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### My Opinion is Legally Protected, Right?

Attacks on ideals are becoming increasingly relevant to contemporary America. Books are just one form of sharing ideals or perspectives, but in school libraries, books are gaining more attention by parents and have been under heavy scrutiny in the past decade and beyond. Some states have laws that dictate the kind of books school libraries can have, and these laws are often used as support for banning books, regardless of the actual reason why it is getting banned. Legal approaches to banning books often present a case for banning based on sexually explicit content or violent material, but these laws are also used as cover-ups for the true purpose of banning books.

Schools are heavily affected by laws passed by their local and state legislatures. While there may not be any national laws regarding banning books, schools are required to follow the laws made by their governing bodies, often composed of people who are disconnected from the educational system. In many states - commonly in the south - banning books through legal means frequently cite sexual content or extreme violence as reasons to ban a book. For example, Florida HB 1467, passed in July 2022, bans sexual conduct in books “that is harmful to minors” (The Florida Senate, CS/HB 1467). Texas HB 900, an act targeted toward the regulation of books sold to or included in public school libraries, states that books vendors for public schools must not sell books that contain “sexually explicit material” (Patterson). Florida and Texas had the highest amount of books removed during the 2022-2023 school year, banning over 2,000 books between

the two states (Schwartz). Banning books for their sexual content, many supporters of the laws argue, could protect future incidents from happening in schools. However, what stops students from using the internet to access the same information, if not more? Upon states taking legislative action, it is also vital to acknowledge the potential impacts of exposure to violent content during an adolescent's growth. The American Society of Pediatrics found that exposure to violent content during childhood can lead to "heightened aggression and desensitization" in students (Rice). Banning books with extreme violence can also fall under the same argument of protecting students from future incidents in schools, but has the same response: unless the community itself is changed, then violence could be presented to students in many different forms besides books. The banning of them, often by people who have not read the book, provides little support for schools and does not prevent harm to students. While descriptions or pictures of sexual misconduct can provide a clear reason to ban a book, some "classic" books, like *Romeo and Juliet*, contain "lyrical allusions to sex" but are not banned (Eden and Greene). Is this book safe just because it is considered one of the best works ever written by the general population? Multiple interpretations of the same book can always be present, and therefore, it raises the question of how to determine if a book is inappropriate.

While many laws focus on banning a book for sexual or violent content, books can also be banned for being "inappropriate"; however, the appropriateness of a book is left to be determined by members of a school's community. Going back to Florida HB 1467, the law also states that books must be appropriate "for the grade level and age group for which the materials are used or made available" (The Florida Senate, CS/HB 1467). Many parents agree that schools should teach age-appropriate material to children; elementary schoolers should not be learning about sexual abuse or extreme violence. However, 70% of parents also agree that banning books

with this content is not the answer (Meehan and Friedman). So, who gets to decide what material is appropriate for students? A majority of schools, regardless of their location, have regulations before a book gets banned, often following this formula: a parent or someone in the school community lodges a complaint about a book, and a committee typically consisting of a teacher, parent, librarian, and administrator is formed to determine the appropriateness of a book and whether or not it should be removed from circulation or banned entirely. Out of these 4 people in the committee, how many are educated in reviewing the “appropriateness” of a book for students? 1 - the librarian. How many have degrees specifically centered around choosing books that are appropriate for children? 1 - the librarian. How many people actually teach the children and know what reacts well with them? 1 - the teacher. Out of these 4 people, only 2 are educated in what material to provide to children, yet their opinions are often overruled by administrators or an angry parent. Most parents even use the community’s legislation as a reason to ban a particular book, making these laws even more important in the protection of diverse opinions. Even if all members of this committee miraculously have the same view of a book, determining appropriateness should be more than just on a person’s opinion, but realistically, appropriateness depends mainly on two factors: geographical location and age.

One might be inclined to believe that a majority of bannings take place in diverse populations - but that is not the case. Many bannings take place in majority white, affluent, and suburban communities. In addition, the states with the highest book banning rates - Texas, Pennsylvania, Florida, and Oklahoma - are majority rural republican states. Does this represent the ideals of a particular religion, region, or culture? Does having a book that goes against the ideals of a particular group necessarily make it wrong to allow students to read? The other main factor of appropriateness - age - plays a heavier role in these decisions. While the region of

where a book is being banned may influence people's opinions on the book, the targeted age for circulation of a book is even more important. If a book containing sexual content is targeted towards high school or college students, it is much less likely to be banned than if it was targeted towards elementary or middle schoolers. In fact, 51% of bannings occur in K-12 schools, while only 1% occur in colleges (American Library Association). This could be because college students are more educated and open to new views, or it is because their parents cannot as easily intervene in what books are available to students. However, why do some books become so problematic? The American Library Association published a list of the most frequently banned books in 2023; most books have gender or LGBTQ+ content being considered "sexually inappropriate" or the presence of "obscene profanity". While many laws specifically target sexual topics, race, ethnicity, and gender often become topics of complaint as well.

It would be logical if book banning was only based on sexually inappropriate content, but division in ideals makes banning a book much more nuanced. As previously mentioned, the determination of a book's "appropriateness" is determined often by a panel of faculty and members of a school's community. However, different people with different educational backgrounds are bound to have differing views on certain topics like sexual content, LGBTQ+ content, or profanity. This is not only present in schools - it is present throughout the entire country. In the Supreme Court of the U.S., justices are required to not have political affiliations or pre-determined biases. However, in *Island Trees Union Free School District v. Pico* (1982), they ruled 5-4 that public schools can ban books that are "pervasively vulgar" but they cannot remove books "simply because they dislike the ideas contained in those books" (Webb). While it may have been decided that books cannot be banned due to a person's dislike for an idea in a book, it passed by a vote of only one. 4 out of the 9 justices - almost 50% - determined that a

book should be able to be banned for a dislike of the ideas contained in it. Banning a book because a person does not like an idea is similar to banning a person because of their ideology - just because someone's opinion is different than yours does not make it wrong. According to the majority of the U.S. population, that is the case - 74% of parents do not support book banning, as they want their children to be open to all opinions and ideas but also want to have the ability to make their own decisions for their children (EveryLibrary Institute). But, if this many parents do not support it, why are the majority of book bannings started from parent complaints? To put it simply, complaints from a minority group are often the ones that are held through in the cases of book bannings. However, what role should parents truly play in these decisions? Should students be more involved in these decisions since they are the ones who have to deal with the effects?

In fact, many students agree that banning books is not the solution to their problems. Some students say people need more education on the topics involved in bannings, others say that books are meant to challenge and educate, and others say that book bannings are just "better" ways to handle sensitive subjects. Students themselves believe that books should not be banned for their content - they are designed to educate and inform readers, even if it is a sensitive topic, but these discussions must be had at some point. While parents have the power to simply not let their children read a particular book, some feel it necessary to take it a step further and ban it for all students. However, this ensures unequal education for students, as some may have access to more diverse perspectives if they live in different school districts or a different part of the country. Varied opinions on sensitive topics make deciding if a book should be banned for including these topics even more difficult. What makes it even more difficult is that people's motives for banning a book might not always be what they truly state. A person might say they want to ban a book for its sexual content, when in reality, its "sexual content" might refer to

LGBTQ+ ideas. A person might say they want to ban a book for its violent content, when in reality, its violent content might refer to the unfair treatment of slaves, bringing shame and embarrassment to any white American. Does this mean that because a book makes a person feel bad it should not be discussed? Does this mean that because a book presents a minority opinion it should not be published? Many parents when asked why they want to ban a book will not be open to questions. This could be because they do not want to be shown or quoted in the news, or maybe it is because they do not want people to know their true intentions. While it is hard to always know a person's intentions, a historical look at the topic can provide some context and hints to how the book banning movement started and where it is headed.

In the past, book banning had taken a completely different meaning from what it is usually correlated with today. The very first banned book in the United States was in 1637 in what is now modern-day Quincy. Thomas Morton published *New English Canaan* earlier that year, discussing the region's Indigenous people as well as descriptions of plants, animals, and natural resources that could be commodified by white settlers. This book was banned by the Puritan government as it was considered a "harsh and heretical critique" of Puritan customs and power structures (Gutman Library). The very first book banning in the US was used as a vice to silence opinions that went against the majority religion, making the government look bad in their ideals and morals. Unfortunately, this is nowhere near the only time a government has banned a book because of its ideals. Before World War II, almost 300 years after the first book banning in the U.S., books were burned in Germany because they were deemed "un-German" and dangerous to the public (United States Holocaust Memorial Museum). Most of these works were from Jewish or liberal writers - two groups that the Nazis wanted to remove from society because they went against their morals. Notice something similar between these two events? The

government restricted the public's access to these books because they went against what was deemed correct. While these are specifically examples from the past, they shed important light on how book banning has been used for political gain in the past. Extending to more recent United States history, most challenges and bans prior to the 1970s focused primarily on obscenity and explicit sexuality but in the late 1970s, attacks were launched on ideologies expressed in books. Today, over 75% of book bannings are started by organized efforts of a group of citizens but then supported by pressure from elected officials, often focusing on banning a book for an idea expressed in it, whether sexual-, gender-, or race-based (Pendharkar). With an absence of clear interpretations of laws associated with book bannings, school districts are left to determine if a book should be kept or removed - but is that within their rights or power to restrict a child's access to a particular opinion in order to "protect" them?

While already addressed in minimal detail, book banning is most commonly used to protect children. However, this "protection" discourages freedom of thought, violates the first amendment, and even worse, undermines one of the primary functions of education. Banning books not only limits a student's access to diverse opinions that can be used to expand their own, but also reduces the equity of schools to provide educational material to all students across all topics. Even though most arguments from groups that support book banning say that it helps keep students protected, what is it protecting them from? Ideals or opinions that are different from the majority? Ideals or opinions that could make students stronger by exposing them to more? Ideals or opinions that are present in the real world but should not be in a classroom? Restricting a student's access to information, no matter what political or religious ties it may have, is unethical and immoral. Even worse is that when books are banned, students almost never

have a say. Students are the ones being affected, but their opinion does not matter because apparently they need protection even if it is against their will.

Book banning has been present in the United States since its inception and is the oldest form of mass censorship in the country. There are various reasons why a book may be banned, varying from sexual content to “inappropriateness” for a certain group of students. While these reasons may not be truly what the purpose of banning a book is, it still removes important views from a child’s educational experience. While one group may deem a topic inappropriate, another group may consider it perfectly acceptable to discuss in an educational setting. Discontent in an educational setting is not a bad thing, and its presence will never be entirely removed. A world with discontented people improves itself, replacing old problems with solutions. If we ban books, we destroy the mistakes of the past, knowledge of the present, and lessons for the future.



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