

THOMAS STORCK

### A CASE FOR CENSORSHIP

Anyone currently undertaking to defend censorship has to reckon not only with considerable abhorrence of the practice, but even with distaste for the word itself. It seems that even those who would like to restrict publications, broadcasts, or films shy away from the term "censorship." They are at pains to distinguish what they would do from what censors do. When the head of the National Coalition on Television Violence testified before Congress in December 1992 and presented a "10-point plan to sweep violence off TV and off our streets," it is interesting that the first point in the plan was "no censorship." No one wants to own up to being a would-be censor, and thus very few are willing to stand up and openly defend this venerable practice. But I am happy to do so, for censorship has long seemed to me a necessary, if regrettable, part of practical political wisdom and an opportunity for the judicious exercise of human intelligence. For, human nature being what it is, it is naive to think we can freely read and view things that promote or portray evil deeds without sometimes feeling encouraged to commit such deeds. And if this is the case, then censorship can sometimes be a necessity.

But before defending censorship I need to define it. And I define censorship simply as the restriction, absolute or merely to some part of the population (e.g., to the unlearned or to children), by the proper political authorities, of intellectual, literary, or artistic material in any format. I want to note two things especially about this definition. First, I am not talking simply about censoring pornography. I also include censorship of works that are expressions of erroneous *ideas*, a position which I realize is extremely unpopular today, even more hated than the banning of obscene works.

Secondly, I am concerned only with censorship by governments. The determination of intellectual or cultural matters for the sake of the common good, such as what books and other things the nation may read or view, is not properly the work of private pressure groups or crusading individuals, though their work may sometimes be necessary when the state does not carry out its proper functions in this area. But the state alone has general care of the temporal common good, and censorship is one of the most important ways of safeguarding that good.

I am concerned here only with censorship in the abstract. That is, I am not defending or advocating any particular act of censorship in the past, present, or future, or in any particular country or legal system, though I do need to offer some hypothetical examples. I am simply arguing that there is nothing intrinsically wrong with censoring. All I hope to achieve is to make a compelling case that censorship *as such* is an appropriate exercise of governmental power and that the practical difficulties necessarily involved, while great, are not overwhelming.

Since I am speaking of censorship in the abstract, considerations based on the First Amendment to the U.S. Constitution or on decisions of the U.S. Supreme Court are not relevant to my argument. Whatever restrictions the American Constitution wisely or unwisely imposes on governmental power with respect to freedom of expression do not apply to governments *in general*.

What then is the case that can be made for censorship? It can be stated in the following simple thesis: Ideas lead to actions, and bad ideas often lead to bad acts, bringing harm to individuals and possible ruin to societies. Just as the state has the right to restrict and direct a person's actions when he is a physical threat to the community, so also in the matter of intellectual or cultural threats, the authorities have duties to protect

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the community.

It is obviously necessary for me to explain and defend these assertions, and the place to begin is with a discussion of the question of whether we can actually identify good and evil. I said above that "bad ideas often lead to bad acts," but if we cannot identify what is the bad, then clearly we cannot know either bad ideas or bad acts. One problem in discussions of whether we can know good and evil is the assumption that we either know all good and evil or we know none. It seems sometimes to be assumed that proponents of censorship are claiming to know good and evil exhaustively, that they know the moral status of everything that exists. But this is not the case. If we knew with certainty that, say, only one thing was evil, and if that evil were great enough and threatened society enough, then we might well decide to censor expressions and advocacy of that one thing, regardless of how ignorant we were about other moral questions.

Can we actually know any evils? I think each reader already knows or thinks he knows many more than one. So I will select an instance of evil — rape. I suspect that all readers would readily say that rape is clearly an evil. And an evil not because they think so, but an evil in and of itself. Not an evil because most people or most thinkers condemn it, but an evil independently of what other people might believe. If this is the case, then human beings *can* know with certainty at least one example of evil.

Now here is an example of something I think most people would agree was not only evil, but likely to encourage evil conduct. I have read that at some time during the 1970s there were billboards in Los Angeles and perhaps elsewhere advertising a Rolling Stones album which showed a pretty woman with bruises — black and blue marks — with the legend, "I'm black and blue from the Rolling Stones and I love it." Abuse of women is an evil, and the not too subtle encouragement given to the practice, by insinuating that women really want to be abused, seems to me an almost textbook example of the need for censorship.

To return to my first example, suppose someone wrote a book arguing that women really want to be raped, that they enjoy it, and that men do them a favor by raping them. Suppose, in addition, the book maintained that rape is the best sex going and the best way to prove one's masculinity — including, by way of an appendix, statistics on how few rapists get caught and

the light sentences often given. Now rape, I think we agreed above, is clearly an evil. Would anyone argue that such a book would not promote rapes? Even if it were true that many men would not be affected by such a book, nevertheless can we confidently say that such a book would not be responsible for rapes? Do we want to remove whatever inhibitions there may be that restrain even one potential rapist?

Now if we can identify certain evils, and if advocacy of those evils seems likely to encourage people to commit them, then why should we not take the next and logical step and prohibit such advocacy? If to commit certain evils is harmful to others and a crime, then why should advocating and encouraging such evils be perfectly lawful? Must a community be unable to protect itself? Must the authorities be helpless to restrain the source of the evil?

This constitutes the best case that can be made for censorship. But in most people's minds the case *against* censorship looms much larger than any assent to this argument. It looms so much larger that in effect the real case for censorship is largely the removal of people's overwhelming fears of censorship. Most people's objections to censorship are based on fear. So with this in mind, I will discuss the chief *objections* to censorship.

The most fundamental objection, already touched on above, is to deny that we know with certainty any goods or any evils. If this were true, then in practicing censorship we would be just as likely to restrain some newfound truth as to protect society from some dangerous evil. And though this professed ignorance of good and evil is popular today, the only people who can consistently make such an argument are those who are not advocates of anything at all. I have never met any of them. Many may profess moral skepticism in a broad philosophical sense, but they are often the most passionate defenders of this or that cause or opinion. How they reconcile this with their supposed skepticism, if they even try, I do not know.

The argument from skepticism is put very forcefully by John Stuart Mill's *On Liberty*. But those who hold this opinion, and who argue most passionately against censorship on the grounds of our lack of certainty of good and evil, must face the fact that every time society makes a law it is making a judgment of good and evil. If some street thug had stolen Mill's hat, and when he demanded it back the

policeman and magistrate replied that for all they knew private property might be immoral and therefore they could not compel the thief to return the hat, Mill might have been more than a little annoyed. Yet to support the punishment of thieves while allowing the publication of books advocating theft — on the ground that we do not know whether theft is right or wrong — seems a trifle inconsistent and even hypocritical.

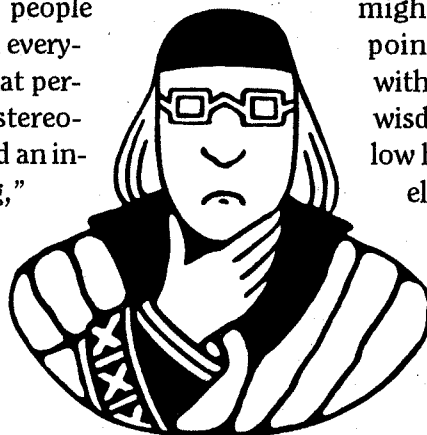
Another objection is to deny that there is a connection between advocacy of evil and any actual instances of evil. But even among those who tend to oppose censorship, there is a recognition that ideas lead to action and bad ideas lead to bad action. For example, many liberally-minded people attempt to prevent their children, and everyone else's too, from reading books that perpetuate what they consider sexual stereotypes. They believe they have identified an instance of evil, "sexual stereotyping," and that reading books that promote it or take it for granted will tend to form "sexist" individuals who in turn will commit "sexist" acts. Regardless of whether one regards "sexual stereotypes" as evil, and regardless of whether one regards such liberally-minded people as in fact illiberal, this position is certainly a coherent one. It is easy to understand why such people do not want children reading books that contain what they consider to be evil. They have made the obvious judgment that writings tend to influence action, and almost all of us would understand such a judgment, even if we disagree with their application of that judgment in this particular case.

Take a couple different examples: How many of us would think that it would be of no consequence were the Ku Klux Klan or the neo-Nazis to own half the newspapers and television networks in the country? Or how many of us wouldn't mind if our children were regularly taught by outspoken racists in the schools? Indeed, if ideas expressed in written or spoken word do not lead men to act, then why does every political, religious, philosophical, or cultural group or movement attempt to persuade us by the written and spoken word how to live and act? And why are millions of dollars spent on commercial advertising?

Perhaps few will now be bold — or illogical —

enough to attack censorship on either of the above grounds. But there are two other arguments against censorship. The first is that whatever the formal case in favor of censorship, in actual practice censors have always stifled creativity and hindered the discovery of truth, so that whatever danger there is to society from the advocacy of evil, much more harm will result from the always stupid — and in some cases malicious — actions of the censors themselves.

Strictly speaking, this argument is not opposed to the state's right to censor. It simply says that since we will always or nearly always do it unintelligently, it would be much better not to do it at all. Some of those who would argue thus might even admit the (purely theoretical) point that were there someone endowed with superhuman intelligence, knowledge, wisdom, and probity, it might be safe to allow him to be the censor. But never anyone else. Although I am arguing for censorship in the abstract, I *am* thinking of the world as it actually is. And though I willingly admit that many instances of censorship by individuals and pressure groups have been stupid or perverse, still I believe that in a society fully committed



to its practice, censorship can be carried on no more foolishly than we manage the rest of human affairs. Restrictions on books, films, or broadcasts always carry some danger. To give fallible men the power to decide what we can read or view or hear will surely sometimes allow excesses and even outrages. But so does giving some men the power to arrest or to punish. The question is: Is an activity necessary enough that we will accept inevitable abuses for the sake of the good that needs to be done? We make some men policemen and give them guns and the right to arrest others and even in some cases the right to use deadly force. Obviously there have been and will be abuses. But most of us do not advocate doing away with the police, even though they sometimes shoot and *kill* innocent people. Instead, things such as more and better education for policemen and more and clearer guidelines for use of force or of arrest are usually suggested. I would say similar things about censors. The ideal censor is not some ill-educated, parochial bigot, but someone of liberal education and continued wide reading, someone

with a grasp of first principles and enough experience and wisdom to see how they should be put into practice. Of course, even then our censors will make mistakes. As in all legal matters, there must be room for reconsideration and appeal. But if we know that something is evil, and see that its advocacy is likely to bring about or increase actual evil acts, then to do nothing because we anticipate that censors will sometimes err is not a responsible position to take. Those who think that, with censorship, literature and creativity will dry up, forget that most of the great works of the past, up to and in some cases beyond the 19th century, were produced under government or ecclesiastical censorship. When we think of a society in which censorship is practiced, we should think of the one that produced Shakespeare's plays or Cervantes's *Don Quixote*, not of the Bible Belt's narrow provincialism or the tyrannies of Hitler or Stalin. Censors need not be ignorant fanatics.

The other argument commonly made against censorship is this: That in the free play of ideas, truth will ultimately and necessarily triumph. Censorship, therefore, is at best unnecessary and at worst a hindrance to the discovery of truth. Strictly speaking, this argument is really not against censorship, and when examined carefully will actually be found to support it. For even if it is the case that truth will always emerge from the give and take of free debate (a questionable proposition), how can the suppression of evident error harm that process? If a number of assertions are competing for acceptance, and (let us say) we know that two of them are false, how can removing those two from the debate make it harder for the truth to be discerned among the rest? Surely by narrowing the field and leaving us more time to examine those theories that might be true, we have made it even more likely that the truth will be found in our free examination of conflicting ideas. Moreover, most of those who make the claim that truth will always emerge from totally free debate are not really interested in discovering truths. They simply use this argument to foster a climate in which relativism flourishes and mankind is perpetually in doubt about truth and error, right and wrong.

A final point that must be noted is the connection between anti-censorship arguments and the free market. Both glorify individualism at the expense of the common good, and the rich at the expense of the poor. It is primarily the rich who pro-

mote and subsidize ideas and art that undermine traditional ways of life, and it is primarily the poor who suffer on that account. Society exists to protect and promote the welfare of all, but especially of the poor and the workingman. To exalt the free and irresponsible expression of the individual is to take up a position contrary to the community's duty of protecting the poor. Only those with sufficient money and ennui have the time or resources to produce ideas or art that corrupt or debase. Censorship is a protection of the poor from the acting out of the perverted fantasies of the rich, from the Marquis de Sade to Leopold and Loeb. Who benefits today from the continuing corruption of the public by movies, television, and music filled with sex and violence? Studio owners, directors, actors, and suchlike. Like unfettered capitalism, complete freedom of expression is simply a means by which those with money and influence remake society at the expense of those without these things.

This, I think, is what can be said on behalf of censorship. Our opposition to it is largely based on fear and the emotional effects of slogans. If we could free our minds, we might be able to consider the case for censorship and see that it has merit. That there is no consensus today about what is right and wrong does not disprove what I have said. For though now we could never actually produce a censorship code that commanded a consensus of support, yet we can still recognize in the abstract that censorship is a legitimate practice. It never hurts to order our thoughts correctly, even if we cannot just now put them into practice. ■

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## HARVARD DIARY

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By ROBERT COLES

### THE BLUEST EYE

Blind, our racist possibilities are crippled. To be sure, the ears can be of help, give us clues of who