latter being the responsibility of librarians.

²²⁰ The comparison of information sources on a controversial topic in different libraries of the same type has been used as a method of assessing collection development bias (see, for instance, Harmeyer 1995). For instance, regarding 'academic racist' classic texts, the UM Library doesn't have any copy (physical or digital) of J.P. Rushton's *Race, evolution, and behavior: a life history perspective* (1995), a highly representative, classic work of the genre of 'academic racism'; both the University of Iceland and the University of Cyprus Libraries have 1 physical copy (of some edition of the work). However, the UM Library has physical copies of two of Richard Lynn's 'race realist' works, namely *Race and sport: evolution and racial differences in sporting ability* (2015, cowritten with Edward Dutton) and *Race differences in psychopathic personality: an evolutionary analysis* (2019); one should also note the availability of a physical copy of Richard Lynn's controversial defence of eugenics in *Eugenics: a reassessment* (2001), a book which is not found in the University of Cyprus and University of Iceland online catalogues. Turning to another genre, the UM Library has no copies (physical or digital, any edition) of the most notable 'suicide manuals' like *Final Exit* or *Peaceful Pill* whilst the University of Cyprus has 1 physical copy of the former and the University of Iceland has 1 physical copy of both controversial books.

any reason (because deemed morally problematic or outside the unwritten CDP of the UM Library).

Conclusion

The inclusion of 'controversial materials' in academic libraries presents very complex theoretical, ethical and practical, policy-related challenges to academic librarians. This work has emphasized the importance and essential role of clarifying the controversial theoretical foundations of intellectual freedom (chapter 1) as the necessary precondition and solid basis of academic librarians' clearer ethical engagement with, and policy writing in relation to, 'controversial materials' (chapter 2). The depth in the discussion of specific theoretical issues related to intellectual freedom (academic freedom, neutrality, value pluralism, human rights, liberalism, truth, democracy, DEI, and hate), the focus on four different genres of controversial materials and key elements of a controversial materials policy, as well as the overall, broad and comprehensive scope of this dissertation, hopefully make it a useful scholarly resource for those interested in understanding better the intellectual freedom issue of access to controversial content in a contemporary academic library context.

At the theoretical level, the work has strived to reassert the preferability of the traditional 'classical liberal' (i.e. individual-centered) foundations of intellectual freedom to contemporary progressivist (i.e. collectivist) tendencies. It has also dwelt on and struggled with the following problematic impasses which certainly merit further reflection and discussion:

- a. Libraries cannot be ideologically and politically neutral, yet any political ideology adopted (whatever version of liberalism and/or progressivism) to conceptualize intellectual freedom remains problematic in its dubitability as a political 'creed', social exclusionary character, and high censorship potential.

- b. Libraries in liberal democracies are inevitably caught in a protracted struggle between the privilege of the liberal/libertarian value of individual freedom or the progressive values of diversity, social inclusion and equality/equity (see 1.3, 1.5). This value conflict long troubling librarians (see fn. 121) arguably has its roots in the inherent, permanent tension within modern liberalism of extreme individualism (see fn. 20) and extreme egalitarianism (the equal moral dignity of all individuals).
- c. The frequent resort and ultimate appeal to key concepts like 'liberalism', 'democracy' and 'human rights' to ground and justify library policy, in official documents and LIS literature, is somewhat unavoidable in contemporary western liberal democratic societies, yet at the same time, theoretically very problematic and inconclusive given their very ambiguous, and/or controversial nature (see 1.3.1.1, 1.3.2, 1.4.2).

A unifying, consistent thread of the second part of this work in the discussion of the different typologies of controversial materials (see 2.2), in line with the classical liberal orientation defended in this work, has been the persistent importance of academic library collections with ideologically or viewpoint diverse views – however sensitive and divisive the specific controversial issue might be. It has been also emphasized that the academic or scholarly value of the information resource adds another very important reason and increased scope for the inclusion of controversial materials in academic libraries. Given the severe and stifling ideological conformity and hypervigilance characterizing contemporary western academia (see Iszler 2015; Williams 2016; Benn 2021; fn. 117), “[s]tudents should find refuge in one campus institution [the academic library] dedicated to preserving balanced views on all sides of a controversy” (Jones 1999, 129). Hence, beyond the importance of academic libraries being socially inclusive community hubs, academic libraries can arguably become even more relevant and unique information spaces by facilitating users’ engagement in the confrontation and comparison of diverse views on a variety of controversial topics; a crucial contemporary role of the academic library is to permit users to become aware of alternative viewpoints on controversial topics, and experience the healthy intellectual discomfort that inevitably comes from reading controversial materials, from trying to overcome one’s confirmation bias, and from questioning one’s own and/or one’s society’s deeply ingrained presuppositions, values and opinions.

Hence, the rhetorical commitment of academic libraries to intellectual freedom, as expressed in official policy statements, should not be just lip-service, a “mere formal profession” (Mill 1991, 69), but a steadfast commitment which is concretely manifested in the following ways:

- (i) by the confident development and implementation of regularly reviewed, formal, written library policy documents that seek to safeguard users’ intellectual freedom in the different aspects of librarianship (acquisitions, reference, cataloguing/classification, exhibit policy) where controversial content may be censored.
- (ii) by standing for and prioritizing the well-informed and rational discussion of sensitive, social taboo topics through the uncompromising, proactive provision of effective access to a wide and representative range of controversial materials. This affects both acquisitions and donations/bequests.
- (iii) by fostering and maintaining a culture and social atmosphere of intellectual freedom that is conducive to free, uninhibited academic enquiry and facilitates the thriving of epistemic virtues.²²¹ This can be concretely done through exhibitions on controversial books (similar to the ‘banned books’ displays in US libraries) and the guaranteed inclusion of controversial items in exhibitions on controversial topics like gender, race, religion, etc. Moreover, debates on controversial topics including controversial speakers can also be organized/hosted by the academic library.

This researcher is well aware that the above-mentioned measures are easier said than actually done, and that the actual effectiveness of such a dissertation focusing on censorship and on library ethics (i.e. ethical reflection and decision-making in a library context) depends largely on the ethical courage, acumen and personal commitment to intellectual freedom of

²²¹ On epistemic virtues, see fn. 77. “Create a culture that supports intellectual freedom by regularly talking about it with users, coworkers, employees, administrators, legislators, and governing bodies” (IFM 2021, [v]). Given the current culture wars that affect academia, academic libraries have a unique call and role to encourage the ability of both academics and students to think, speak, write and act freely going beyond the onus of self-censorship, the pressure of academic conformism and the fear of institutionally or socially enforced taboos and ideological policing; both academics and students should be encouraged to tolerate offence and intellectual discomfort rather than to suppress offensive speech and viewpoint diversity.

both library service leaders and individual librarians/library workers.²²² Indeed, given the relative lack of importance of intellectual freedom as access to controversial materials in the Maltese library world, as mostly evidenced in publicly available policy documents (see also fn. 6 and 2.4), such a study necessarily had to be thoroughly imbued by an exhortatory tone, emphasizing that any serious professional commitment to intellectual freedom requires prioritizing users' accessibility to viewpoint diversity through the inclusion of controversial materials.

This researcher would like to conclude by summarizing the further work that remains to be done; the list below is meant to remind the reader of potential future research directions based on identified gaps in the current study. As already pointed out in the Methodology section, and in different sections of this study, a variety of empirical studies benefitting from the methodology and insights of similar studies done in the US and Europe could complement the theoretical, conceptual and policy-focused discussions of this work, thus providing a more solid basis to discuss controversial materials in Maltese academic libraries in a more comprehensive manner:

- i. Study on the ideological/political bias of University of Malta academics, a bias affecting teaching and research output as well as the viewpoint diversity and balance in academic library collections (see fns. 69, 219).
- ii. A study with more significant focus on the purely legal aspect of providing access to controversial materials in the context of Maltese and EU law.
- iii. A much more detailed and extensive analysis of the type and quantity of controversial works present in the UM Library's collection; comparing the presence of different types of controversial material and specific controversial items in the online catalogues of national universities of small European countries can facilitate an objective assessment of the extent of availability of controversial materials in the UM Library (see fn. 220).
- iv. An investigation of the views of Malta-based academic librarians on 'neutrality', as used and defined in IFLA documents, and whether or not Malta-based academic librarians try

²²² A survey of US-based deans and directors of academic libraries precisely showed that some directors gave much more importance to intellectual freedom issues, and intellectual freedom policies, than others (see Oltmann 2017).

to keep neutral stances when confronted by queries relating to controversial topics (see Scott and Saunders 2021).

- v. An investigation of the views and attitudes of Malta-based academic librarians regarding the acquisition, conditions of access and cataloguing of a variety of controversial materials; i.e. to what extent they would be troubled and/or reluctant to permit access to and/or engage personally with (as cataloguers) certain ethically problematic materials like pornography, hate literature, 'suicide manuals', Holocaust revisionism, etc. (see Harkovitch 2003, Drobnicki 2014).
- vi. Interviews with Malta-based academic library directors addressing viewpoint censorship concerns especially the issues of balanced collections and policies related to controversial materials in their academic libraries; specific types of controversial materials namely pornography, hate literature, suicide manuals, etc. are to be focused upon (see Oltmann 2017).
- vii. An investigation on the levels of social tolerance to different types of controversial material (e.g. racist, pornographic, Holocaust revisionist) in particular academic community of users, both academic staff and students, especially including those who are/would be most likely to feel offended and disrespected by the inclusion of these different kinds of controversial material (see Burke 2010).

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