FROM FIGHTING CENSORSHIP
TO PROMOTING TRANSPARENCY

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In a great library all things, good and evil, fall into their places, are seen in the just light and proportion, and the totality of the record of human thought and feeling is a witness for what is wholesome, true and good. Thomas Lyster, 1889.

INTRODUCTION

The words of Thomas Lyster, a nineteenth century President of the UK Library Association, sum up the role of libraries in access to information and ideas. Libraries should hold material representing all varieties of expression, without the interference of censors, because that will place readers themselves in the position to form a well-informed judgement on what is good and what is harmful. Essentially his view is that of enlightened librarianship throughout the world and it is the view now promoted by IFLA's Freedom of Access to Information and Freedom of Expression (FAIFE) core activity. Libraries may perhaps not seem to hold the same important position in the struggle against censorship that is more obvious held by writers, journalist, editors, publishers, civil society campaigners and political activists of many persuasions. Nevertheless, Lyster's words make it clear that they do have a clear and important role based on their function as active repositories of knowledge. This was, incidentally, a function much appreciated by Marx, Lenin and other revolutionaries whose use the Library of the British Museum was not restricted. Nineteenth century Britain was willing to accept the idea that the library would be a neutral ground in which all types of topics might be researched and that it was better to let ideas flourish and be exposed to the reading public than to suppress or conceal them.

Since those days, librarians have continued to play a modest but important role in fighting censorship, both by speaking up for freedom of access and, more importantly, in ensuring that their collections are as free from restriction as possible. This has, of course been particularly significant in the former socialist countries where centralised bureaucracies enforced powerful censorship. Librarians from these countries who remember those days will all have stories of both the tragic and farcical aspects. It is hard to decide which form of censorship is the most damaging, but the pre publication vetting of material is a particularly stifling variety in which the role of the library is frustrated before it can begin to operate. The post publication restriction of material that has subsequently been identified as unacceptable also involves the library in practices that are completely counter to the ethos of librarianship, such as destroying material or placing it in restricted collections. As anyone who reads the world news will be aware, such problems have not gone away despite of the changed climate of governance in many countries since the 1990s. The fight against conventional

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censorship goes on and librarians must play a part in it. What this paper seeks to do is first to outline the nature and dimensions of the current censorship problem, and then to offer a comprehensive rationale for free access to information based on the idea of transparency.

INTERNET FREEDOM

The current focus of the struggle against censorship is in the very complex area of the Internet. (Vitiello, 1997) It involves not only a broad based struggle to keep the Internet as free from restriction and censorship as possible, but also more specifically the protection of freedom of access to information through public Internet terminals in centres such as libraries. The Internet problem does have aspects that are virtually identical to the older censorship of print. Restrictive and oppressive governments attempt to suppress Internet content and communication because of the way in which it can subvert their political control over citizens. China is the most prominent example. There is a prohibition on publishing state secrets on the Internet (even though what constitutes a state secret is not defined); electronic links with foreign websites are banned; certain sites (such as those of the BBC and Amnesty International) have been blocked; search engines have been calibrated so as to block results of searches on sensitive topics; websites must actively monitor their content on secrecy grounds; and there is a high level of police activity directed at monitoring Internet activity. All of this has a familiar appearance and when one thinks of it in terms of public Internet access in libraries, it has the same effect as official censorship of print and suppression of communication. It does, however, place a very strong emphasis on the types of suppression of information and communication through policing and the intimidation of individuals that are not formal censorship, but have exactly the same effects. Much of it can be seen as a semi-covert campaign of suppression.

At the same time there is an aspect to the problem that is arguably just as, or even more, worrying. This is the self-censorship that is made possible by the creation of software products to filter and block access to content. Ever since the creation of the World Wide Web in the early 1990s and the swift expansion of access by individuals to the Internet there has been a climate of opinion that includes both enthusiasm and fear. The fear is generated by the undisputed presence on the Internet of a great deal of content – most notably pornography, but also politically extremist propaganda, advocacy of drugs and other material that is at the very least disturbing. Whilst pornography is the most common concern, the problem can be just as well illustrated from a rather less frequently discussed fear. Take, for instance, the concern over Satanism and Satanic cults. In Italy a murder case coming to court in 2005 has focused public attention on Satanic Rock bands, their followers and a whole subculture of satanic symbolism and attempts to conjure up the devil and evil spirits (whether serious or an excuse for some kind of orgy).

Two responses can be observed. The first is that of the Catholic Church has taken popular fears seriously and accepted that evil spirits are really present among the young people who are involved. The Church's response has been to train numbers of priests in the techniques of exorcism. The second focuses on the Internet as a source of the problem. An Italian journalist is quoted as saying:

Fifteen years ago the Internet did not exist, and any curiosity young people had about Satanism died immediately at the first step. Where could young boys go to find information about these things? Now they can find the information very easily. (Popham, 2005)

The implication is obvious: some control of the Internet will be required so as to solve this problem. This would not be an isolated response. For example, there had already been a statement by a Cuban government spokesman that listed reasons (including pornography, *satanic cults*, terrorist or other negative sites) as to why the Internet is subject to official control in that country. Fear of harmful Internet content of several kinds has not only aroused the attention of governments. The desire to protect children from exposure to harmful material has led families, schools, and some libraries to turn to Internet filtering.

The term filtering refers to the employment of software packages designed to identify and block access to Internet content. Access to content can be filtered across a whole network, within a specific organisation, at the computer of a family or an individual or by a provider of public access facilities, such as a library. Software products that can achieve this are widely available and are often referred to, by the name of one of the early entrants into the market, as 'Net Nannies'. In the first place, all of these products depend on accurate monitoring of usage. They will keep track of what happens on a network or an individual computer, recording keystrokes, time and date, name of program executed and the specific workstation on which activities occur. Filtering software identifies and blocks content on the basis of one or more criteria. It can block on the basis of -

- A 'stop list' of named sites. Someone, usually the supplier, has to create and update the list, but users can generally customise the list themselves. The software can also usually be set to exclude all sites except those specifically allowed.

- Particular words, parts of words, and particular types of images (such as those with patches of flesh tone colour). This approach is also dependent on the creation and management of a list, in this case, usually of unacceptable words.

- Ratings that have been applied to a site. This can be done by the owners of the site, or by some third party agency, according to an agreed system. Metadata facilities for a rating to be applied to a site exist, in the form of PICS (the Platform for Internet Content Selection). PICS will support whatever ratings system is chosen, but the dominant system is that of ICRA (the Internet Content Ratings Association).

Many information professionals totally reject filtering of public access facilities, such as those found in libraries and information centres, on principle as a violation of users' freedom of access to information. This is the argument adopted by the American Library Association. There are also practical objections to the filtering of public information facilities. Experience shows that systems make virtually no distinction in blocking between what is legal and what is not. This can often disadvantage those who need access to content that is legal, such as that on safe sex or sexual health, by attempting to block pornography. At the same time, there is strong pressure for filtering in libraries particularly from pressure groups in the USA (Family Friendly

Libraries, Library Watch, Enough is Enough, Coalition for the Protection of Children and Families, etc.) that exist almost entirely to promote filtering. Burt (1997) has put a cogent case for filtering in libraries along similar lines. In the UK there is an industry body, the Internet Watch Foundation, which favours filtering and encourages the reporting of objectionable content for possible police action. Practice in libraries is similarly polarised. Many libraries do not filter, but others do. Baseline data on the prevalence of either approach is not easy to find, but in a FAIFE survey of national library associations 64% claimed that filtering was not widespread in the libraries of their country, whilst only 9% said that it was. (FAIFE, 2003)

What this means is that there is still a very strong need to think about censorship in relation to libraries. With the shift from overt censorship to covert interference by the state, and the emergence of quasi censorship in forms such as Internet filtering, it becomes more important to remember why the information professions fight censorship. The usual arguments for fighting censorship are based on human rights concepts such as intellectual freedom, freedom of expression and freedom of access to information. However, a less abstract, more practical approach offers an additional way to think though the issue of censorship and other forms of suppression of information and to construct arguments for freedom. A particularly persuasive approach, that connects the anti-censorship position of libraries with civil society campaigns, writers and the press, and even the work of the accountancy profession, is that of transparency.

TRANSPARENCY

Transparency is a term that is comparatively little used by the information professions themselves and yet it encapsulates a great deal of the rationale behind the provision of good information systems, be they libraries, archives, databases, or reporting and monitoring systems. It can defined as:

> The condition in which knowledge of the actions of others is publicly available in such a way as to allow understanding and to provide the potential for decision-making based on that understanding.

It is generally used to indicate the way in which the conduct of those who have power, be it political, commercial or some other form, is exposed to the gaze of the rest of the world. Transparency allows light to fall on matters about which people need to know, but which those directly concerned might wish to remain in darkness. Transparency is the opposite condition to concealment and secrecy. Some definitions go further and refer to it as the opposite of privacy. This is a mistake: the overwhelming weight of use of the word transparency is not to indicate that it throws light into privacy, but that it exposes the kind of secrecy that is detrimental to society. In fact the particular value of transparency is its ability to reveal corrupt practices and show citizens how they can limit the damaging effects of corruption in their own lives. If knowledge is power, then transparency has the capacity to empower through allowing concealment to be removed.

The term is used in conjunction with a range of related and complementary terms such as scrutiny, accountability, audit, disclosure, and it has considerable elements in

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common with freedom of access to information. Statements on transparency frequently start by citing the same Article 19 of the Universal Declaration on Human Rights that can be seen as the basic principle behind the activities of the information professions.

> 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.

This same formulation is vital for a range of human rights NGOs; it underpins the work of investigative journalists and broadcasters; writers and publishers associations justify the work of their members in its light; and it also has implications for the accountants and economic regulators who seek to induce the business world to operate in a climate of financial transparency. What the principle of transparency (and Article 19) provides in terms of good governance and the struggle against censorship is a broad and purposeful rationale for free access to information. The following will be briefly outlined here as an introduction to some of the main elements of public transparency:

- Open government and public scrutiny;
- Freedom of information laws;
- Protection of public interest disclosure;
- Financial accountability and auditing;
- Investigative journalism;
- Civil sector campaigning.

Probably the best starting point is the concept of open government and public scrutiny. It begins with an elected legislature, distinct from the executive arm and supported by an independent and impartial judiciary. Parliamentary scrutiny of the executive through the opportunity to question and debate the decisions of ministers in the legislative chamber, and a system of non-partisan specialist review committees are essential. However, open government goes much further than this. In a system of open government it is not merely the meetings of the legislature, but the committees that work on specific issues are open to the public. Government financial accounting is expected to be full and promptly delivered. Planning documentation, and minutes of decisions are all open to public inspection and consultative forums are called as a matter of course whenever appropriate. A system of ombudsmen permits the citizen to follow up cases of mal-administration. The same systems and standards are also applied to the workings of local government, and privatised government agencies. Taken together, these can be seen as aspects of a total national integrity system. (Pope, 2000) Yet open government, as can be seen from this, is much more a culture than it is a system. It calls for politicians and officials who will accept the disciplines that it requires rather than seeking to evade or delay. It also relates very closely to other sources of transparency.

Arguably, the cornerstone of open government is freedom of information legislation. In Sweden there has been a law in force since 1766 granting free access to all official documentation. These rights go far beyond what is offered by the freedom of information legislation of most other countries. In fact the European Commission

recently accused Sweden of infringements of Community Law because Commission documents regarded as confidential were released to enquirers under Swedish law. However, the best-known freedom of information statute is probably the US law of 1966 that has been used to expose political scandals, throw light on the administrative process, and also provide corporations with valuable business intelligence held in government files. Freedom of information laws cut against both the secretiveness of those in power and the laxity of record keeping in official bodies. The UK Freedom of Information Act 2000 did not come into force until January 2005 because the process of bringing record keeping and pro-active disclosure up to standards capable of providing the information that enquirers might require was considered so big a task that implementation could only follow a lengthy delay. The current state of freedom of information laws throughout the world varies greatly, as a survey of the legislation worldwide reveals (Mendel, 2003). Where they do exist, these laws contribute a central structure for the operation of transparency. Yet they are far from guaranteeing it unaided, and what is more, they are frequently hampered by over generous exemptions allowing administrators and politicians to avoid inconvenient revelations. Daruwala (2003) illustrates aspects of the way that these laws are implemented in practice in the (British) Commonwealth countries, and the difficulties that are involved clearly emerge from this.

The courage of individuals who are prepared to reveal information that they may be contracted or otherwise obliged to keep confidential is an indispensable complement to formal structures for freedom of information. These are the so-called whistleblowers (Calland and Dehn, 2004). Just one recent example from the many available is that of Katharine Gun, a translator at the British GCHQ security centre. At the beginning of 2003 she revealed a plan by US National Security Agency officials to involve Britain in using surveillance devices against diplomats of various countries who could influence United Nations Security Council decisions on the invasion of Iraq. She was charged with infringing the UK Official Secrets Act. It was not until a year later that the case against her was dropped, largely on the grounds that the lawyers did not believe that a British court would convict her for making a revelation so obviously in the public interest. In fact British law does contain one of the world's stronger measures to protect the disclosure of confidential information in the broader public interest. This is the Public Interest Disclosure Act of 1998, but it does not apply to prosecutions under the Officials Secrets Act. Despite this, Katherine Gun's defence that her conscience required her to make the revelation was entirely in the spirit of this Act, and the dropping of the case implicitly recognised the justice of this claim. Thus in an indirect way the case shows the significance of public interest disclosure legislation.

From another direction, transparent financial reporting is also essential. The whole business structure that depends on limited liability companies is based on an exchange of protection for the personal finances of investors in a company, on the one hand, for full, prompt and accurate public accounting, on the other. A series of recent scandals, of which the name Enron has become emblematic, shows the extent to which this system struggles to deliver. Governments likewise have an obligation to both their international creditors and their own citizens to present accurate and honest budget information. The International Monetary Fund (IMF) has laid down principles of government fiscal transparency that include: full and timely information on past, current and projected fiscal activity; the policy objectives of the budget and their

policy basis; classification of budget data to permit analysis; and the subjecting of fiscal information to independent public scrutiny. (Alt, 2002) The role of good record keeping in both business and public financial accountability is also apparent. A recent report of a Zimbabwean Parliamentary Public Accounts Committee gallantly drew attention to the way in which poor accounting and data capture contributes to the inability of the Ministry of Finance and Economic Development to manage public finances. The subtext of this was, of course, the way in which this facilitated corruption and the misappropriation of funds. (Tsiko, 2004)

A free and independent press is essential as a means of bringing to public notice what is revealed by these and other mechanisms. Investigative journalism feeds on what is revealed by open government and laws that facilitate access to information, but ideally it takes matters a step further. (Waisbord, 2001) There is generally an element of detective work when journalists seek to reveal wrongdoing that affects the public interest and methods that are in themselves ethically questionable (deceptive interviewing techniques or the used of concealed recorders and cameras) are often used. Unfortunately press pursuit of the so-called sleaze, the less moral aspects of the lives of politicians and other prominent people, has reached frenzied levels in some countries. This threatens to undermine the press's important contribution to transparency, as influential sectors of public opinion begin to perceive this as edging over into abuse of legitimate personal privacy, particularly when it involves those outside political life. The concentration of press ownership to a small number of owners (most notoriously Silvio Berlusconi, the prime minister of Italy) also raises doubts about press impartiality. Despite this, the press remains a crucial instrument of transparency.

The last element we will discuss here is the role of campaigning civil society organisations. In a sobering warning, Johnston (1997, p.82) points out that:

> Transparent procedures mean little if there is no external monitoring: corrupt states abound in inspectors, commissions of enquiry, and record keeping requirements that create and conceal corruption rather than reveal it, because no one outside the state can demand a meaningful accounting. Without a strong civil society to energise them, even a full set of formally democratic institutions will not produce accountable, responsive government.

The point is well made. All of the elements outlined above, and all the others that might be discussed in a fuller discussion of transparency, are vulnerable. They need the support that a whole national integrity system can offer. The whistleblower, the most vulnerable of all, needs the press to report the wrongdoing that is exposed, civil society organisations to provide shelter, legal advice, moral support and logistical backup, laws that recognise the concept of the public interest, responsive institutions and all the paraphernalia of open government to justify disclosure. International and national NGOs are often the moving force behind changes in the system and instigators or supporters of challenges to censorship of all types.

CONCLUSION

The re-emergence of censorship in new forms when, in its more conventional forms, it seems to have been driven back is well illustrated by the growth in Internet filtering. Libraries in the USA and other countries, in alliance with civil society organisations, have achieved notable victories in the struggle against Internet censorship. The most prominent was the removal from the American statute book in 1997 of censoring legislation called the Communications Decency Act, 1996. This victory was achieved through a campaign led by an alliance, including the American Library Association, called the Citizens Internet Empowerment Coalition. (Krug, 2000) What groups like this do is to reassert the right to information and take practical steps to protect it against threats, whether the threats come directly from government or are the consequence of popular fears and anxieties. Such successes do not, however, mean that librarians can rest content that their efforts are sufficient and that censorship will automatically be defeated. Vigilance and fresh thinking are always needed against such a universal and persistent threat as censorship. The struggle always needs to be based on clear, coherent ideas as to why censorship is opposed. More than that, however, it needs a positive programme to promote the value of freedom of access to information in public life.

IFLA's FAIFE Committee is the most significant body promoting freedom of access to information in libraries worldwide. Its programme of education, advocacy and intervention on behalf of freedom of access to information has, since FAIFE was set up in 1997, been based on Article 19 of the Universal Declaration of Human Rights. This is a firm and reliable basis for FAIFE's activity, but a simple, direct statement, such as Article 19 provides, always needs exegesis and expansion. It is to this need that the idea of transparency contributes. Transparency does not provide a direct answer to the question why we should oppose filtering of Internet content. What it does is turn attention to the value of openness in public life and away from the types of concealment favoured by censorship. Where the search for transparency is a dominating social and political principle, censorship is revealed as the irrelevant and harmful practice that librarians have always believed it to be. Admirably though fighting censorship is as an aim for librarians, it is essentially defensive and reactive. Joining with civil society organisations and other professionals, librarians can take the struggle further and make it more effective. By actively promoting transparency in all its forms they can attach themselves to a positive programme that supports their professional ideals, strengthens democracy and empowers individuals in their daily lives.

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