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FLASHPOINTS: DISCUSSION GUIDE

Restricted Access: The American History of Book Banning

Between 2021 and 2023, PEN America and the American Historical Association (AHA) cohosted [Flashpoints: Free Speech in American History, Culture and Society](#). This series presented the fascinating and complex history of free speech in American democracy to public audiences in cities across the country. The historical flashpoints highlight pivotal moments in which artists, activists, writers, filmmakers, and intellectuals tested the limits of free speech, challenged the public to redefine “freedom” and realized it anew for populations and causes that were at risk of having their liberties denied.

How to Use This Guide

This guide was designed to supplement the [video recording](#) (accessible at [pen.org/flashpoints/](#)) of a live event for use in the classroom. The questions and prompts included here offer ideas for fostering student engagement in both secondary and postsecondary educational environments, foregrounding issues of general public interest that align with topics often covered in history, government, civics, and political science. Choose the prompts that seem best suited to the concerns and interests of your community, using them as a springboard for discussion, writing exercises, and debate or as a model for civic engagement.

Incorporating Flashpoints into the Secondary Classroom

The video recording of **Restricted Access: The American History of Book Banning** can help structure lessons on the First Amendment, free speech, the Gilded Age, and the Progressive Movement. It will be most obviously relevant in civics and government classes, where curricula may already include the Comstock Act or in history classes which already include the Gilded Age and Progressive Era.

The battles over censorship and the meaning of the First Amendment during the Gilded Age were the first sustained conflicts over freedom of speech and freedom of the press in American history. As such, they set much of the tone, methods, and philosophies that would be followed through the twentieth century and into the twenty-first century. This includes but is not limited to: the creation of advocacy organizations like the American Civil Liberties Union (ACLU); the spread of moral panics; the branding of the political opposition as sinful or as lovers of vice; and the use of the media to stir up popular support.

Although difficult to quantify, a more sexually repressed society in the late-nineteenth and early-twentieth century United States was a direct result of the Comstock Act—both through directly limiting the availability of information of about sex and sexuality available to many Americans, but also through the self-imposed censorship experienced by artists, authors, and publishers.

Teachers may wish to share excerpts of this video to support conversations about any of the themes outlined above. Alternately, this material might help students prepare to hold their own panel discussion about research related to a contemporary issue.



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Learning Outcomes and Standards Alignment

The question of free speech in schools can orient an inquiry that aligns with the C3 Framework, especially as it applies to civics education. A lesson built around this video and subsequent discussion can address D2.Civ.2 on the role of citizens; D2.Civ.4 on the US Constitution; outcomes associated with participation and deliberation (D2.Civ.7-10); D2.Civ.12 on using and challenging laws; and D2.Civ.14 on changing societies and protecting rights.

A classroom activity asking students to organize their own panel discussion will move firmly into dimensions 3 and 4, requiring students to gather and evaluate sources; develop claims and use evidence; communicate and critique conclusions; and, potentially, take informed action.

Many states have standards in civics, social studies, or history that address free speech, the Bill of Rights, Supreme Court rulings, and/or the Gilded Age.

Restricted Access: The American History of Book Banning

On September 21, 2022—Banned Book Day—Amy Werbel, Farah Jasmine Griffin, Whitney Strub, and Laurie Halse Anderson joined moderator Ali Velshi to discuss the history of book banning and censorship in American politics, schools, and society. Such challenges to free speech are nothing new in American life. In the nineteenth century, the federal Comstock laws barred the delivery and distribution of “every obscene, lewd, or lascivious” book. Today, books that highlight race, gender, or sexuality are being removed from the shelves of schools and libraries around the country.

What Is a Panel Discussion?

The format of a panel discussion, in which multiple experts gather to talk about an issue of compelling public interest, provides a model for the kind of informed, civil dialogue that teachers hope to facilitate in the classroom and that is vital to the functioning of a democratic society. Many students may be unfamiliar with this style of intellectual exchange because people argue, rather than just deliver definitive facts. Teachers or discussion leaders may wish to call attention to the fact that each panelist has devoted years to the careful and thorough study of the topic they are addressing. Note, too, how each speaker anchors their interpretation in specific examples that provide evidence to support their perspective.

Informed debate can look quite different from the kinds of sparring matches students see on the news. The panelists may agree about some ideas but not about others. Grappling productively with reasonable differences in interpretation is essential to developing a full understanding of an issue. This kind of conversation—in which experts gather to discuss their findings—is an important component in the creation of new knowledge about our society and the world.

- Is this panel discussion different from debates we see on cable news? If so, how and why?
- Can we, as a class or discussion group, engage in a civil debate in our own class discussions?



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Restricted Access Video Timeline

0:00 – Introductions of Banned Books Week, PEN America, and Jonathan Friedman

7:14 – [Jonathan Friedman](#) offers an assessment of the current situation of book banning in the United States.

9:50 – [André De Shields](#) reads from Toni Morrison’s *Beloved*.

21:26 – Ali Velshi introduces panelists

25:14 – [Amy Werbel](#) discusses Anthony Comstock and the early history of book banning in the United States, including an overview of the Comstock Act and its impact on American society.

34:44 – [Farah Jasmine Griffin](#) discusses the banning of Toni Morrison’s works and the impacts book banning has on democracy.

41:18 – [Whitney Strub](#) discusses the banning of books on the grounds of “obscenity,” with emphasis on how such bans harm communities that fall outside of white heterosexual norms.

51:21 – [Laurie Halse Anderson](#) discusses the evolution of book banning in schools in recent years, as well as the importance of providing young readers with books that affirm diverse perspectives and experiences.

56:30 – Moderated Q&A.

1:11:00 – Audience Q&A.

The Flashpoint: The Comstock Act (1873)

In the decades between the Civil War and the First World War, reformers embraced a variety of causes intended to improve American society. Most of this era, until about 1900, was known as the Gilded Age due to its rapid economic expansion, particularly for white middle-class Americans in the northern and western states. Partially inspired by the uneven growth of economic prosperity, the era also saw the rise of the Progressive Movement, which included a wide range of social reformers hoping to improve society, often by improving the lives of the poorest Americans. Some formed charitable organizations to support underprivileged populations, such as immigrants and the working poor. Others joined campaigns aimed at promoting morality and the purification of society. In many cities, organizations called vice societies emerged to combat prostitution, pornography, gambling, and other perceived sins. Many prominent Gilded Age philanthropists supported organizations like New York’s Society for the Suppression of Vice, which boasted large donations from the likes of Samuel Colgate and J.P. Morgan and smaller contributions from Theodore Roosevelt and J.D. Rockefeller.

During and after the Civil War, the pornographic publishing industry of New York City ballooned and quickly became the target of vice crusaders. In the early 1870s, Anthony Comstock joined the effort to destroy this industry by preventing it from using the US Postal Service to advertise and distribute materials through the country. Comstock testified before Congress in 1872 on the social dangers he and other reformers believed emerged from pornography and other sexually explicit media, including prostitution, the spread of sexually



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transmitted infections, abortion, and a malign influence over young Americans (what he termed the “corruption of youth”).

Following Comstock’s provocative testimony, Congress passed An Act for the Suppression of Trade In, and Circulation of, Obscene Literature and Articles of Immoral Use in early 1873, which has since become known colloquially as the Comstock Act. This law banned the mailing of all “obscene” material in the United States but did not itself define what qualifies as “obscene.” Comstock was appointed a special agent to oversee the implementation of the act, and over the following decades he pushed for the prosecution of hundreds of cases (with mixed results) in which materials he deemed obscene were transported or believed likely to be transported through the mail. Nonetheless, the years between roughly 1873 and 1920 saw significant self-censorship on the part of publishers, authors, artists, and other producers of media due to fears that they may be prosecuted under the Comstock Act.

Before watching Amy Werbel’s discussion of Comstock (25:14), it may be helpful to discuss censorship and some of the implications of banning books and other printed materials:

- What is government censorship? How does this differ from other kinds of interventions that restrict the circulation of words and ideas (e.g., self-censorship or a publisher’s decision not to print a book)?
- What does it mean for something to be obscene? Do all people agree about what words, ideas, or images are offensive?
- What are the implications of banning obscene material without providing a definition of what is to be considered “obscene”? Have students attempt to generate a definition of “obscene” that they can all agree upon.
- Does banning every type of publication have the same impact on freedom of speech? What might the impact be of banning something that many people do consider objectionable (i.e., violations of “community standards”)?
- Why might Gilded Age reformers believe that banning certain books could improve society? Do you see similar efforts in our world today?

Obscenity and Censorship

After watching Amy Werbel discuss Comstock and the Comstock Laws, students and other viewers may find it useful to return to the questions suggested above, particularly the implications of banning obscene materials without providing a standard legal definition. In some classes, it may also be appropriate to watch Whitney Strub’s discussion of how antiobscenity laws affect some communities more than others.

Additional prompts for group discussion might include:

- Who should be able to define terms like obscene and community standards?
- Many social media companies establish community standards that restrict certain kinds of speech deemed to be harmful or offensive. In what ways are these policies similar to



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the ban on mailing obscene material in the Comstock Act? In what ways are they different?

- Can banning certain materials actually improve society, as some Gilded Age reformers believed?
- Was the Comstock Act unconstitutional? In other words, how did its authors rationalize the bill's restrictions on what could be sent through the mail in light of the First Amendment's promise that Congress would refrain from "abridging the freedom of speech, or of the press"?
- Does the First Amendment protect forms of communication aside from "the press" (itself a vague term) and speech, such as art, performance, and education?
- How does the Comstock Act fit into the broader history of the Gilded Age? Does it challenge or conform to the other aspects of the period discussed in class?

The Legacies of the Comstock Act

- The Comstock Act functionally banned most forms of contraception and birth control, as such materials—along with medical and promotional literature for them—could not be sent through the US Postal Service, even between doctors. How do you think the Comstock Act might have affected the lives of American women and their families?
- Based on what you know about the United States in the 1960s, why do you think this prohibition came to an end during this decade?
- The lack of pre-existing definitions of ideas like "obscenity" and "freedom of the press" forced advocates of free speech to sharpen their arguments to defend against censors like Comstock. What is the danger of regulating something without a fixed and agreed-upon definition?
- How can someone fight against an idea that is not clearly defined in order to protect one's own civil liberties?
- The Comstock Act set the precedent for later bans on certain media, as well as government regulation of industries like radio, television, and film in the twentieth century. To what extent does the US government use regulations to restrict the form and content of media today?
- What role might the Comstock Act have had in shaping how American culture developed in the late nineteenth and early twentieth centuries?



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Suggestions for Further Reading

Boyer, Paul S. *Purity in Print: Book Censorship in America from the Gilded Age to the Computer Age*, 2nd ed. Madison: University of Wisconsin Press, 2002.

Corn-Reaver, Robert. *The Mind of the Censor and the Eye of the Beholder: The First Amendment and the Censor's Dilemma*. Cambridge: Cambridge University Press, 2021.

Sohn, Amy. *The Man Who Hated Women: Sex, Censorship, and Civil Liberties in the Gilded Age*. New York: Farrar, Straus, and Giroux, 2021.

Werbel, Amy. *Lust on Trial: Censorship and the Rise of American Obscenity in the Age of Anthony Comstock*. New York: Columbia University Press, 2018.

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