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Censoring Culture: Contemporary Threats to Free Expression. [Book Review].

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investigation prompted by public comments that could not warrant firing. But DiStefano did comment on statements many conservative commentators have made linking Churchill's conduct to the field of ethnic studies. Churchill's writings focus on the treatment of American Indians, and he is a member of Colorado's ethnic studies department.

The faculty committees that examined Churchill both said that their concerns about him did not extend to his department or discipline, DiStefano noted. Rather, he said, their findings were about "the research misconduct of one faculty member only." DiStefano said Boulder officials would be working in the months ahead to correct any misconceptions that the Churchill controversy has created about ethnic studies.

Roger Bowen, general secretary of the American Association of University Professors, said he had mixed feelings about the announcement. Colorado's faculty committees and interim chancellor appear to have taken numerous steps to assure due process for Churchill and to express support for academic freedom, Bowen said. "If there is reason for concern, it stems from the political rancor that prompted the inquiry and the hostile intervention by political figures, including the governor," he added.

Cary Nelson, the president of the American Association of University Professors, praised the investigative committee's report and said it raised serious issues about Churchill's professional integrity. However, the timing of the investigation is problematic, Nelson said, comparing it to a situation in which police enter a residence with a warrant to investigate one type of crime but discover evidence of a separate crime. "I don't think that one can just absolve him of misconduct because the investigation was triggered by his public speech," Nelson said.

The long-term effect of Churchill's case on academic freedom may depend on how the war in Iraq proceeds and whether more terrorist attacks occur in the United States, Nelson said. "My worry is not that under the present conditions that this will set off a series of efforts to get rid of tenured faculty," he said. "It does potentially risk encouraging impatience with faculty who are among the loyal opposition."

David Horowitz, a conservative activist who campaigns against what he sees as liberal bias in academe, offered a blunt response when told that administrators had decided to fire Churchill: "What else could they do?"

Horowitz said he hoped that Churchill's dismissal would be "the beginning of a national effort by universities to tighten up their academic standards." Those who worry that the misconduct investigation was prompted by statements that should be protected by the First Amendment have their priorities misplaced, he said. "The real question is why it took a public outcry to draw attention to such an academic nightmare," Horowitz said. Reported in: *Chronicle of Higher Education* online, June 27; insidehighered.com, June 27. □

in review

Censoring Culture: Contemporary Threats to Free Expression. Edited by Robert Atkins and Svetlana Mintcheva. The New Press. 2006. 353 p. \$19.95.

Censoring Culture presents a bleak view on the future of free artistic expression. It does not focus on overt government censorship but instead "expands the notion of censorship beyond the acts of removing a photograph from an exhibition or canceling a performance to include a much larger field of social conditions and practices that prevent artists' works of all kinds from reaching audiences or even from being produced." (p. xvi)

The authors believe that this form of censorship is all the more invidious because it has not received enough critical attention. In fact, "[w]hen existing analysis was insufficient . . . [they] have commissioned essays or conducted interviews with key authorities in relevant fields." (p. xvii) The thirty four contributions are mostly short—the longest is around twenty pages—and range from personal self-analysis to philosophical treatises complete with the requisite endnotes. The book lacks an index, but the price is very affordable at \$19.95.

Censoring Culture is divided into five major sections. The first, "Economics," clearly shows that the triumph of market capitalism has not been good for artists. The government, foundations, and museums finance "safe" art and care little about innovative contemporary artists. Corporations use lawsuits and the withdrawal of advertising to stifle negative commentary whether truthful or not. Musical creativity based upon sampling runs afoul of copyright law. Book publishing is all about the financial bottom line rather than nurturing writers at the same time as the chain bookstores eliminate the independents by using their economic clout to demand the highest discounts.

The section on "the Internet" is the most positive in the volume with a defense of "hacking culture" and a contribution on "How the IP Guerrillas Won." I cannot help but believe, however, that these are Pyrrhic victories and that recent developments show the trend to domesticate the Internet by eliminating or making irrelevant its uncensored elements.

The next two sections, "Protecting Children" and "Cultural Diversity & Hate Speech," share the theme of how laudable goals are used to justify censorship. In the first section, several contributors point out the lack of objective research to justify the claims of censors that violent video games and pornography have severe negative effects upon children. The four personal essays about the persecution of photographers as child pornographers for taking pictures that would have been considered innocent a few years ago are chilling.

My personal favorite in the entire volume is "Child Pornography Law and the Proliferation of the Sexualized Child" in which Amy Adler explains how these laws have

forced artists, judges, and juries to learn to think like pornographers in order to judge what is acceptable from what is not. The section on cultural diversity and hate speech considers such issues as the use of the word “nigger,” collecting prejudiced items, and Nazi imagery before concluding with the ultimate blandness of President Clinton’s proposed national voluntary test whose goal was to offend no one including eliminating the concepts of “snow and freezing winters” as a case of “regional bias.” (p. 292)

The final section on “Self-Censorship” is potentially the most interesting. Several artists and writers, including Judy Blume, recount their experiences in self-censoring their work to remove objections to its presentation or publication. A psychoanalyst, Janice Lieberman, makes the perceptive point that ground breaking artists such as Picasso and Pollock were often innovators because they were narcissistic enough to avoid self-censorship, a trait that also made them not very nice people. What bothers me in this section is the lack of historical perspective. Self-censorship to reach an audience and to achieve commercial success has been part of the creative process for centuries and, as several contributors note, may ultimately lead to more accessible, if not more creative, art.

As with many collections, I find it hard to give an overall evaluation of *Censoring Culture*. While the introduction emphasizes culture with a small c (artists and writers broadly defined), many contributions treat Culture with a large C (society as a whole) so that the focus of the volume is not entirely clear. Most intellectual freedom advocates will already be aware of the large C issues and may find some of the small c issues too narrow, such as the status of alternative spaces for artists. Overall, with some exceptions, the personal narratives and interviews are the strongest parts of the book as they put a human face on the effects of covert censorship. Perhaps the greatest value of the volume is bringing together the disparate strands of nongovernmental censorship to show how they collectively have woven a net that entangles free expression both in the arts and in society at large.—Reviewed by Robert P. Holley, Professor, Library & Information Science Program, Wayne State University, Detroit, Mich. □

flag amendment narrowly fails in Senate vote

A proposed Constitutional amendment to allow Congress to prohibit desecration of the flag fell a single vote short of approval by the Senate June 27, an excruciatingly close vote that left unresolved a long-running debate over whether the flag is a unique national symbol deserving of special legal standing.

The 66–34 vote on the amendment was one vote short of the 67 required to send the amendment to the states for potential ratification as the 28th Amendment. It was the closest proponents of the initiative have come in four Senate votes since the Supreme Court first ruled in 1989 that flag burning was a protected form of free speech.

The opponents—thirty Democrats, three Republicans, and an independent—asserted that the amendment would amount to tampering with the Bill of Rights in an effort to eliminate relatively rare incidents of burning the flag. They said it violated the very freedoms guaranteed by the symbolism of the flag.

“This objectionable expression is obscene, it is painful, it is unpatriotic,” said Senator Daniel Inouye, a Hawaii Democrat who won the Medal of Honor for his service in World War II. “But I believe Americans gave their lives in many wars to make certain all Americans have a right to express themselves, even those who harbor hateful thoughts.”

Proponents of the amendment, which was backed by fifty-two Republicans and fourteen Democrats, disputed the assertion that burning the flag was a form of speech. They said the amendment was simply an effort to reassert congressional authority after a misguided court ruling. They said it was particularly appropriate to act now when American troops are at risk.

“Old Glory lost today,” said Senator Bill Frist, the majority leader, who scheduled the debate and vote in the week before Congress broke for its Fourth of July recess.

The full text of the proposed amendment is, “The Congress shall have power to prohibit the physical desecration of the flag of the United States.”

The vote is likely to be an issue in the congressional elections in November, and Senator Orrin G. Hatch, the Utah Republican who was the chief sponsor of the amendment, predicted the minority who opposed it would be held accountable by the voters. “I think this is getting to where they are not going to be able to escape the wrath of the voters,” Hatch said.

Eleven senators facing re-election this year opposed the amendment and several are facing potentially difficult races, including Lincoln Chafee of Rhode Island, a Republican, and the Democrats Daniel K. Akaka of Hawaii, Robert C. Byrd of West Virginia, Maria Cantwell of Washington, and Joseph I. Lieberman of Connecticut.

The leader of the Citizens Flag Alliance, which had been running newspaper advertisements on the issue in selected states, said it would continue to press the issue and make sure voters know where their senators stand on the amendment. “I think this is the right thing to do, and I am going to keep at it until we run out of money or they tell me to

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