

CENSORSHIP NEWS

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What's All This About Trigger Warnings?

Survey reveals a complex picture: threats to academic freedom are not just about 'political correctness.'

If the headlines are correct, college students everywhere are demanding professors provide so-called “trigger warnings” to flag material that might make them feel uncomfortable, and in some cases to allow students to avoid the material. If this is happening widely, the free speech implications are enormous: A broad range of works, from a documentary about sexual assault to an historical account of slavery, could be considered ‘triggering,’ along with the possibility that many professors would steer clear of potentially controversial work.

But how prevalent are these demands? Is a resurgent tide of political correctness threatening higher education, or are the media jumping to conclusions?

To shed some light, NCAC worked with the Modern Language Association and the College Art Association this spring on an online survey of their members. While the survey is not scientific, the over 800 responses we received offer a birds’ eye view of the debate over trigger warnings, and the pressures on instructors.

The survey finds that formal university trigger policies are extremely rare: Less than one percent of respondents say their schools have them. But there is abundant anecdotal evidence suggesting that something is going on. It appears to be a bottom-up phenomenon: Students make complaints to individual professors or administrators, and instructors — many of whom are reasonably nervous about job security. As one survey respondent put it, “After teaching a course for the first time, a student complained in the anonymous evaluation. Ever since, I verbally include a trigger warning at the start of each semester.”

Fifteen percent of respondents reported that students

had requested trigger warnings in their courses, while over half reported that they had voluntarily provided warnings for course materials, with 23 percent saying they have offered them ‘several times’ or ‘regularly.’

So who is doing the complaining? In much of the media commentary, the focus is on left-leaning students using trigger warnings to chill speech they find offensive. One

widely-read essay on the subject was titled, “I’m a Liberal Professor, and My Liberal Students Terrify Me.” While this is certainly happening, and many respondents reported sensitivities to content depicting rape and sexual assault, the survey paints a more complex picture. Contrary to conventional thinking, warnings are sought by both conservative and liberal students. “I used trigger warnings to warn

about foul or sexual language, sexual content, or violence in order to allow our very conservative students to feel more in control of the material,” wrote one instructor. Another teacher was aware of “religious objections to nude models in studio courses” and “homoerotic content in art history.” Another teacher noted the use of trigger warnings “because some students were upset by the realization that certain artists were homosexuals.”

Another common theme is that it is impossible “to be able to predict which topics will be problematic for students, or will ‘trigger’ a response.” “I’ve had students want pretty detailed and specific trigger warnings for, well, everything...,” including violent imagery in a *horror film* class. Reported complaints concern spiders, indigenous artifacts, “fatphobia,” and more.

Many respondents draw a distinction between ‘trigger



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Actors' Equity Association
 American Association of School Administrators
 American Association of University Professors
 American Association of University Women
 American Booksellers for Free Expression
 American Civil Liberties Union
 American Ethical Union
 American Federation of Teachers
 American Jewish Committee
 American Library Association
 American Literary Translators Association
 American Orthopsychiatric Association
 American Society of Journalists & Authors
 Americans United for Separation of Church & State
 Association of American Publishers
 Authors Guild
 Catholics for Choice
 Children's Literature Association
 College Art Association
 Comic Book Legal Defense Fund
 The Creative Coalition
 Directors Guild of America
 The Dramatists Guild of America
 Dramatists Legal Defense Fund
 Educational Book & Media Association
 First Amendment Lawyers Association
 International Reading Association
 Lambda Legal
 Modern Language Association
 National Center for Science Education
 National Communication Association
 National Council for the Social Studies
 National Council of the Churches
 National Council of Jewish Women
 National Council of Teachers of English
 National Education Association
 National Youth Rights Association
 The Newspaper Guild/CWA
 PEN American Center
 People For the American Way
 Planned Parenthood Federation of America
 Project Censored
 SAG-AFTRA
 Sexuality Information & Education Council of the U.S.
 Society of Children's Book Writers & Illustrators
 Speech Communication Association
 Student Press Law Center
 Union for Reform Judaism
 Union of Democratic Intellectuals
 Unitarian Universalist Association
 United Church of Christ, Office of Communication
 United Methodist Church, United Methodist Communications
 Women's American ORT
 Woodhull Sexual Freedom Alliance
 Writers Guild of America, East
 Writers Guild of America, West

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Censorship News Founding Editor: Roz Udow
 (1926-2006)
 Design: Jeanne Criscola/Criscola Design

19 Fulton Street, Suite #407, New York, NY 10038
 tel: (212) 807-6222, fax: (212) 807-6245
 e-mail: ncac@ncac.org, web: www.ncac.org
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In the Courts

Regulating Signs

The New York Times called it the “sleeper” case of the last Supreme Court term that has “transformed the First Amendment.” *Reed v. Town of Gilbert* was an easy case; the Arizona town ordinance placed more burdensome regulations on signs advertising church services than signs with political statements. The Court struck it down 9-0; the majority opinion, written by Clarence Thomas, was a sweeping call for “strict scrutiny” of all government-imposed speech limits, not just those involving “viewpoint discrimination.” As veteran Supreme Court reporter Lyle Denniston summarized it, the opinion rests on “a brand-new theory that, whenever a law addresses different forms of public expression, and treats them differently, it is a form of regulation of the message in each mode, which amounts to discrimination in violation of the First Amendment.” As the Times reported, *Reed* has already been cited in decisions on government bans on panhandling, automated “robocalls” and photos of election ballots—all in a matter of months.

Union Dues and Free Speech

This term the court will hear another case with potentially far-reaching consequences. *Friedrichs v. California Teachers Association* will determine whether requiring public school teachers to pay union dues violates their First Amendment rights. Government employees can't be required to join unions, but if they don't, they must still pay ‘fair share’ fees to cover the costs of union activities that benefit them, like collective

TRIGGERS, con't from front page

warnings' and course or content descriptions. The latter are widely accepted as ways to convey information about the scope, substance and requirements of a given course. As many instructors have pointed out, offering students information about course materials does not necessarily flag content as disturbing or offensive, or offer students an opportunity to avoid it, but simply provides an explanation about what material will be taught.

The strongest findings in the survey are that instructors believe that trigger warnings, if widely used, would threaten academic freedom and inquiry. Nearly half of respondents (45 percent) think trigger warnings have or will have a negative effect on classroom dynamics; on the broader question of academic freedom, 62 percent see a possible negative effect.

Those who oppose warnings say they reinforce taboos, infantilize students, “tend to impede conversation,” “stifle meaningful discussion,” and send a message to students “about what it's ok for them to get upset about.” In contrast, supporters say they build trust and “create a positive classroom environment,” show respect for the “individual needs of students,” create “a positive and safe space for dialogue,” prepare students “to engage with the material in meaningful ways,” and prevent them from feeling “blindsided.”

The survey revealed that many instructors are deeply concerned about their students' wellbeing, and how best to fulfill the mission of higher education. And the demand for trigger warnings may reflect a desire by students to be more engaged in their education and their communities, which has positive aspects. However, the trick is to ensure that such an interest is not expressed in ways that preclude discussion, debate, and even disagreement.

bargaining for better wages and work conditions and grievance procedures. A ruling in favor of the plaintiffs in this closely watched case would reverse a 1977 Supreme Court decision, causing likely disruption of thousands of government employment contracts.

FCC's Record Indecency Fine

In March the Federal Communications Commission handed out the largest single-incident indecency penalty in history, fining Roanoke, Virginia TV station WDBJ \$325,000 over a segment about a local porn star's volunteer work. The newscast included an image of her website but off to the side was a clip of the “stroking of an erect penis,” as the FCC put it. The indecent scene aired for three seconds; the station argues this was simply a mistake—the graphic image was not visible on the editing screen during production. The FCC thought otherwise, stating that the station “failed to take adequate precaution.” The station says it will oppose the fine, joined by other broadcasters' groups, raising the possibility that this case could pose another First Amendment challenge to the FCC's indecency policies. In 2012, the Supreme Court ducked the First Amendment issue in *FCC v. Fox Television, Inc.*, which held that the FCC couldn't fine broadcasters for “fleeting” profanity because it didn't provide adequate warning that it might be “indecent.” If the case makes its way to the Supreme Court, it will provide another opportunity for the Court to address the First Amendment questions raised by the FCC's regulations of broadcast decency.

Ivory Tower Sex Panic?

In 1993, NCAC convened a conference titled *The Sex Panic: Women, Censorship, and "Pornography,"* to challenge "the myths that censorship is good for women, that women want censorship, and that those who support censorship speak for women." Two decades later, we wonder if there's a new sex panic taking place in academia, as sexual expression is once again under attack as harmful to women, and possibly as a form of sexual harassment.

Veteran LSU professor Teresa Buchanan was fired in June over off-hand comments and jokes with sexual overtones which "disturbed" some who heard them. A faculty committee reviewed the case and declared that Buchanan's removal was not warranted. But LSU president F. King Alexander dismissed her nonetheless, claiming in public statements that her speech constituted sexual harassment.

Buchanan is hardly alone. In 2014, professor Patti Adler was investigated for sexual harassment at the University of Colorado over a classroom exercise in which students participated in role-playing skits as prostitutes. More recently, Northwestern professor Laura Kipnis published an article, "Sexual Paranoia Strikes Academe," that prompted a Title IX complaint from two students alleging that it created a hostile environment.

In fact, any mention of sexual issues may expose professors to scrutiny – and pressure. Alice Dreger, professor of bioethics at Northwestern, resigned from the university over the censorship of the academic journal *Atrium*, which she guest edited. The Winter 2014 issue, *Bad Girls*, addressed "pervasive cultural myths" about women's behavior and notions of femininity. It included a piece called "Head Nurse," in which Syracuse professor William

Peace recounted his anxiety, as a recently-paralyzed 18 year old, over whether he would regain sexual function. A nurse in a rehabilitation facility reassured him by, among other things, performing oral sex – an act that he found profoundly compassionate and reassuring, and for which he remains grateful.

While the subject matter alone is certainly provocative to some, the piece is a thoughtful, poignant examination of recovery, sexuality and the rehabilitative process. The university thought otherwise, and promptly took down *Atrium's* entire archives. To contain any supposed damage to the school's "brand," school officials reportedly sought to institute a pre-publication review process. As Dreger noted in her resignation letter, the battle over censoring *Atrium* came just as she was finishing "a book about academic freedom that focuses particularly on researchers who get in trouble for putting forth challenging ideas about sex."

Forget, for a moment, student demands for trigger warnings. We may have an even bigger problem if there's a new sex panic on campus, fueled jointly by activists with very different concerns. It wouldn't be the first time odd bedfellows joined forces to attack sexual expression. Not long ago, pornography was attacked as harmful to women by feminists like Catharine MacKinnon, evangelical Christians like James Dobson, and the government in the form of Attorney General Ed Meese. They did not succeed – ultimately the First Amendment prevailed. But in Canada, where the anti-pornography law overrode speech protections, it was enforced against feminist and gay bookstores.

As feminists, we need to be careful what we wish for – and whom we entrust to "protect" us.

SHORT TAKES

• "Who is Judy Blume?"

NCAC was featured in this clue on Jeopardy on July 1st.

THIS FRECKLE JUICE AUTHOR WORKS WITH THE NATIONAL COALITION AGAINST CENSORSHIP

• Absolutely True Censorship

According to the American Library Association, Sherman Alexie's *The Absolutely True Diary of a Part-Time Indian* was the most frequently challenged book in 2014. And that didn't stop this year. In Brunswick, North Carolina it was under fire for the second year in a row. The effort to remove it from the high school was filed by the same person who challenged it the previous year, who wanted to raise awareness about "filthy books" in schools. She lost. But in Waterloo, Iowa, one parent's effort to

remove the book from a middle school was successful. The school removed the novel in blatant violation of its own policies, claiming a formal review was unnecessary because there had been no formal challenge. It didn't make a lot of sense to us either.

• Censorship Efforts Fail in Texas and Colorado

A student theater group at Cherokee Trail High School in Aurora, Colorado was preparing a show about LGBT issues in April. Then they heard administrators had concerns that the material was "uncomfortable." But the students weren't intimidated; they got organized and spoke up against this censorship effort. The show went on without interference. And in July, a group in Hood County, Texas — led by the spouse of a Tea Party-affiliated state senator — wanted to remove LGBT-themed children's books from a public library, saying they did not want children to be brainwashed about "perversion" and the "gay lifestyle." Their efforts failed — but did inspire a lively discussion about the freedom to read.

• Julian Bond, RIP

The famed civil rights activist and free speech defender, who joined NCAC's Council of Advisors in 2000, passed away in August. In 1966, he won a Supreme Court case to take his seat in the Georgia legislature; other lawmakers blocked him over his opposition to the Vietnam War. As he put it in 2001: "I was intimately involved in the civil rights movement which was built on the First Amendment right to speak and protest. Without those rights of free speech and the right to protest, the movement would not have accomplished what it did."

• California College Doesn't Pull Trigger on Trigger Policy

A student at Crafton Hills College was profoundly troubled by some of the assigned readings in a literature class on graphic novels. She had an idea about how to 'fix' the problem: Make sure no other students would have to read "pornography" and "garbage" like *Persepolis* and *Fun Home*. The school sensibly said no to that, but they entertained a compromise of adding a 'disclaimer' to the course description. After NCAC and allies spoke out, the college thankfully nixed the idea.

The War on Cultural Appropriation

Can a group claim ‘ownership’ of particular cultural traditions? And what is the effect on artistic expression when groups seek to protect certain ideas or practices from being absorbed or co-opted by the dominant culture? These questions arise as we seem to be in the midst of what one writer called a “new war on cultural appropriation,” with protests and social media campaigns forming against what is seen as inconsiderate or even offensive cultural “theft.”

Cultural appropriation is generally understood to be the use of imagery or expressions from another culture without permission, often in ways that misrepresent or stereotype a particular group. The term is generally applied to the taking of minority or indigenous artistic expression by dominant culture. What if the intent is not to steal but to honor particular traditions? And how does appropriation square with artistic and cultural traditions that heavily rely on borrowing and tribute to forge new modes of expression?

In March, a class of art students at Santa Barbara City College (SBCC) built a wooden teepee to create a space for connectivity, engagement, and reflection. But complaints from several indigenous students led to its prompt removal; to them, the project represented unauthorized appropriation of their culture. The art students, after meeting with the protestors and the college president, agreed to remove the structure ahead of schedule and to hold a campus forum to discuss the controversy. Coming only after the removal – a kind of admission of guilt – the forum seemed stacked from the beginning.

In July, the Boston Museum of Fine Arts planned to celebrate Claude Monet’s 1876 portrait “La Japonaise” by introducing “Kimono Wednesdays,” where museumgoers could try on an authentic replica of the kimono in the painting. But a small group launched a protest, arguing this was a form of racist “yellow face...that would compel members of the public to participate in Orientalism.” The protesters, employing rhetoric about the need to “decolonize” the museum, brandished signs

next to the painting with slogans like, “Try on the kimono: Learn what it’s like to be a racist imperialist today!” One protester likened the display to exhibits “where visitors would come see people in cages brought from Africa.” One writer who supported the protests argued “this was not cultural exchange, but the exotification of an object for publicity.”

After initially standing by the project, the museum apologized and discontinued “Kimono Wednesdays.” But even that did little to satisfy the critics, who argued that the displaying of the kimono was still “inappropriate without proper mediation and acknowledgement of the Orientalism of cultural appropriation of dress.”



Credit: @diabola

The journalist Cathy Young, writing in the Washington Post, referred to this dynamic as the “new war” on appropriation. And while the rhetoric deployed against those perceived as appropriators can be quite severe, the decisions as to what counts as “offensive” appropriation rather than the age-old cultural give and take can be difficult to discern. As Young put it, the “fine parsing of what crosses the line from appreciation into appropriation suggests

a religion with elaborate purity tests....When we attack people for stepping outside their own cultural experiences, we hinder our ability to develop empathy and cross-cultural understanding.”

So how can artists or institutions present culturally specific material without being accused of colonialism? The Metropolitan Museum of Art faced similar dilemmas with a show on Chinese fashion. The exhibit, “China: Through the Looking-Glass,” did not avoid discussions of Western appropriation of Chinese iconography and expression—it made appropriation the focus of the show itself. The Met even presented the argument that the exhibit could represent a “rethinking of Orientalism as an appreciative cultural response by the West to its encounters with the East.” While that interpretation could be contested—and it was—the museum’s decision to confront the issue of appropriation head-on was commendable. It provides a model for other institutions and artists facing similar dilemmas.