

Intellectual Freedom Issues for Students in Our Schools: Are We Ready?

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Abstract: *The concept of intellectual freedom includes a wide range of interlocking rights such as freedom to read, freedom of expression, freedom to speak, freedom of the press, freedom to know, and social responsibility, all of which are foundational to a democratic society and to schooling in a democratic society. The fundamental rights of children are rarely addressed in discussions of intellectual freedom, and in Canada and in the United States, children's intellectual freedom rights increasingly are being curtailed by politicians, courts, school administrators, and sometimes by teacher-librarians themselves. There are resources that teacher-librarians can utilize when dealing with issues related to intellectual freedom, especially when the rights of children are at risk. One valuable resource is a national database of library challenges. Recognizing children's rights would mean including the interests of children and young adults (from birth to age 18) in the discussions and deliberations related to intellectual freedom and freedom of expression.*

Introduction

Intellectual freedom rights (i.e., rights such as freedom of expression, and freedom to read) are essential to education in a free and democratic society. Intellectual freedom rights apply to the communicator, whatever the means of communication, and they also apply to the receiver. If one person is prevented from expressing his or her opinion, the rights of the persons who could have heard or read or seen the opinion are also affected. These are the rights of everyone in the school community, including students, and teacher-librarians have a duty to ensure that those rights are acknowledged and respected. This means that we as teacher-librarians need to be familiar with the laws and conventions that define intellectual freedom rights.

For example, in Canada, freedom of expression is one of the fundamental freedoms guaranteed to everyone by the *Canadian Charter of Rights and Freedoms*, Part I, Section 2, of the 1982 Constitution Act. The K–12 education system in Canada is governed by provincial and territorial legislatures, and all laws, policies and practices that affect education must be consistent with the Charter. Schools must protect the Charter rights and freedoms of their students and staff or risk being subject to Charter challenges. In Canada, only the courts may abridge free expression rights.

Teacher-librarians, by virtue of their dual professional qualifications in teaching and librarianship and their dual codes of ethics, play the role of standard-bearers for freedom of expression rights within the school community. The code of ethics of librarianship addresses two ethical commitments to intellectual freedom that are not generally specified in the code of ethics of the teaching profession.

All librarians, including teacher-librarians, are required to

- support and implement the principles and practices embodied in the Canadian Federation of Library Associations' *Statement on Intellectual Freedom and Libraries*; and
- facilitate access to any or all sources of information which may be of assistance to library users. [See the Canadian Library Association's *Code of Ethics* (1976) and the Canadian Federation of Library Associations' *Code of Ethics*(2018).]

At the international level, freedom of expression rights are defined in two United Nations documents: the *Universal Declaration of Human Rights* (UDHR) of 1948 and the *Convention on the Rights of the Child* (1989). Canada was a signatory to the UDHR and ratified the *Convention on the Rights of the Child* in 1990. Article 19 of the UDHR states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 13 of the *Convention on the Rights of the Child* states:

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order (ordre public), or of public health or morals.

The international *School Library Guidelines* explain that a school library supports the development of responsible citizenship through activities that address its two main purposes: “the *moral purpose* of school libraries (i.e., making a difference in the lives of young people) and ... the *educational purpose* of school libraries (i.e., improving teaching and learning for all). Facilities, collections, staff and technology are only means to that end” (IFLA, 2015, p. 13). Both purposes require free access to information and ideas.

In support of intellectual freedom rights, teacher-librarians work with teachers and other school staff to ensure that these rights are enshrined in school policies including the school library’s collection management policy (often referred to as the school library selection policy). However, over the past few years, school libraries in Canada and the United States have been featured in the news because of efforts to censor or restrict access to library materials (and to classroom materials as well). In 2021, school libraries in the United States received more challenges than any other institution for the first time since the American Library Association (ALA) began collecting data in 1990 (ALA, 2022). Articles about censorship often appear in the library press (e.g., *School Library Journal*) and increasingly in local and national newspapers as well. Recently, in Canada, the Royal Mounted Police (the national police force) was called in to investigate an allegation that local school libraries had child pornography on their shelves (BPC Bulletin, 2023). The schools were exonerated.

Here is a teacher-librarian’s account of a recent censorship challenge in a Canadian school:

A Teacher-Librarian’s Story: *Let’s Talk About It: The Teen’s Guide to Sex, Relationships, and Being a Human* (a graphic book for teens)

During my 30 years as a teacher—20 as a teacher-librarian—I had never had a book questioned, so I was shocked to learn that the “call was coming from inside the house.” Just before winter break, my library assistant brought a book to me asking: Had I seen it? Did I know it was so graphic? Who bought it? Who decides what is put on the shelves? I answered that I bought it and that I had seen it. Noting her shock about the book, I said I would look at it again, reading it from cover to cover. I did that as well as taking it home for my 17-year-old daughter to read. I found it appropriate for my high school library. My daughter thought it was no big deal.

After the break, I gave the book back to the assistant, telling her that I judged it to be sensitive, informational, and accurate after an in-depth read. She said she wasn't certain but worried what the principal would think.

Naively, I was surprised when the principal approached me wanting to talk about the book. We chatted briefly, choosing a time to sit down and discuss the book and why I chose it. I immediately contacted two of my professors from my master's degree program in teacher librarianship. They found positive reviews about the book and articles about "Freedom to Read" in Canada.

By the time I met with the principal, I had done more research and organized my thoughts. After I shared with him my selection process and the glowing reviews about the book in question, he said he found the book too graphic. I told him that the book wasn't for him—or me—and that it was actually a "little hero book" because of its inclusive nature, talking frankly about queer sex as well as heterosexual sex. We continued our conversation and talked about freedom of expression rights in the Canadian Charter of Rights and Freedoms, my duty and ethics as a teacher-librarian, and age-appropriate materials. I pointed out that it was ironic that this discussion was happening during Freedom to Read Week in Canada.

We ended the meeting with the principal still not being a fan of the book but understanding that I had followed my selection process and that the book was age-appropriate. We agreed that our district needed a written policy about challenges to materials, and I told him I would be bringing that issue to our local teacher-librarians' association for discussion.

The book is on the shelves and will be one I display during the next Freedom to Read Week. And, although it wasn't an entirely pleasant experience, I am grateful it happened the way it did because I discovered critical gaps in my practice: I had not put my selection policy in writing and I had no plan of action in case of challenges. I have since filled those gaps.

Intellectual Freedom: Not a Universal Value

Unfortunately, intellectual freedom is not recognized as a universal value, despite many international, national, and local assertions of its importance. Sturges (2018) points that responses to intellectual freedom rights vary across the spectrum as do other human beliefs. He suggests that there is likely a Pareto-type 80:20 distribution with 20% of people committed to intellectual freedom rights and 80% somewhere on the spectrum from opposed to uninterested. Recent United States polls on Internet censorship and on government

monitoring of phone calls suggest a kind of Bell Curve related to some aspects of intellectual freedom (see Table 1). This spectrum of responses to intellectual freedom suggests why the promotion of intellectual freedom as a positive value can be a difficult enterprise.

Table 1: Spectrum of Responses to Intellectual Freedom		
20%	60%	20%
Intellectual passivity	Limited desire for knowledge	Free minds
Accept authority	Concentrate on gossip and trivia	Question everything
Don't ask questions	Pursue leisure information	Explore dangerous questions
Suppress others	Acquire work and daily life information	No limits

From Sturges (2018, p. 21)

Intellectual Freedom: Essential to Human Development

The findings of neuroscience related to childhood learning have implications for intellectual freedom. The flow of sensations into the child's brain, beginning from birth, not only informs: it develops and supports the ability to think.

“The neural equipment of the infant human has the basic capacity to cope with the information that reaches it, but more than that, the brain requires it. ... The baby exercises a kind of basic intellectual freedom which we can support and nurture by allowing offering a banquet of sensations and communications from which it can choose. (Sturges, 2018, p. 23)

Early exposure to information and ideas offers advantages for the development of the brain's capacity to meditate, speculate, and formulate concepts and new ideas. Through the work of neuroscientists, our understanding of the brain's processes and concepts will continue to grow and change, but it is already clear that the human brain is very plastic, especially in the early years of its development, and that deprivation of information and ideas can have effects into adulthood: take, for example, children whose are raised in isolation from the world, or adults who have been subjected to brainwashing (Sturges, 2006).

Intellectual Freedom for Students: A Duality

Questions of intellectual freedom for children and young adults inevitably brings to the surface the duality (and often the conflict) of care and protection versus rights and freedoms. Historically, ‘children’ (those not yet at the legal age of majority) have been considered as property of their parents and/or caretakers and not as persons in possession of their own rights-bearing freedoms. Debates continue about the intellectual freedom rights of children, especially related to whether they have the same rights as adults and the place of the child in the family (Langaude, 2010).

This duality is evident in modern-day laws in Canada and in international agreements such as the United Nations *Convention on the Rights of the Child* (1989). Schools and school libraries are often the context within which the duality is played out, “between care and protection (as defined and enforced by adults) and freedom for children” (Mackay & Burt-Gerrans, 2005, p. 425). Canadian law puts the onus on legislators and policy-makers (including school officials) to justify any limitation put on students’ rights and freedoms. Issues based on the duality of children offer an opportunity for the entire community to learn about democratic rights in Canadian society.

Intellectual Freedom and Freedom of Expression Rights for Students: Five Benefits

Peavoy (2004, pp. 145–54) proposes five benefits that would be gained from recognizing students’ interests in freedom of expression rights, in law and in educational decision-making practices:

1. Freedom of expression rights further the purpose of education. A major goal of education in a democratic and pluralistic society is providing the foundations of effective citizenship. Achieving this goal requires that students explore a range of ideas and points of view.
2. Freedom of expression rights prevent indoctrination. Education is compulsory, and to some degree students are a captive audience. Hearing dissenting voices and learning that not all people agree are important parts of developing the strategies needed for independent thinking.

3. Freedom of expression rights are useful when competing interests negotiate. Section 1 of the Charter of Rights and Freedoms acknowledges that rights are not absolute, but they can be limited only to the degree that is justifiable within a free and democratic society. Section 1 can be used as a decision-making tool for reconciling individual and community rights. When they recognize students' freedom of expression rights, the authorities who decide school policy and practices must consider whether the policy decision promotes or unduly limits the Charter rights of students. (See also Mackay & Gerrans, 2005)

4. Freedom of expression is important to the individual. Freedom of expression rights support students' access to ideas that contribute to their personal growth and fulfillment (rather than protect students from "harmful" ideas). Article 29 of the *UN Convention on the Rights of the Child* states that education should develop "the child's personality, talents and mental and physical abilities to their fullest potential." (See also Sturges, 2006, 2018)

5. Freedom of expression enhances the participatory role of children. Recognition of the freedom of expression rights of students puts their interests at the centre of educational decision-making processes when school authorities select materials for the classroom and the school library.

Dealing with Censorship Challenges in School Libraries

The challenge of materials should be viewed as an important and valuable part of the democratic and educational process, but to my knowledge, no school or district guidelines for reconsideration of materials include a requirement for ensuring that students' freedom of expression rights be considered. School libraries are not alone in regards to this omission. Peavoy states that "the freedom of expression rights of students within the educational system have remained virtually unexplored in Canadian legal jurisprudence" (2004, p. 126).

Censorship, including self-censorship by teacher-librarians (Tudor et al., 2023), increases the importance of collection management policies in our schools and school districts. If and when censorship challenges come to the library (or classroom), teacher-librarians need to be ready to support efforts to responsibly address challenges. Traditional resources for school library collection management include: an updated and approved policy that outlines a process for reconsideration of library and/or classroom materials; colleagues including school and district administrators and school board trustees

who are knowledgeable about the principles of intellectual freedom; and teachers associations and school library associations with a commitment to intellectual freedom.

A new tool for Canadian teacher-librarians is the *Library Challenges Database*, developed and maintained by the Centre for Free Expression (CFE) at Toronto Metropolitan University (TMU, formerly Ryerson University). CFE is “dedicated to freedom of expression and the public’s right to know” (<https://cfe.ryerson.ca/>).

Genuine democracy, advancement of knowledge, individual self-development, and social justice depend on a society in which freedom of expression and the right to know are a reality for everyone. The Centre for Free Expression works to advance these rights through public education, advocacy, law reform, research, advisory services, policy analysis, assistance to courts, and organizational collaborations. (Homepage, <https://cfe.ryerson.ca/>)

CFE has undertaken the new project as part of its Promoting Libraries and Intellectual Freedom initiative (<https://cfe.ryerson.ca/databases/library-challenges-database>). The database will support efforts to responsibly address challenges. The database adds one more tool to other more traditional resources for school library collection management. Dr. Jim Turk, from TMU, Director of the Centre for Free Expression, has provided this description of the project:

With the cooperation of major public libraries in Canada, CFE has developed a database for challenges faced by libraries in Canada. The database will allow any library in the country faced with a challenge to see what other libraries have faced the same challenge, the background research they did to guide their response, and how they responded to the challenge. This will be especially helpful to mid-size and small libraries that do not have the staff to undertake their own detailed reviews of challenged material before responding. More generally, it will allow all libraries to see how others are dealing with challenges they are facing. The database will also be an invaluable tool for research. It will allow, for the first time in Canada, identification of the most challenged items each year as well as allow detailed examination of the variation in the extent and nature of challenges across different parts of the country, by type of library, as well as changes historically.

For each challenge, the database will have three documents: [1] the complaint specifying the item being challenged and what the library is being requested to do, [2] details of the background research the library did in relation to the challenge, [3] the library's response to the challenge. Any information that could lead to identification of the complainant is redacted. The items in the database are searchable by 10 fields. There is a free search option as well. In addition, the database will include non-traditional challenges, such as protests against drag queen story time or other events. CFE also includes profiles of recently challenged books (see Appendix 1), mostly books related to sex education, gender identity, or sexual orientation and/or featuring BIPOC characters.

Being Prepared When Intellectual Freedom Issues Arise in Our Schools: A Checklist

- à Our collection management policy (including procedures for reconsideration of materials) is current/updated.
- à Our collection management policy has been reviewed and approved by our school, its administrators, and other decision-making entities.
- à Our policy is explicitly based on the fundamental principles of intellectual freedom, including freedom of expression rights, including the United Nations *Convention on the Rights of the Child* (1989). [In this convention, “child” means from birth to age 18.]
- à Our library staff is familiar with the rationales that underpin intellectual freedom: intellectual freedom is essential to human development, to education, and to a democratic society.
- à Our library staff is familiar with court decisions in our nation related to cases involving schools/school libraries and censorship.
- à Our library staff is aware of resources that can support schools and school personnel when intellectual freedom issues arise: e.g., databases of challenged materials; school library association leaders; school library educators; local groups that support intellectual freedom.

Some Final Thoughts About Responding to Censorship Challenges

Richard Beaudry, Chair of the Canadian Federation of Library Associations / Fédération canadienne des associations de bibliothèques (CFLA-FCAB) Intellectual Freedom Committee, representing Canadian School Libraries, commented in a recent blog post:

Recent news of challenges to books in school and public libraries remind us that book challenges are not uncommon in Canada and, in most cases, are dealt with by the

library staff. When the public does hear about a book challenge in a school library learning commons, it is usually where the school policies were not followed, and the decision to remove the challenged item was carried out by school officials working outside the bounds of the book-challenge procedures. (Beaudry, 2022)

As Beaudry points out, having a current and officially approved collection management policy that includes how to ethically deal with challenges to books and other materials provides a strong tool for meeting censorship challenges. Unfortunately, the policy will not be much help if it is ignored or sidestepped by the very people who have responsibility for its implementation, that is, teachers, teacher-librarians, school administrators, and school trustees. However, the good news is that, in Canada, when school or district guidelines for reconsideration of controversial materials are followed, most challenged materials are retained, and when censorship cases are considered by the courts, the outcome is most often retention of materials.

One important aspect of the reconsideration process should be a child-centred approach to recognizing students' freedom of expression rights. This means including the interests of the students who would be affected by the removal of challenged materials. For older students, that would mean that students' view about matters that affect them would be elicited and seriously considered. For younger students, a "best interests of the child" approach, similar to that invoked in Canadian courts, would ensure that their needs are considered. This approach recognizes children's freedom of expression rights, based on the understanding that children develop *through* freedom of expression. It also acknowledges how that right applies to all children but in different ways. Finally, it points out the positive duties of the state to protect children's rights through: providing children with information; creating structures and proceedings that enable children to speak and be listened to; and protecting children from harmful materials (Langaude, 2010). These are also the positive duties of the school system and of school libraries and teacher-librarians in particular.

Notes:

1. The first version of this article was written for the Book and Periodical Council's 2022 Freedom to Read Week. Canada's **Freedom to Read Week** was started 37 years ago by the Freedom of Expression Committee, which itself was founded in response to **challenges to Margaret Laurence's novel *The Diviners*** being taught in Ontario schools.

2. I acknowledge with thanks the contributions of my colleagues in Canada and of researchers around the world for their ideas related to the universality of intellectual freedom rights, the role of intellectual freedom in human development, and the benefits of recognizing the intellectual freedom rights of children in a democratic society.

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Biography

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