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Monday, April 06, 2009

Porn in the Library! West Bend Society for the Suppression of Vice Battles On

Hi everyone,

"Busy busy busy," as the Bokomonists say.

Saturday's column in the WB Daily News.

West Bend Society for the Suppression of Vice Battles On

West Bend News, Saturday, April 4, 2009

The originally scheduled West Bend Community Memorial Library meeting was cancelled by the Fire Department because too many people turned out? How great is that. We should be proud of ourselves. But we're not done yet.

A previous column discussed the constitutional difficulty of removing books from libraries on religious or moral grounds. Since then the original complaint has shifted a bit, so here we are again.

From what I read in the paper, the original complaint asked the library to remove all books from the Out of the Closet category on its Web site and that the books listed there be reclassified as adult material. Since then, the complainant has apparently said she doesn't want all the books banned, but is asking that two of them be removed because the language is "pornographic."

The slipperiness of the complaint is not surprising. My suspicion is that they discovered their original complaint was unconstitutional and are now fishing around for something that'll pass legal muster.

The new complaint seems to be that the library material is pornographic. The news media immediately adopted this language asking, breathlessly "Should the library ban pornography?"

There never was any question whether the library would "allow" pornographic materials. They don't. The question is whether it is possible to find a definition of pornography everyone can agree on. So far, whether in the Supreme Court or in West Bend, agreement has not appeared.

Back in 1964, while trying to provide a sound legal definition of pornography, Justice Potter Stewart famously remarked, "I know it when I see it." I know it when I see it too, but I don't believe my definition of pornography should be imposed on everyone else.

Personally, I like James Joyce's definition. Ironically, his "Ulysses," arguably the most important book in English in the last 150 years, was considered so pornographic that a group called the New York Society for the Suppression of Vice was formed in 1920 to keep the book out of the United States. Their pressure tactics succeeded until a district court ruled against them in 1933

and allowed “Ulysses” into the country.

Joyce defined pornography as any expression that inspires a desire in the observer to possess the object. It’s a broad definition with interesting consequences. It covers typical bachelor party pornography but also includes advertising – since all advertising is designed to inspire desire – and probably “Entertainment Tonight” and Rush Limbaugh, both of which inspire a desire to possess a particular kind of life: one, rich and famous and, the other, a nostalgia-world America in which the poor are to blame for their circumstances and government is the only thing standing between me and prosperity. A lot of entertainment and political punditry seems to fall into that category, but I don’t think we’ll be able to ban it.

Anyway, the problem isn’t that we don’t know porn when we see it – everyone does. It’s just that everyone draws the line a bit differently. In Afghanistan under the Taliban, the sight of a woman’s ankle was pornographic. Women stepping outside without their burkas could be stoned to death. That was Kabul. What about West Bend?

Our community standards count, too. In 1973, the Chief Justice Burger’s Supreme Court ruled that something could be considered obscene when the average person applying community standards would find that, taken as a whole, the work appeals to a prurient interest. To be considered prurient something must appeal to “shameful or morbid interests” in sex but this does not include anything that incites “normal lust.” So, if the complaint can establish that the library’s Web site appeals to shameful and morbid interests, beyond inciting “normal lust,” then it’s got to go. But if it simply incites “normal lust,” then it’s protected.

You can see how slippery these terms are – which is why complaints about pornography seldom survive into the court system.

Forgetting all the definitions for a moment, common sense provides all the answers we need. The group protesting these books at the library is entitled to decide what their children should and shouldn’t read – but they don’t get to decide for everyone else. If we allow the fundamentalist religious, or political, beliefs of any one group to determine our reading lists, then there is nothing to separate us from the Taliban.

And so it goes.

More as things ... well, I was going to say 'develop' but somehow that strikes me as the wrong word.