

JOURNAL OF

# INTELLECTUAL FREEDOM & PRIVACY

Office for Intellectual Freedom, an office  
of the American Library Association



LET  
FREEDOM  
READ

Free People  
Read Freely

## INSIDE

WINTER 2022  
VOL. 7 \_ NO. 4  
ISSN 2474-7459

9

NICOLE A. COOKE:  
LET THIS RADICALIZE US


11

BILL MARINO:  
WHO'S READING  
WHO?

34

RICHARD S.  
PRICE:  
CONTESTING  
OBSCENITY

## WINTER 2022 \_ ABOUT THE COVER

 \_ This year's Banned Books Week (October 1-7) theme is "Let Freedom Read." Across the country, individual's fundamental rights to information access are being challenged. More information and promotional materials can be found at <https://bannedbooksweek.org/>.



### Journal of Intellectual Freedom and Privacy (ISSN 2474-7459) vol. 7, no. 4 \_ Winter 2022

#### Editor

Emily J. M. Knox, University of Illinois at Urbana-Champaign, IL

#### News Editor

Eric Strohshane, Office for Intellectual Freedom, an office of the American Library Association

#### Editorial Board

John T. F. Burgess, University of Alabama, Tuscaloosa, AL  
Roseanne Cordell, Northern Illinois University, DeKalb, IL  
Mack Freeman, West Georgia Regional Library, Carrollton, GA  
Martin Garnar, University of Colorado, Colorado Springs, CO  
Harvey Graff, The Ohio State University, Columbus, OH  
Clem Guthro, University of Hawai'i at Ma-noa  
Shannon M. Oltmann, University of Kentucky, Lexington, KY  
Jennifer E. Steele, The University of Southern Mississippi, Hattiesburg, MS

Sophia Sotilleo, Lincoln University of Pennsylvania, Lincoln University, PA

Michael Wright, Dubuque County Library, Asbury, IA

#### Publisher

Deborah Caldwell-Stone, Director, Office for Intellectual Freedom, an office of the American Library Association

#### Editorial Assistant

Stacy Marie Scott, University of Kentucky, Lexington, KY

#### Production

ALA Production Services: Tim Clifford and Lauren Ehle

*Journal of Intellectual Freedom and Privacy* is published quarterly (Spring, Summer, Fall, Winter) by the Office for Intellectual Freedom, an office of the American Library Association, 225 N. Michigan Ave., Ste. 1300, Chicago, IL 60601.

## CONTENTS \_ WINTER 2022

### EDITORIAL

---

#### 3 \_ Responding with Policy

Emily J. M. Knox

### COMMENTARY

---

#### 5 \_ Scholarly Book Authors' Bill of Rights

Harvey J. Graff

#### 9 \_ Let this Radicalize Us

Nicole A. Cooke

### FEATURE

---

#### 11 \_ Who's Reading Who?

*Exploring the State of Third-Party Tracking Technology in Open Access Journal Content*

Bill Marino

#### 34 \_ Contesting Obscenity

*Book Challengers and Criminalizing Literature*

Richard S. Price



WE NEED TO BE RADICAL. AND WHEN I SAY  
RADICAL, I MEAN THAT WE NEED TO BE  
CRITICAL OF THE STATUS QUO AND NOT BE  
AFRAID TO ASK ANY AND ALL QUESTIONS"

*Nicole A. Cooke, Let this Radicalize Us \_ 9*



## Responding with Policy

Author \_ Emily J. M. Knox ([knox@illinois.edu](mailto:knox@illinois.edu)), Editor-in-Chief

**H**ow many ways can you say unprecedented? Unequaled? Unmatched? When the ALA's Office for Intellectual Freedom released its data for book challenges in 2022 the headlines were glaring. "A record 2,571 unique titles were targeted for censorship, a 38% increase from the 1,858 unique titles targeted for censorship in 2021. Of those titles, the vast majority were written by or about members of the LGBTQIA+ community and people of color" (American Library Association, 2023). When I give interviews, I am often asked, "When will it end?" My answer: "I don't know. All we can do is be prepared, gather our allies, and respond appropriately."

Along with direct community responses, library workers and allies can also lobby their state and local government to enact laws and guidelines that protect intellectual freedom and privacy. The state of Illinois offers two examples that may serve as templates for other states. The first is the so-called Anti-Book Banning Law (HB 2789). This law amends the Illinois Library System Act to state that it is policy of the state of Illinois to "encourage and protect the freedom of libraries and library systems to acquire materials without external limitation and to be protected against attempts to ban, remove, or otherwise restrict access to books or other materials" (Library Systems—Book Banning 2023, 1). It also includes several goals for the State Librarian including adopting the ALA's Bill of Rights and "prohibit the practice of banning specific books or resources" (2) The teeth of the law can be found in Section 8.7 concerning state grants. For a library or library system to receive grant money from the state of Illinois, they must adopt the ALA's Library Bill of Rights or develop a written policy that "prohibits the practice of banning books" (3). This latter statement is one that will probably be analyzed in this journal for years to

come, but the Illinois law is an excellent first step for supporting people's right to read.

The governor, attorney general, and director of the Department of Human Rights also released a letter that addressed threats to LGBTQ+ events held in public spaces (Illinois Department of Human Rights 2022). Although the legislature did not pass any new laws, the letter reiterates that the Illinois Human Rights Act does not allow for discrimination or harassment based on sexual orientation or gender identity in libraries, public schools, municipalities, park districts, forest preserves, and other public spaces. In addition, public accommodations do not allow for additional fees to be charged solely due to the organizer's gender identity or sexual identity, or the intended audience of an event. The letter also reiterates that events cannot be shut down because the message is controversial or due to fears of violence. The letter provides a clear reminder that what is considered hate speech in one community is not the same in another community, and to protect the voices of historical marginalized people, everyone's right to public accommodation must be upheld.



This issue includes two commentaries. The first, by Harvey J. Graff, discusses the need for a scholarly book author bill of rights in light of changing intellectual property regimes and publishing standards. Nicole A. Cooke calls on this moment to radicalize us in support of both intellectual freedom and social justice. The two peer-reviewed articles by Bill Marino and Richard Price, respectively, focus on

tracking software used with open access journals and the history of book challenges and obscenity laws.

Due to staffing changes in ALA's Office for Intellectual Freedom, this issue does not include news. The sheer amount of person-power required to keep abreast of all the materials challenges is daunting. Issue 8.1 will include news through October 2022.

---

## References

American Library Association. 2023. "Book Challenges Nearly Doubled From 2021." News and Press Center, March 22. <https://www.ala.org/news/press-releases/2023/03/record-book-bans-2022>.

Illinois Department of Human Rights. 2022. "Letter and Resource to Public Officials on Non-Discrimination in Public Spaces." December. <https://dhr.illinois.gov/filing-a-charge>

[/letter-and-resource-to-public-officials-on-non-discrimination-in.html](#).

Library Systems—Book Banning, HB2789, Illinois General Assembly, 103, 75 ILCS. 2023. <https://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=112&GA=103&DocTypeId=HB&DocNum=2789&GAID=17&LegID=147915&SpecSess=&Session=>



# Scholarly Book Authors' Bill of Rights

**Author** \_ Harvey J. Graff (graff.40@osu.edu), Professor Emeritus of English and History, and Ohio Eminent Scholar in Literacy Studies, Ohio State University

I published my first single-authored book in 1979, my first edited book the same year; my most recent in September 2022. Although there never was “a golden age” of scholarly publishing, many elements have deteriorated significantly since that date. I write about some aspects of change in a continuing series of essays. (See my “Peer Reviewing is Becoming More Cavalier, Self-Serving and Ignorant,” *Times Higher Education*, June 2, 2022; “Editors Have Become So Wayward that Academic Authors Need a Bill of Rights,” *Times Higher Education*, August 18, 2022; “The US’ New Open Access Mandate Must Not Line the Pockets of Grifters,” *Times Higher Education*, Nov. 17, 2022; “Demythifying: An Author and Retired Professor Challenges Some Long-Held University Press Assumptions,” *Publishers Weekly*, Dec. 19, 2022; “Demythifying the University Press,” *Publishers Weekly* (online), Dec. 16, 2022; “Pay to Play—Publish for a Price: The Myths and Manipulation of the New Corporate Open-Access Journals,” forthcoming.)

The greatest decline has come in the past five to ten years. I experienced it closely between the publication processes for my 2015 *Undisciplining Knowledge: Interdisciplinarity in the Twentieth Century*, and 2022 *Searching for Literacy: The Social and Intellectual Origins of Literacy Studies*.

As I recheck this essay for submission, I must add that I am now dealing with Routledge/Taylor & Francis republishing my Academic Press and Transaction classic *The Literacy Myth* (1979, 1991, 2017) without copyright permission. And Parlor Press, a small “scholarly” publisher founded and operated by “scholars” repeatedly breaking written commitments and a formal contract by dishonestly and unethically

changing its “rules”; contradicting its own commitments; authorizing me to pay for copyright for the cover illustration; holding my completed and edited manuscript for more than six months; and sending an insulting review based on less than one-fourth of the book manuscript. I am consulting intellectual property rights attorneys about both publisher’s actions.

My academic career encapsulates several major eras in scholarly publishing including the rise and fall of university presses, and the muddled maze of commercial publishers moving into and out of the academic realm, from textbooks with expectations of high sales causing uncontrolled



competition, and the rise and partial decline of more specialized monographs and collections.

Never unimportant, economic calculations rose to rule. More and more university and commercial publishers make their publishing decisions on data-less guesstimates of sales and unacknowledged sponsorship or underwriting by outside agents, including expectations of major sales of university presidents self-promoting volumes by alumni and giveaways. Book series fill with such tomes. I only touch on selected aspects of jigsaw puzzles without solution in this essay.

The 2015–2022 saga of *Searching for Literacy* tells a revealing, continuing story. The critical analysis of the history of the study and understanding of literacy was written under contract with a moderate-sized advance for a large commercial academic publisher, Routledge. With the contract negotiated in 2015, the manuscript with all necessary permissions was delivered on schedule with required permissions for quotations.

The editor with whom I had collaborated professionally up to that point sent the manuscript to an academic series editor. Although slated for the series, this British professor had played little role up to that time. As it happens, several passages in one chapter criticized—with documentation—this person's questionable published work.

I quickly received a very awkward communication from the in-house editor. They informed me with no explanation that they were breaking the signed contract but allowing me to retain the advance on royalties. Shocked, I asked for an explanation, communication with the series editor, and an opportunity to discuss alternatives including mutually acceptable revisions to my text.

Unprofessionally, against all publishing ethics, and potentially in legal violation of the signed contract, I was told—point-blank: NO.

Unprecedented and unique in my own and my colleagues' experience, this episode coincided with my decision to retire from my professorship and related to a several years of illness. The book manuscript sat untouched on my study's shelves.

In mid-2021, I began thinking about the languishing manuscript. I took it off the shelf, reviewed it, and scanned the published literature for the past few years. I determined that there was no reason to revise before proposing it to other publishers.

I sent query letters to about a dozen university and commercial scholarly presses. About half expressed interest in seeing either the entire manuscript or sample chapters. Informing all of them that I was speaking with multiple publishers but would not contract with one of them without

discussion with all, I received three contract offers and was on the verge of a fourth before withdrawing from that house.

I chose Palgrave Macmillan (headquartered in Switzerland and The Netherlands) because of the professionalism and enthusiasm of the executive editor based in London, the value of her comments on how most effectively and expeditiously to respond to the reviews, and her collegiality and flexibility in negotiating the contract. Working with her and then the production editor based in Shanghai was fully satisfactory professionally and personally.

On one morning when I awakened very early in the US, the three of us emailed at the same time. As in almost all my previous books (after the first when my wife and I compiled and alphabetized on 3 x 5 index cards), I commissioned and paid directly for a professional indexer. At this point, four months into production, the process closely resembled my experiences publishing in the US or England when all operations were highly centralized.

Matters declined rapidly when the electronic manuscript moved to India for preparation of final electronic copy and production. First the online proof correction site did not work. I emailed corrections to the head of a "team," who responded inconsistently but also assured me that my changes were made.

When the e-book went live (without my being sent a link as promised) and then when I received a paperbound MyCopy for authors, at my own expense, I found that the most significant corrections had not been made, regardless of repeated assurances to the contrary.

The next set of failures squared the circle. The e-book was "published" on August 19, 2022. I had been promised multiple times that my contractual and my endorsers' copies would be sent at that time. They were not ordered for almost two full months. Countless emails, false promises, and lies transpired before the books were sent express mail to the wrong address, one that the Indian head somehow found online, not the address I requested and provided. Never before have I experienced a lapse of time between actual publication and dispatch, even arrival of my copies.

Perhaps not surprisingly, the MyCopy that I ordered and prepaid myself as required arrived in a few days. I strongly suspect that economics, combined with incompetence, dishonesty, and complete unprofessionalism, created these results.

Palgrave tardily reprinted both e-book and hard cover editions. But they never corrected all the errors. I was never shown corrected copy to approve. Having previously published almost 30 books in a number of countries, these professional failures, lies, and literal breaches of contract are unprecedented in my experiences.



Unlike my previous books, at my editor's request I wrote a blog post about the book for their marketing department to circulate. I published essays about the book's central themes in both higher education publications and daily newspapers.

I have not heard a single word directly from marketing nor been sent copies of any promotional materials other than my own blog entries.

I made a formal complaint to my executive editor about all these failings. I have only received paper apologies without substance or corrective actions. There must be consequences throughout the publisher's systems and structures. Of that there is neither recognition nor action.

Is it too much for me to declare that we need a Scholarly Author's Bill of Rights? This parallels my earlier proposal for a Journal Authors' Bill of Rights.

For discussion and debate, I propose the following:

### Academic Authors' Bill of Rights: Draft for Discussion and Debate

To be endorsed and enforced by professional disciplinary and interdisciplinary organization, AAUP and similar groups, PEN America, publishers and publishers associations.

1. Authors, editors, editorial board members, reviewers, and all publishers' departments share in the requirements for professional conduct, collegial responsibilities, constructive criticism, academic standards, journalistic ethics, and an educational mission dedicated to the advancement of knowledge and the intellectual growth of all parties.
2. Scholarly publishers should provide clear and direct information about the interests and scope of their list, mission, and aims; specific or current interests; and emphases.
  - a. This should include information on all processes and procedures including expectations for the major steps in the editorial and review processes and reliable estimates of the time duration for each step. Editors should communicate with submitting authors about any delays or changes.
  - b. All publishers should provide submission sites and proof correction sites that are accessible, consistent, and operational, and workarounds when sites are nonfunctional (which is common).
3. Editors must meet stated criteria for selection and undergo training and/or internship. They are responsible for overseeing the relevant fields of scholarship, and must demonstrate the knowledge, skills, and responsibilities of book editing broadly defined. This needs to be overseen.
  - a. All submissions must be promptly acknowledged, with an outline of steps to follow, and reasonable expectations for the time required for editorial, review, and appropriate production processes.
4. Editors have the obligation to identify and solicit qualified reviewers who conduct themselves professionally, responsibly, constructively, and educationally.
  - a. Reviewers must meet at least minimum scholarly qualifications for conducting the review they agree to do. Editors should never violate this minimum; reviewers should never accept an invitation outside their areas of expertise.
  - b. Peer-reviewing/peer-reviewers long held an accepted meaning. That needs to be reestablished. "Peer" represented shared bases of knowledge and collegiality. The working concept combined a sense of equals working together constructively. Today, too often reviewers demonstrate ignorance of the subject *and* a false display of power. Reviews too often demonstrate a glaring lack of familiarity with the text itself as well as the subject.
  - c. Editors should consider following the practice of some scholarly journals in requesting that submitting authors nominate potential qualified reviewers. Some, but not necessarily all, of a manuscript's reviewers might be selected in that way.
  - d. Reviewing must be accorded the status of professional service and receive appropriate acknowledgment in annual and promotion reviews.
  - e. Scholarly publishing may require a register of unprofessional reviewers who should be avoided.
  - f. Editors must be alert to unprofessional, inappropriate reviews, and remove them from the review process. A third review should be sought immediately, and the author informed of a delay.
5. Editors should be open to regular constructive, educational, and professional discussions with authors about reviews and decisions to publish or not their submissions. Constructive criticism and professional education should be central goals for all parties in the collegial process. Editors should respond professionally and respectfully to legitimate questions.
  - a. Editors must recognize and recommit to the century-long meaning of "revise and resubmit," as opposed to immediate outright rejection if there is a difference of opinion among reviewers. Expectations of all parties—author, editor, reviewers, editorial or advisory boards—must never be in doubt.





6. Authors' rights do not end with acceptance or rejection of a proposal or manuscript. They extend through the entire publication, copyediting, production, printing, sales and marketing, and supply processes.
- a. This includes consistent professionalism, expertise at all steps in the publication process, and regular communications. Special emphasis falls on clear communications including confirmation of all important actions.
  - b. Major examples of publishers' failures in my own and my colleagues' recent experience include these unprofessional breaches of contract:
    - i. Proof correction sites that do not operate.
    - ii. Submission of textual corrections that may be confirmed but are not made on the final text. Despite irregular but eventual confirmations and promises, my recent book's e-book and print editions have errors that I reported and was told were corrected. This is unacceptable. No after-the-fact correction can include previously released editions and copies.
    - iii. Failure to explain the procedures, circulation, and accessibility of e-books, online chapters, and print editions. Different publishers
- make works available in different ways; there is unnecessary confusion.
- iv. Delivery of authors' contractually guaranteed copies and copies promised to endorsers upon publication.
7. In sum, publishers must honor their contracts or face penalties. These issues lie at the intersection of professional standards and legal responsibilities.
- Once again, let the debate begin.
- Harvey J. Graff is Professor Emeritus of English and History at The Ohio State University and inaugural Ohio Eminent Scholar in Literacy Studies. Author of many books, he writes about a variety of contemporary and historical topics for Times Higher Education, Inside Higher Education, Academe Blog, Washington Monthly, Publishers Weekly, Against the Current, Columbus Free Press, and newspapers. Searching for Literacy: The Social and Intellectual Origins of Literacy Studies was published by Palgrave Macmillan in August. My Life with Literacy: The Continuing Education of a Historian. The Intersections of the Personal, the Political, the Academic, and Place is forthcoming.*



## Let this Radicalize Us

**Author** \_ **Nicole A. Cooke** ([ncooke@mailbox.sc.edu](mailto:ncooke@mailbox.sc.edu)), Augusta Baker Endowed Chair and Associate Professor, University of South Carolina

**T**he more things change, the more they stay the same. While many have been working at the intersection of intellectual freedom and social justice for great lengths of time, it is newer to others. And for those who are new, they enter this work at a time when there is increasing contention around issues related to both intellectual freedom and social justice. Whether we're dealing with the hyper fixation on notions neutrality, book bans, or systemic racism and whiteness in society and in the profession, there is a great need for this important work, and for these topics to work in tandem, instead of using intellectual freedom arguments to further disenfranchise marginalized groups. As a result, it may appear that intellectual freedom and social justice do not work together, but they are indeed not mutually exclusive. We need to give more care and consideration to how they do work together, and how they can work together in even better and more cohesive ways.

We need to be radical. And when I say radical, I mean that we need to be critical of the status quo and not be afraid to ask any and all questions. Author and abolitionist Mariame Kaba said, "let this radicalize you rather than lead you to despair" (2020), which could apply to decisions of the United States Supreme Court or a hollow diversity decision at your library; it could be myriad things. These things can become overwhelming, and we need to be radical and continue to have tough external conversations with our community and tough internal conversations with our peers and colleagues, even when they get difficult. Angela Davis (1987) said that radical "simply means grasping things at the root," questioning everything, including capitalism, sexism, ableism, racism, and white supremacy. By grabbing things at the root, we are acknowledging that we need to be proactive, consistent, bold, and even aggressive, particularly when faced with false

narratives and disinformation that harms others. If we're not going to defend our values and defend the things that we believe in, we're not going to have success with other people defending our values and our actions (i.e., keeping a challenged book on the shelves).

In addition to being more aggressively proactive, we need to be more precise in our language. We need to have empathy, we need to have intellectual and cultural humility, and we need to have vulnerability and transparency that allows us to have disagreements but still remain in the fight together. This requires willingness to meet someone where they are and to have our own thoughts and beliefs challenged. We need to get to a place where we can be transparent, vulnerable, humble, and therefore radical. Ultimately, this requires personal work that is continuous and critically self-reflective. This is not to say that the intellectual freedom



and social justice work stops; rather, it can occur concurrently with our self-work so we don't lose momentum or progress.

Working toward the continued integration of social justice and intellectual freedom can be difficult, isolating, and overwhelming, and it can also be done on multiple levels. Our work is done on the *micro* level (i.e., the internal conversations that we have that can increase our understanding of different issues, different cultures, etc.). We also work at the *mezzo*/middle level (i.e., within our workplaces or organizations), and at the *macro* level (i.e., work done outside in the world, going full spectrum in terms of how we are trying to improve our profession and communities). At any given time, we can be working in one, two, or all three of these levels, and this can vary according to time, space, and place. So when you're feeling overwhelmed, remember the different levels and think about what can you do today, or in this moment, because you can't do everything at once, and I think this is a good reminder. This, in addition to the work that we must do as individuals, is the radical and collective work that enables us to deal with challenges and to

do the hard work within our profession and communities to dismantle the antiquated structures and barriers, including white supremacy. Keep talking, keep protesting, and keep talking back.

"I am fully human when I recognize your humanity" (Asino 2022). What a great encapsulation of how we should think about people we work in service of, and our professional values of intellectual freedom and social justice, and the false value of neutrality (which is often conflated with being nonpartisan). Neutrality is not inherent in what we do in libraries; whatever we choose to do or enact is a decision that impacts others. Even if we choose not to do something, that's still a consequential decision. We can't be neutral because we're making decisions from our own personal and experiential lens, therefore as much as we strive for an equitable lens, we're still human. Neutrality is being weaponized as a way to shut down or avoid conversations, and it serves to dismiss and devalue other perspectives and experiences. It dismisses and devalues the humanity of others. No decision or action will be perfect or appropriate for all, but they can be radical and respect the humanity of everyone.

---

## References

- Asino, Tataleni. 2022. "The Five People You Will Meet in School Library Heaven." IASL 2022 Conference keynote, University of South Carolina, Columbia, SC, July 12.
- Cooke, Nicole A. 2017. "Librarians as Active Bystanders: Centering Social Justice in LIS Practice." In *The Portable MLIS: Insights from the Experts*, ed. Ken Haycock and Mary-Jo Romaniuk, 39–48. Sacramento, CA: ABC-CLIO.
- Davis, Angela. 1987. "Let Us All Rise Together." Keynote address, Spelman College, Atlanta, GA, June 25.
- Hayes, K. E., & M. Kaba. 2023. *Let This Radicalize You: Organizing and the Revolution of Reciprocal Care*. Haymarket Books.



## Who's Reading Who?

Exploring the State of Third-Party Tracking Technology in Open Access Journal Content

**Author** \_ **Bill Marino** ([wmarino1@emich.edu](mailto:wmarino1@emich.edu)), Associate Professor, Online Learning Librarian, Eastern Michigan University

**T**he shift in scholarly communication from print to electronic format—and from ownership to access-based delivery models—has changed the dynamics of control related to library collections (Breeding 2019; Singley 2020). External providers now deliver most scholarly content to users, reducing library control to primarily print collections. User data gained through tracking technology, which often collects information without a user's knowledge or agency, is a product of this shift that has been identified by previous studies (Hinchliffe, Zimmerman, and Altman 2018; Hanson 2019). This tracking data, aggregated by third parties who use it to form user profiles that can then be commodified, “challenges libraries’ historical assumptions about privacy and anonymity” (Hanson 2019, under “Aggregated Identities”).

Particularly troubling is the presence of tracking technology in open access literature (Hinchliffe, Zimmerman, and Altman 2018), which the Budapest Open Access Initiative hailed as a public good that promises “completely free and unrestricted” peer-reviewed research (Chan et al. 2002). Like Barbrook and Cameron’s (1996) Californian Ideology, which describes tension in the emerging internet between, on the one hand, a virtual community that exhibits a free exchange of information and ideals, and on the other, a neo-liberal inspired electronic marketplace, open access literature is pulled between two opposing sides, with one firmly anchored in the ideals that publicly funded research should be available to all people regardless of economic or social status (Chan et al. 2002; Stebbins 2013; Science Europe n.d.),

and the other operating within the internet’s market ecosystem. While the Budapest Open Access Declaration acknowledged the need for novel funding models to support costs incurred by publication, the presence of tracking technology raises the question of whether we have merely shifted the product, selling the reader rather than the content. If this is the case, it would run counter to both the American Library Association’s (ALA) and International Federation of Library Associations and Institutions’ (IFLA) stance on user privacy rights (American Library Association 2017; 2019; International Federation of Library Associations and Institutions 2012; 2014).

This study further explores the prevalence of third-party tracking in open access literature, focusing on



English-language publications in the Directory of Open Access Journals (DOAJ). It builds on the work of previous studies to consider what parties are doing the tracking and for what purposes, but also introduces simple mathematical models from privacy studies in computer science (Englehardt and Narayanan 2016; Yu et al. 2016; Karaj et al. 2019) to determine the invasiveness of scripts based on their behavior in the real world. This is achieved through considering how often they are encountered and how often they are likely to gather data that can identify individual users. In doing so, it identifies a tracker profile that appears unique to open access literature and considers how much user data is forfeited.

## Literature Review

### Corporate Influence and the Internet

Concern over corporate control of the internet has a long history. Borgman (2015) points to policy changes in the early 1990s that led to what she calls “the commodity internet,” replete with “new business models, shifts in the balance of stakeholders, and unforeseen challenges of security and privacy [that] are contributing to redesign of the infrastructure” (46). The rise of the corporation led to the individual being labeled as “samples, data, markets, or ‘banks’” (Deleuze 1992, 5), and established roles of producer and consumer became clouded as consumers began contributing to social processes surrounding products (Lazzarato 1996). Schiller (1996) warned of a world in which corporate interests usurp the traditional role of social and civic institutions, threatening “the public good” and transforming communications channels into marketing tools whose ultimate purpose is sustained economic growth, a concern that is also reflected in Barbrook and Cameron’s (1996) Californian Ideology.

These concerns are still alive today. In higher education, they exist in a large body of literature that explores corporate influence in the academy through the adoption of various educational technology products and the privacy ramifications associated with their use. Common themes that emerge are outdated institutional interpretations of privacy, the ever-changing nature of data, and the ability of corporations to gain increased access to student information and operate without transparency or liability (Brown and Klein 2020; Jones et al. 2020; Paris, Reynolds, and McGowan 2021). Parks (2017) described an environment where “participation in the system of higher education in the United States now implicitly requires that students consent to sharing their personal information with third parties with little transparency or control over their own information” (27).

Library literature also shows concern with corporate influence, as several studies have focused on the implications

of the use of third-party resources, particularly the use of products within Google’s ecosystem. O’Brien et al. (2018) investigated the use of Google Analytics products on academic library sites, finding that most implemented Google Analytics or Google Tag Manager, yet few used connection or security features to protect user data (741–42). Breeding (2019) warned libraries that the “basis of Google Analytics in the commercial advertising ecosystem” may not be compatible with privacy policies (12), and other studies echo this concern, with Chandler and Wallace (2016) and Quintel and Wilson (2020) exploring the use of Piwik and Matomo, open-source alternatives to Google Analytics.

A theme found in library privacy literature is the need to balance innovation of services with professional ethics. This is true of library efforts to participate in campus learning analytics initiatives, where the possibility to measure library impact on student success and secure funding must be weighed against preserving patron privacy (Hartman-Caverly 2019; Hwang and Hanson 2021; Jones 2019; Jones et al. 2020; Oakleaf 2016; 2018; Oliphant and Brundin 2019; Selwyn 2019; Slade and Tait 2019; Travis and Ramirez 2020). However, there is evidence that, like the academy, many libraries are ill-prepared for this task.

A pair of studies (Zimmer 2014; Tummon and McKinnon 2018) explored perspectives on privacy among US and Canadian librarians and found that most librarians are concerned with the amount of personal data that is collected by companies and the government. However, Tummon and McKinnon (2018) also noted that “librarians are alarmingly unaware of the practices at their own libraries regarding online and patron privacy” (92), and Hanson (2019) warns that libraries are operating on a dated definition of personally identifiable information (PII). Considering recent legislative efforts at the state level that modify the definition of PII (e.g., the California Consumer Privacy Act of 2018 and Illinois Biometric Information Privacy Act), it becomes increasingly important that librarians remain educated and engaged on this topic.

### Libraries: Tracking the Trackers

Other studies in the library literature have begun to explore third-party tracking on library sites and resources. Breeding (2016) explored websites from ARL libraries as well as the 25 largest public libraries in the United States for instances of tracking scripts, and Marino (2021) examined ARL library homepages for third-party tracking cookies. Both noted a high prevalence of tracking software on library websites.

Two studies explored the presence of tracking technology in scholarly literature. Hinchliffe, Zimmerman and Altman



(2018) analyzed tracking technology on publisher sites, performing a comparison of EBSCO, EBSCO Open, Elsevier, ProQuest, ProQuest Open Dissertation, Springer LINK, Springer Open, Taylor & Francis, and Wiley, in terms of encryption (HTTPS), ad placement, external sources, cookies, reader apps, and fingerprinting. Hanson (2019) analyzed the source code of the most frequently accessed article from 15 publisher platforms at the University of Minnesota for instances of third-party assets loaded on the page. Widespread tracking was noted in both open access and subscription-based resources, and Hinchliffe, Zimmerman, and Altman (2018) concluded that laws and licenses were ineffective in protecting user privacy. Universally, these studies call for additional work that considers the implications of third-party influence on the privacy of library users.

### The Growth of Open Access Literature

Open access publications have grown in both volume and impact over the past two decades. Piwowar et al (2018) found that 44.7% of all articles published in 2015 were open access, and multiple studies have shown that open access articles exhibit a citation advantage over subscription-based alternatives (Piwowar et al. 2018; Breugelmanns et al. 2018; Arendt, Peacemaker, and Miller 2019). However, Hinchliffe, Zimmerman, and Altman (2018) noted the less favorable side of open access, identifying third-party tracking technology on open access material available from large publisher platforms.

### The Behavior of Trackers

Computer science literature has provided a tool set that can be used for further exploration of tracking scripts' behavior. This work focuses on analysis of the trackers themselves (Englehardt and Narayanan 2016; Yu et al. 2016; Karaj et al. 2019). Englehardt and Narayanan (2016) noted a long tail, where relatively few trackers perform most of the user tracking. Yu et al. (2016) identified problems with the traditional domain-level approach to tracker blocking—where all scripts originating from a particular domain are blocked—noting that tracking scripts exhibit “mixed behavior.” They do not pass information that can identify a particular user every time they are loaded. Karaj et al. (2019) identify the need to analyze trackers in relation to user's real-world behavior, opting to measure tracker reach across the browsing history of more than 5 million users representing “multiple countries, ISPs, and browser configurations” (1). Their work has led to the WhoTracks.Me website, which provides detailed monthly data on a tracker's reach and tracking frequency that can be used in targeted analyses.

### Research Questions

This study builds on previous attempts in the library literature (Hinchliffe, Zimmerman, and Altman 2018; Hanson 2019) to catalog third-party tracking, expanding to include mathematical concepts from other privacy-related disciplines and data from the Ghostery/WhoTracksMe database. It concentrates specifically on English-language open access material from the DOAJ, considering the following questions:

- How prevalent is third-party tracking in open access journals?
- What parties are doing the tracking? What purposes do they serve?
- How invasive are the tracking scripts?
- Are user autonomy options available? Do they affect third-party tracking?

### Methods

Hanson's (2019) methods for discovering and logging tracker resources served as a basis for the collection methods used in this study. Data was collected between May 24 and June 18, 2021 using Chrome versions 90.0.4430.212 and 91.0.4472.114 for Mac (Chrome 91 was released on May 25 with no substantial changes that could affect this study—see Bommana 2021; LePage 2021). Chrome was selected because it is the most popular browser worldwide, holding a 64.75% market share as of May 2021 (StatCounter n.d.), and it has no built-in cookie or script blocking features at the time of the study. Unlike Hanson, who used the Ghostery plug-in, Privacy Badger was selected to help with identification of tracking code that was loaded. It does allow a user to opt-into a “heuristics” learning mode that analyzes sites for tracking activity and adapts to meet an individual's browsing habits (Arrieta et al. 2020), but the default (non-heuristics) mode was used for this study.

The researcher downloaded journal metadata dated May 21, 2021 from the DOAJ. A set consisting of English language content from journals bearing the DOAJ seal (see <https://doaj.org/apply/seal/>) that had published more than one article in the last five years was identified. This resulted in 1323 journals published by 140 publishers. The decision was made to analyze content at the publisher level, as it was noted that most publishers use a single platform across their journal content. For each publisher, the researcher accessed the first journal listed in the DOAJ metadata record using the URL supplied in its entry. The researcher then selected one article from each journal to test, which was visited using a clean Chrome browser (all browsing data and cookies



cleared) with the Privacy Badger extension (version 2021.2.2) installed—no other extensions were present.

The researcher logged the following information in a spreadsheet:

- Article information (i.e., Publisher name, Journal title, URL, etc.),
- Whether users had any control over their privacy preferences (if the user was provided with a choice, the collection process was repeated twice for those articles—one page with tracking rejected and a second with it accepted),
- if user autonomy functions existed, whether they were opt-in or opt-out in nature,
- the number of trackers that Privacy Badger blocked for a given page,
- the blocked script's domain/subdomain address.

To identify the entity behind each blocked script, the study turned to Karaj et al (2019), running its address through Ghostery's WhoTracksMe site (<https://whotracks.me>). This step allows domains/subdomains that serve the same tracking script to be aggregated, ensuring that if multiple instances of a tracker are loaded on a single page, they are only counted once. For example, a page could load the same Twitter tracker script from several Twitter-owned subdomains (e.g., [twitter.com](https://twitter.com), [t.co](https://t.co), [twimg.com](https://twimg.com), [pbs.twimg.com](https://pbs.twimg.com), [cdn.syndication.twimg.com](https://cdn.syndication.twimg.com), [ton.twimg.com](https://ton.twimg.com), etc.), but all would be counted one single time. Tracker purpose was determined by the WhoTracksMe's purpose categories (see [https://whotracks.me/blog/tracker\\_categories.html](https://whotracks.me/blog/tracker_categories.html) for category definitions).

Next, the site reach value was determined for each tracker, third-party that set tracking scripts, and purpose category across all pages analyzed using Karaj et al.'s (2019) formula:

$$\text{Site reach} = [\text{unique pages where variable was seen}] / [\text{unique pages}]$$

This value between 0 and 1 (with a value of 1 meaning that it was present on all pages) establishes the frequency with which a particular variable occurred across the sample set. It also provides a value that can be compared against Ghostery's cumulative site reach value for the top 10,000 websites in June 2021 ( $\text{Cumulative site reach} = [\text{Tracker site reach top 10k (Ghostery)}] / 10,000$ ) to indicate whether our sample of open access articles are indicative of web content in general.

To gauge invasiveness of a tracker, this study introduces the invasiveness product, which allows the researcher to

estimate how many times a tracker is engaged in tracking specific individuals based on the sample set size. It is calculated by multiplying a tracker's measured site reach value by its utilized tracking content value for June 2021. The utilized tracking content value is available via the Ghostery/WhoTracksMe database (<https://whotracks.me/explorer.html>) and measures the proportion of pages on which a potential tracker transmits a unique identifier that is able to track a specific user across the web, either via cookies or fingerprinting. It is adjusted monthly and accounts for Yu et al.'s (2016) "mixed behavior."

$$\text{Invasiveness product} = [\text{Site reach value}] * [\text{Utilized tracking content value (Ghostery)}]$$

For example, the Google Static tracker has an invasiveness product of 0.079. This means that in a sample consisting of 100 webpages, it is estimated to track specific users on roughly 8 of them. The invasiveness product was determined for each known tracker in the sample set.

Finally, the effect of user autonomy options was considered by comparing the number of tracking scripts logged when a user rejected tracking versus the number logged when a user accepted it. Whether these features were opt-in or opt-out in nature was considered. In cases where a user had the enhanced ability to enable or disable specific categories of trackers, an all or nothing approach was used—either all categories were disabled or all categories were enabled.

## Results

### Prevalence of Third-Party Tracking

Of the 140 articles selected for testing, 2 exhibited network errors that prevented data collection. Sixteen had statements that provided user autonomy and were tested twice. This resulted in a total of 154 pages tested. 138 unique journals were represented (see appendix 1 for list of journals, publishers, and platforms tested).

132 of the 154 (85.7%) pages had tracking scripts, with an average of 4.2 scripts loaded per page. A total of 645 tracking scripts were loaded across the sample set, with 96.4% (n = 622) being linked to 47 known trackers in the WhoTracksMe database (see appendix 2).

Like Englehardt and Narayanan (2016), this study noted a long tail with regards to both the trackers and the third parties responsible for them. A small number of trackers had high site reach values; the remaining values dropped off quickly. Likewise, a limited number of third parties were responsible for setting most of the tracking scripts (see figure 2).

On average, the sample set had a unique tracker profile that was not representative of the web's top sites. Most

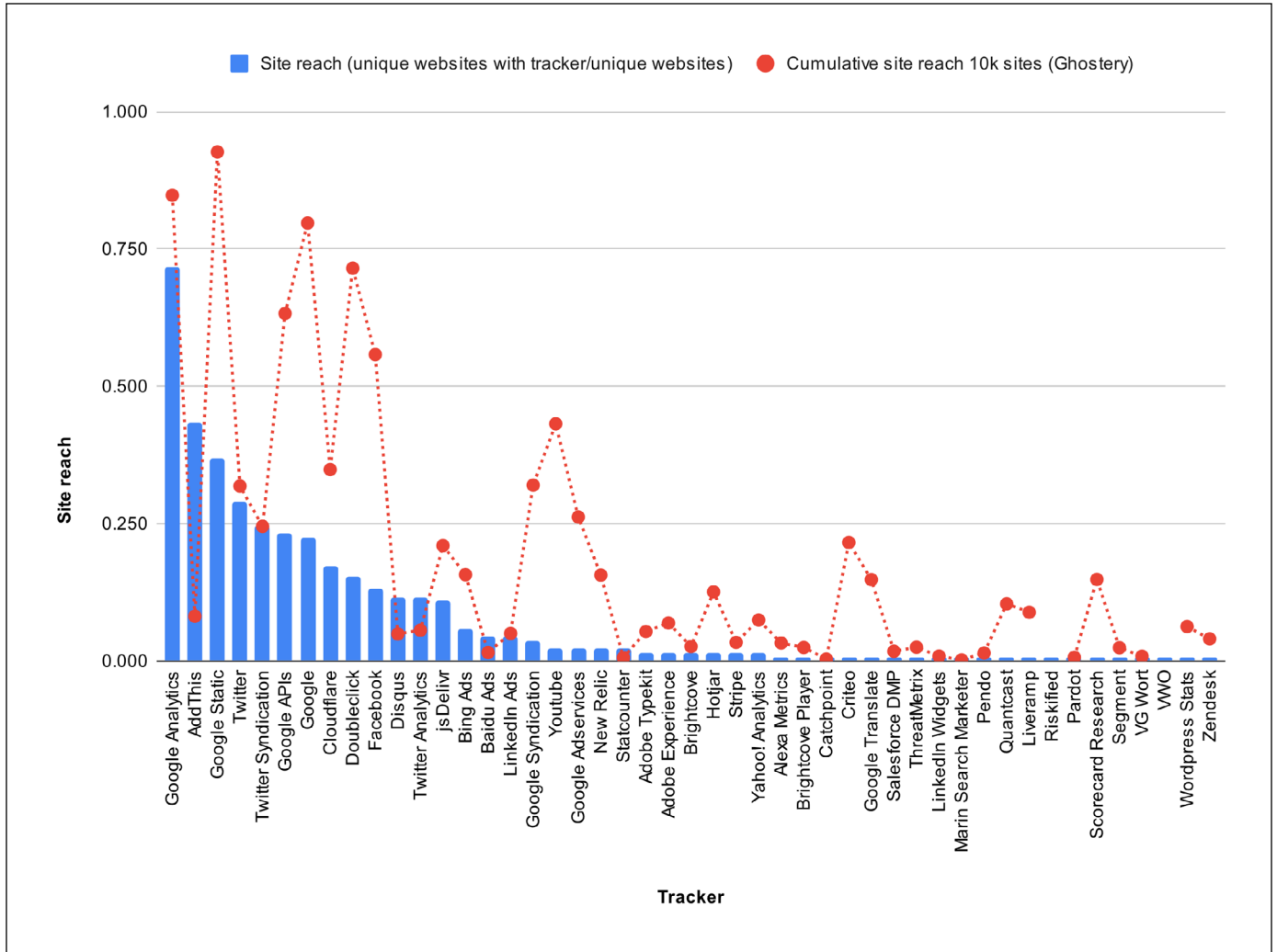


Figure 1. Trackers by site reach value (unique pages = 154)

trackers had comparable or lower site reach values than they did across Ghostery’s top 10,000 sites (see figure 1), perhaps suggesting that tracking is less prevalent in open access articles than other areas of the web. Many trackers that typically had high site reach values (e.g., Doubleclick, Facebook, etc.) appeared further down the long tail in the study’s sample. Conversely, some trackers that had low site reach values across the top 10,000 sites appeared frequently in our set. Oracle’s AddThis tracker was more than 5 times as likely to appear on a page in the sample set, with a site reach value of 0.435 versus 0.082 in Ghostery’s top 10,000 sites. Disqus and Twitter Analytics were more than twice as likely to appear in the sample set.

Thirty-three third parties loaded trackers on the pages. Google, Twitter, Microsoft, Adobe, and Brightcove were responsible for multiple trackers. Google set the most at 9, Twitter and Microsoft set 3, and Adobe and Brightcove set 2. However, the number of scripts that a party set did not always correlate with site reach. When tracking scripts were aggregated by the third parties responsible for them, Adobe and Brightcove both appeared further down the long tail (see figure 2).

**Tracker Purpose**

Eight categories of trackers—advertising, audio video player, CDN, comments, customer interaction, essential, site



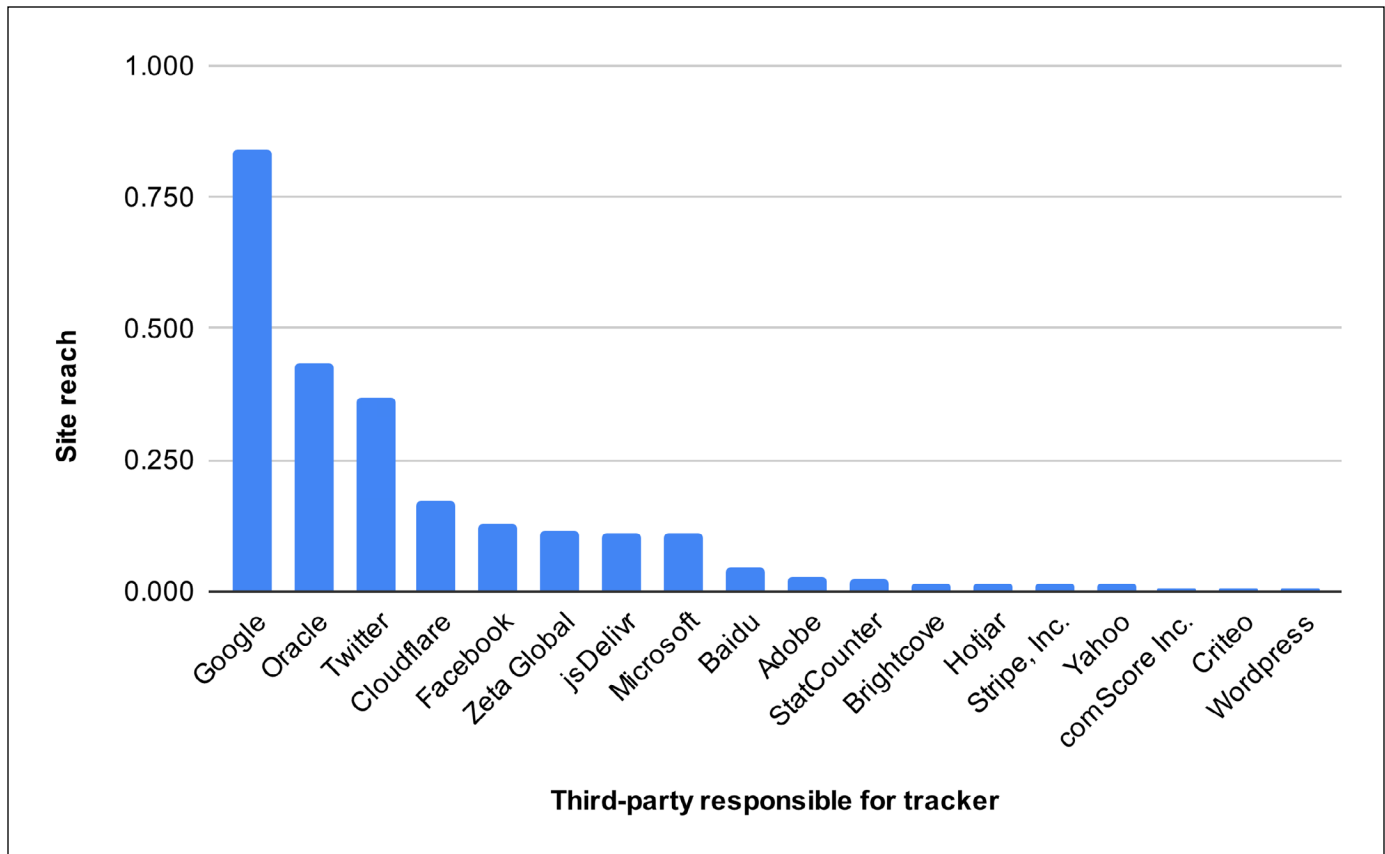


Figure 2. Third parties responsible for trackers by site reach value (unique pages = 154)

analytics and social media—were noted. Of the 47 known trackers, the majority placed in the site analytics (36.2%,  $n = 17$ ) or advertising (29.8%,  $n = 14$ ) categories (see figure 3). Most third parties set trackers that fell in a single category. However, Google, Twitter, Microsoft, and Adobe each set trackers serving multiple purposes (see figure 4).

Again, the number of unique trackers in a category did not always correlate with the category's site reach (see figure 5). As expected, the site analytics and advertising categories had high site reach values. However, the CDN category, despite making up only 8.5% of the tracker set, had a site reach value of 0.616, meaning that it appeared on nearly 62% of the pages analyzed. The social media category, which made up 6.4% of the total tracker set, had a site reach value of 0.290, appearing on 29% of the pages, and the comments category, which comprised only 2.1% of the trackers, boasted a site reach value of 0.116, appearing on a nearly 12% of the pages in the sample.

### Invasiveness

Only one tracker, Google (set by the google.com domain), had an invasiveness product greater than 0.100, indicating that it can identify individuals across at least 10% of the sample set. With its invasiveness product value of 0.176, it is estimated to be setting unique identifiers that track users on 27 of the 154 (17.5%) pages analyzed (see figure 6). Four trackers had an invasiveness product greater than 0.050—Twitter Analytics (0.096), Twitter Syndication (0.083), Disqus (0.080), and Twitter (0.078).

High site reach ranking did not translate to high invasiveness. Except for Twitter's trackers Twitter Syndication and Twitter, no other trackers posting a site reach value in the top five had an invasiveness product greater than 0.030. Google Analytics, which had the highest site reach value in the sample set, posted an invasiveness product of 0.005, indicating that it is estimated to use unique identifiers to track users on only 1 of the 154 pages (see appendix 2 for full results).

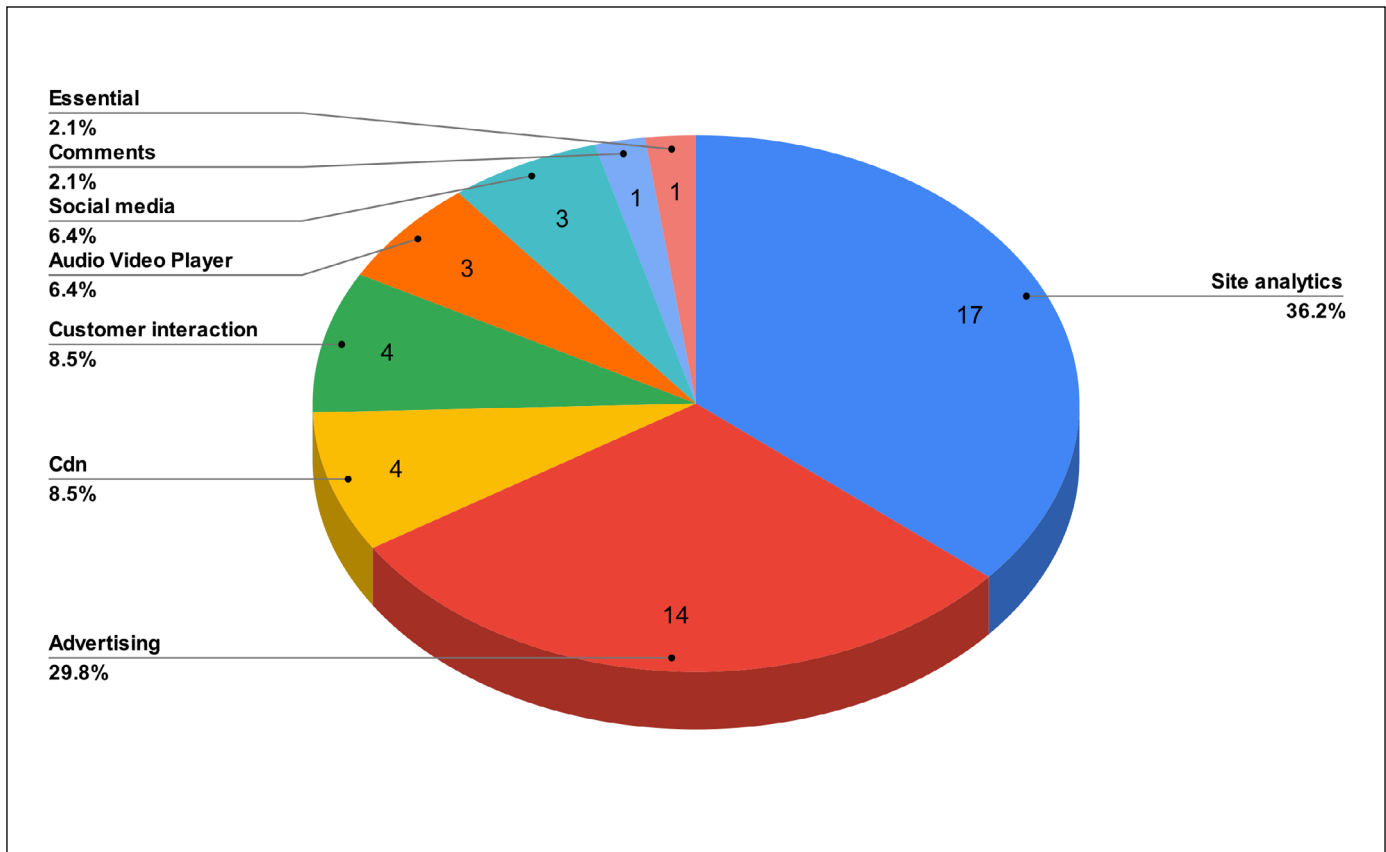


Figure 3. Trackers by purpose category (n=47)

Perhaps most surprising is the number of trackers that had an invasiveness product so low that they are estimated not to track users at all. Twenty-three (48.9%) trackers had an invasiveness product value less than 0.002. A few different scenarios may be responsible for this low value: both a low site reach value and a low utilized tracking content value, meaning that the tracker is not logged on many pages and does not often track users when it is logged; a high site reach value and a low utilized tracking content value, where the tracker appears frequently but does not track often when logged; or a low site reach value and a high utilized tracking content value, where the tracker does utilize tracking frequently when logged but doesn't get logged frequently.

### User Autonomy Options

Ten of the 16 articles (62.5%) that offered user autonomy options logged fewer tracking scripts when tracking was rejected, with 2 of the 10 logging zero tracking scripts after the researcher disallowed tracking. For the remaining six,

user selections had no effect on the number of tracking scripts loaded or cookies logged.

Of the 10 articles that logged fewer trackers based on user autonomy options, 7 were opt-in, meaning that tracking was disabled by default, but users could enable it at their discretion. Three of the 10 were opt-out. The researcher noted that two of these opt-out sites still logged cookies from trackers after all available options were exercised to block tracking. The exact reason for this is unknown and beyond the scope of this study, but it may be due to an error in the set-up of the cookie management software for the site, or the site may be loading content that is a part of a tracker network with the ability to load and track for other entities.

### Discussion

Like previous studies (Hinchliffe, Zimmerman, and Altman 2018; Hanson 2019), third party trackers were found on most of the pages analyzed, confirming that open access literature is by no means immune to Borgman's commodity internet. Corporate influence has expanded to open access

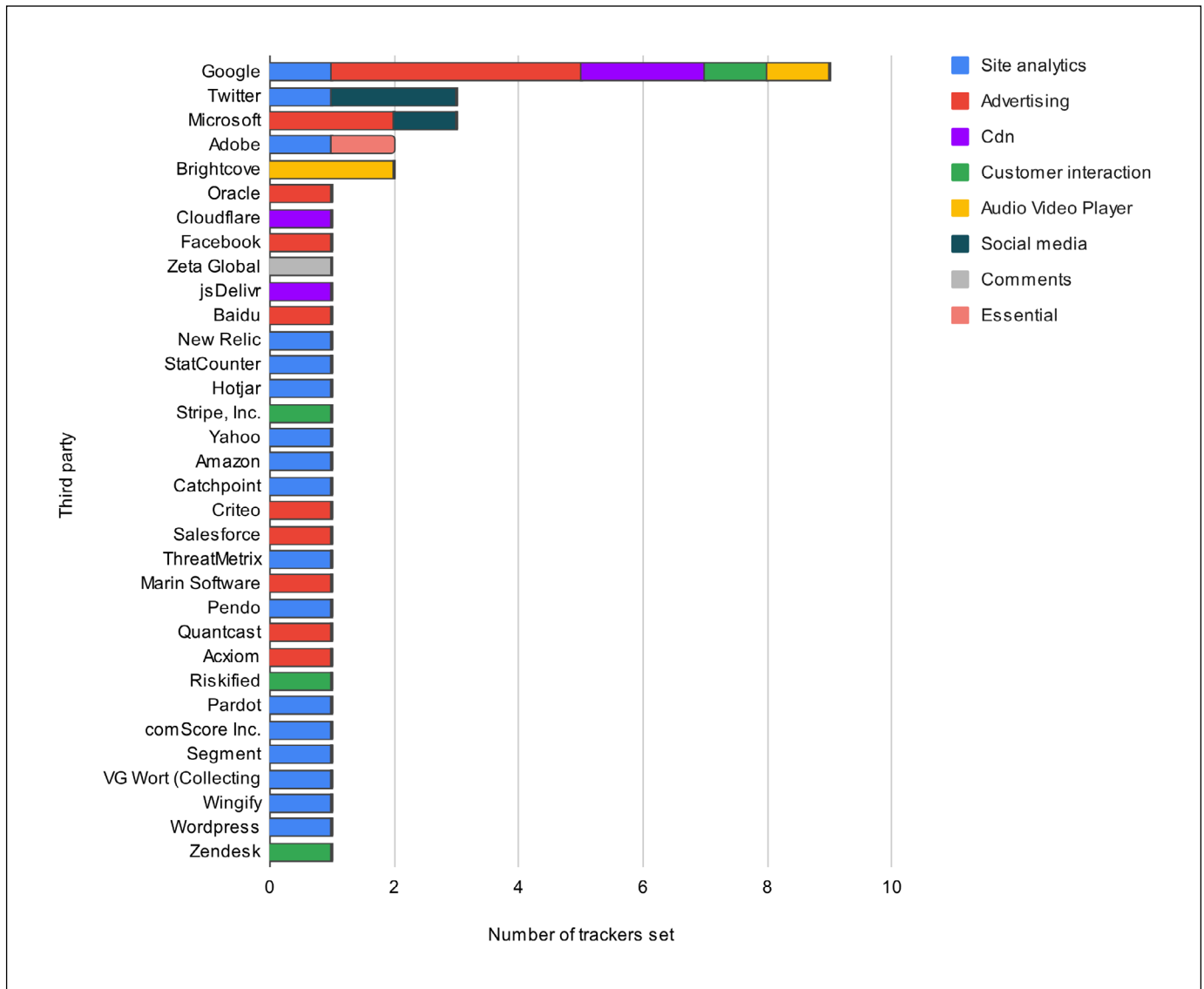
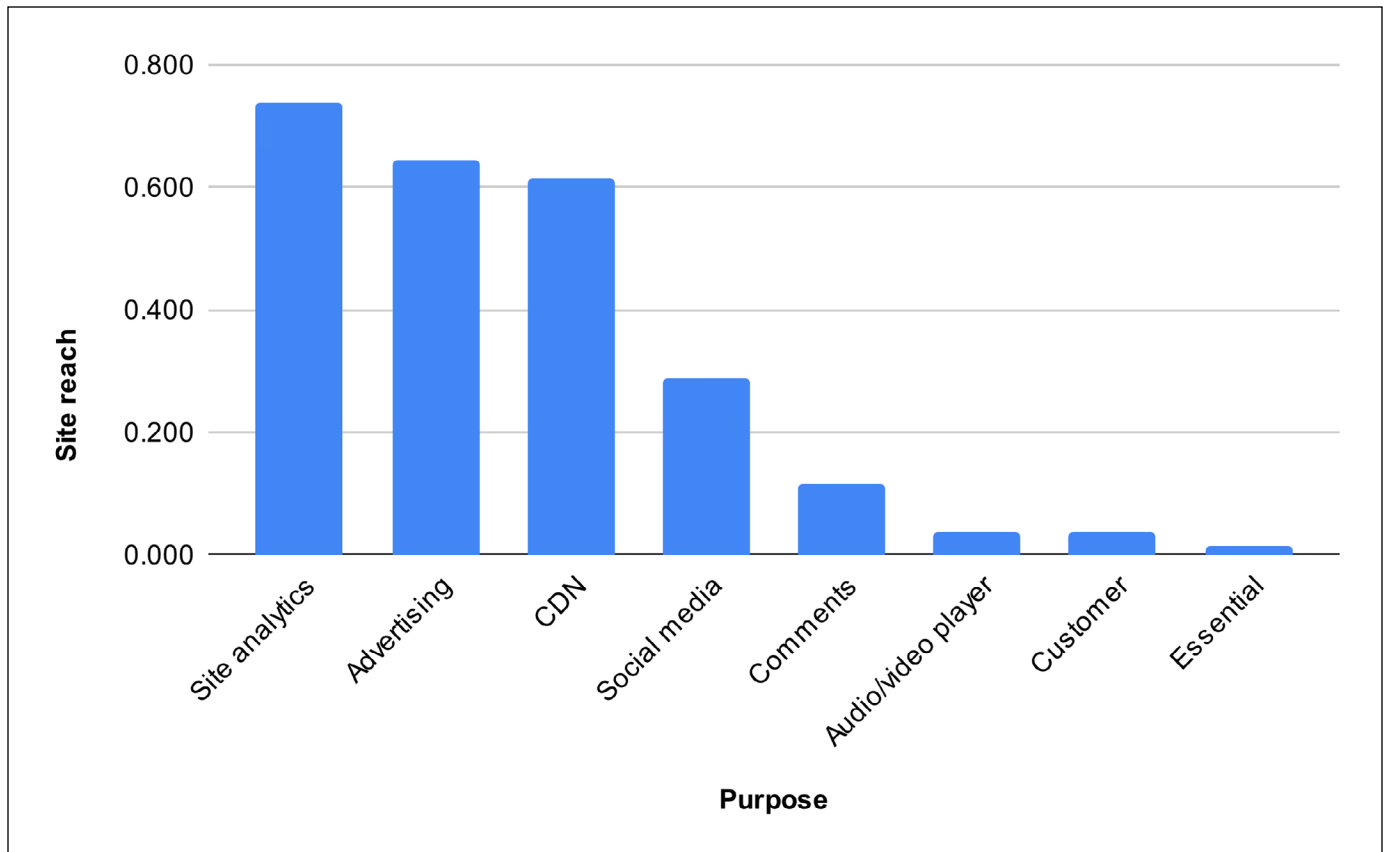


Figure 4. Tracker purpose by third party (n=47)

literature through the various hosting platforms’ websites, and users are given agency over this tracking only a small percentage of the time. However, in using site reach values to analyze how often a user is likely to encounter a specific tracker cumulatively across the set, the results revealed that relatively few trackers had a broad reach. It’s tempting to theorize that, because of this low site reach, trackers are encountered less frequently, gain less information, and as a result, are less invasive. However, the reality is more complex, and as posited by Karaj et al. (2019), the sample’s relationship to the overall web must be considered.

Our set of open access journals had a unique tracker profile when compared to the 10,000 most popular sites on the web. A low observed site reach value in the sample set does not necessarily mean that users will encounter the tracker any less frequently in their overall web activity. In fact, cumulative site reach values across Ghostery’s top 10,000 sites seem to indicate that most of the identified trackers appear more frequently than observed in the sample, and still have the potential to gather personal data and build aggregate profiles.



**Figure 5. Tracker categories by site reach value**

To consider the likelihood of a tracker gathering information that could identify a specific user, the study also adopted Yu et al.'s (2016) observation of mixed behavior with regards to trackers—that tracking scripts are not always actively tracking. The proposal of an invasiveness product using site reach values and Ghostery's utilized tracking content value is unique and allows us to estimate how often user data is vulnerable to a given tracker in a set. Estimates made from this value show that very few of the trackers encountered in DOAJ content were highly invasive; most shocking was the estimate that nearly half of the group would likely not track at all. This shows that, taken in isolation, DOAJ content remains relatively safe with regards to user privacy. However, very few users use the web solely to visit open access articles and this finding may not hold up when the set is expanded to reflect users' real world browsing habits. Further studies should take this into account, using the invasiveness product value to analyze scholarly communication in terms of its relationship to a user's overall browsing history.

Given Breeding's (2019) warning to libraries regarding Google, the presence of its trackers, along with those social media platforms inhabiting the high end of the site reach and invasiveness long-tails, should give pause. Their use must be further evaluated and, perhaps, reconsidered. Not only did Google dominate over other entities in terms of the overall number of trackers logged and site reach value of its trackers, but it also posted several of the most invasive scripts logged in the study. Twitter and Facebook both logged higher than average invasiveness product values, as did AddThis, which allows users to share content with their social networks. While nearly impossible to entirely step away from the Google/social media ecosystem—Google set scripts in five of the identified purpose categories—studies that present alternatives (Chandler and Wallace 2016; Quintel and Wilson 2020) should be revisited and additional research should further investigate the value added by these services and explore viable, privacy-respecting alternatives to the most problematic.

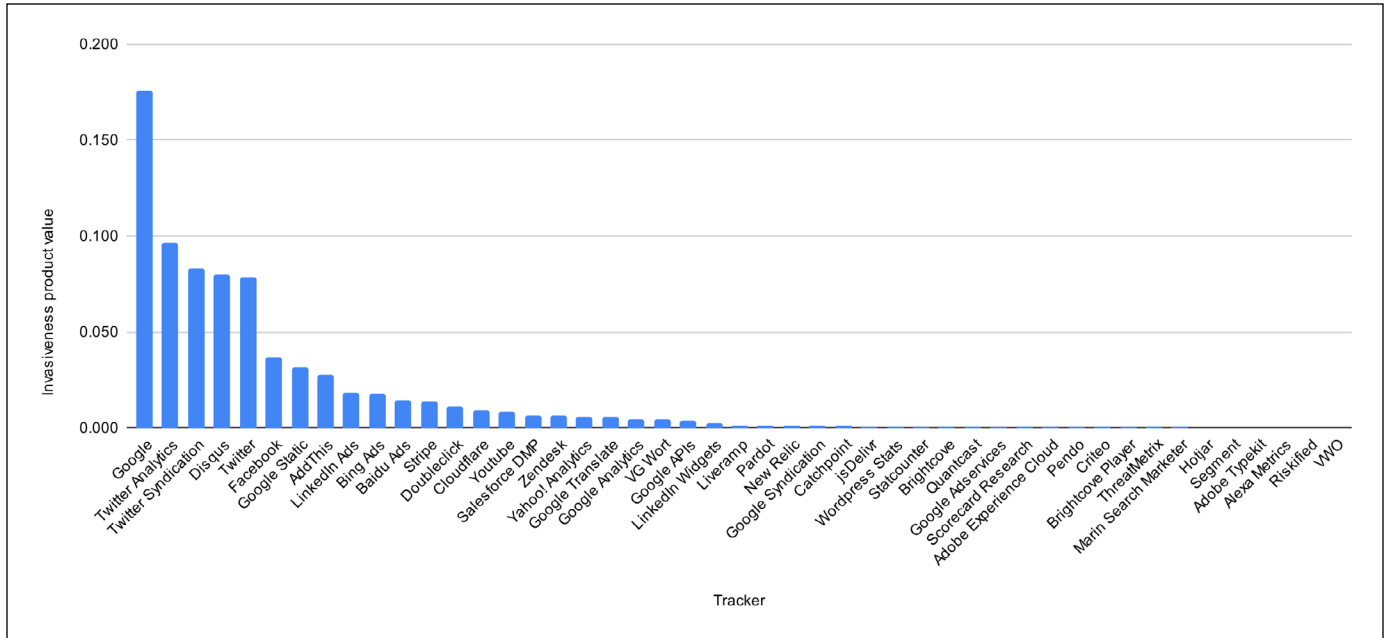


Figure 6 . Tracker by Invasiveness Product

Finally, the results indicate that user autonomy options are neither widespread nor fully developed. Only 16 articles (11.6%, n = 138) offered the user any control over tracking content, and some of these had options that proved ineffective at disabling the tracking they were meant to prevent. Further studies should focus exclusively on the efficacy of these autonomy features.

**Limitations**

This study is not without shortcomings. It represents a snapshot of a small sample of scholarly publishing at a set point in time. It does not consider users' real world browsing habits, which are unique and can influence their susceptibility to tracking. The internet is not static. Given the nature of tracking technology, the entities that set trackers as well as the scripts loaded on sites will change often. Likewise, the frequency with which they track users is mercurial—Ghostery's data is released monthly to account for these changes.

A small number of tracking scripts (n = 23, 3.6%) could not be identified or tied to any entity in the WhoTracksMe database. This lack of information made it impossible to determine the purpose of these scripts or their invasiveness.

Finally, this study did not explore the interconnected nature of tracking scripts. Scripts can use their access to a site's DOM, or document object model, to pass data to affiliates. Not only might a given tracker be forfeiting user information to many additional entities, but end users may also

be subject to an ever-changing number of privacy policies based on algorithmic actions out of their control.

**Conclusions**

This study confirms that tracking technology is widespread in DOAJ content, but considers various caveats—site reach and invasiveness product values—to conclude that:

- DOAJ content has a unique tracker profile that deviates from the web's most popular 10,000 sites.
- Only about one-quarter (13 of the 47) of the identified trackers appeared on greater than 10% of the sample.
- Users are most likely to encounter trackers in the analytics, advertising, CDN, and social media categories when visiting DOAJ content.
- Most of the trackers were not highly invasive, with only 1 tracker (Google) estimated to track identifying information across more than 10% of the sample. 48.9% of the trackers were estimated not to track identifying information on individual users at all.
- User autonomy options are still not prevalent, appearing on only 16 of the articles tested, and only moderately effective when encountered, with only 10 of the 16 exhibiting fewer tracking scripts when users disallowed tracking.
- Due to the variability of tracker behavior and uniqueness of the sample's tracker profile, there is a need for further



studies that examine publisher content out of isolation, in the context of a user's overall web use.

Finally, there are actions that librarians can take to combat third-party tracking in scholarly communications that center on education and advocacy. First, librarians can continue to educate both themselves and users on privacy matters that affect library resources (Singley 2020; Jones et al. 2020; Brown and Klein 2020; Paris, Reynolds, and McGowan 2021). Librarians must monitor and adapt to evolving definitions of PII (Hanson 2019) and be aware of third-party tracking on the resources that they provide. Those who teach should include discussions of data privacy and user rights in their curriculum. Those who deal with library collections should pay particular attention to data handling and sharing portions of vendor contracts and pressure publishers to ensure that their platforms respect user privacy (Hinchliffe, Zimmerman, and Altman 2018). The Licensing Privacy project at the University of Illinois at Urbana-Champaign (<https://publish.illinois.edu/licensing-privacy/>) provides a good start. Those who serve in a support capacity for an academic journal should research the platform options, plug-ins, and privacy features that can be implemented. Where possible, the time has come for the library to rethink its relationship with Google. This calls for additional research that explores viable, privacy-respecting alternatives to Google services (see Chandler and Wallace 2016; Quintel and Wilson 2020). Finally, librarians must advocate for common sense privacy policies that provide transparency and autonomy—transparency on what information is being collected, who has access to that information, and how it is being used; and user autonomy that gives users real decision rights over what information can be collected.

## References

- American Library Association. 2017. "Privacy." Advocacy, Legislation & Issues. <http://www.ala.org/advocacy/privacy>.
- . 2019. "Privacy: An Interpretation of the Library Bill of Rights." Issues & Advocacy. June 24. <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/privacy>.
- Arendt, Julie, Bettina Peacemaker, and Hillary Miller. 2019. "Same Question, Different World: Replicating an Open Access Research Impact Study." *College & Research Libraries* 80 (3): 303–18.
- Arrieta, Andrés, Bennett Cyphers, Alexei Miagkov, and Daly Barnett. 2020. "Privacy Badger Is Changing to Protect You Better." Electronic Frontier Foundation. October 7. <https://www.eff.org/deeplinks/2020/10/privacy-badger-changing-protect-you-better>.
- Barbrook, Richard, and Andy Cameron. 1996. "The Californian Ideology." *Science as Culture* 6 (1): 44–72. <https://doi.org/10.1080/09505439609526455>.
- Bommana, Prudhvikumar. 2021. "Stable Channel Update for Desktop." *Chrome Releases* (blog). May 25, 2021. [https://chrome-releases.googleblog.com/2021/05/stable-channel-update-for-desktop\\_25.html](https://chrome-releases.googleblog.com/2021/05/stable-channel-update-for-desktop_25.html).
- Borgman, Christine. 2015. *Big Data, Little Data, No Data*. Cambridge, MA: The MIT Press.
- Breeding, Marshall. 2016. "Chapter 3. Data from Library Implementations." *Library Technology Reports* 52 (4): 29–35.
- . 2019. "Chapter 2. Key Technologies with Implications for Privacy: Encryption, Analytics, and Advertising Tracking." *Library Technology Reports* 55 (7): 8–16.
- Breugelmans, J. Gabrielle, Guillaume Roberge, Chantale Tippet, Matt Durning, David Brooke Struck, and Michael M. Makanga. 2018. "Scientific Impact Increases When Researchers Publish in Open Access and International Collaboration: A Bibliometric Analysis on Poverty-Related Disease Papers." *PLoS One* 13 (9): e0203156. <https://doi.org/10.1371/journal.pone.0203156>.
- Brown, Michael, and Carrie Klein. 2020. "Whose Data? Which Rights? Whose Power? A Policy Discourse Analysis of Student Privacy Policy Documents." *The Journal of Higher Education* 91 (7): 1149–78. <https://doi.org/10.1080/00221546.2020.1770045>.
- Chan, Leslie, Darius Cuplinskas, Michael Eisen, Fred Friend, Yana Genova, Jean-Claude Guédon, Melissa Hagemann, et al. 2002. "Budapest Open Access Initiative." February 14. <https://www.budapestopenaccessinitiative.org/read>.
- Chandler, Adam, and Melissa Wallace. 2016. "Using Piwik Instead of Google Analytics at the Cornell University Library." *The Serials Librarian* 71 (3–4): 173–79. <https://doi.org/10.1080/0361526X.2016.1245645>.
- Deleuze, Gilles. 1992. "Postscript on the Societies of Control." *October* 59: 3–7.
- Englehardt, Steven, and Arvind Narayanan. 2016. "Online Tracking: A 1-Million-Site Measurement and Analysis." In *Proceedings of the 2016 ACM SIGSAC Conference on Computer and Communications Security*, 1388–1401. Vienna Austria: ACM. <https://doi.org/10.1145/2976749.2978313>.
- Hanson, Cody. 2019. "User Tracking on Academic Publisher Platforms." April 8, 2019. <https://www.codyh.com/writing/tracking.html>.
- Hartman-Caverly, Sarah. 2019. "Human Nature Is Not a Machine: On Liberty, Attention Engineering, and Learning Analytics." *Library Trends* 68 (1): 24–53. <https://doi.org/10.1353/lib.2019.0029>.
- Hinchliffe, Lisa Janicke, Katie Zimmerman, and Micah Altman. 2018. "Evaluating and Closing Privacy Gaps for Online



- Library Services." Presented at the CNI Fall 2018 Project Briefing, Washington, DC, December 7. <https://www.cni.org/topics/user-services/evaluating-and-closing-privacy-gaps-for-online-library-services>.
- Hwang, Soo-Yeon, and Michael Hanson. 2021. "Learning Analytics and Privacy: A Library Perspective." *Internet Reference Services Quarterly* 25 (3): 69–72. <https://doi.org/10.1080/10875301.2021.1946456>.
- International Federation of Library Associations and Institutions. 2012. "IFLA Code of Ethics for Librarians and Other Information Workers (Full Version)." August. <https://www.ifla.org/publications/node/11092>.
- . 2014. "Internet Manifesto 2014." August 2014. <https://www.ifla.org/publications/node/224>.
- Jones, Kyle M. L. 2019. "Just Because You Can Doesn't Mean You Should": Practitioner Perceptions of Learning Analytics Ethics." *Portal: Libraries and the Academy* 19 (3): 407–28. <https://doi.org/10.1353/pla.2019.0025>.
- Jones, Kyle M. L., Kristin A. Briney, Abigail Gobin, Dorothea Salo, Andrew Asher, and Michael R. Perry. 2020. "A Comprehensive Primer to Library Learning Analytics Practices, Initiatives, and Privacy Issues." *College & Research Libraries* 81 (3): 570–91. <https://doi.org/10.5860/crl.81.3.570>.
- Karaj, Arjaldo, Sam Macbeth, Rémi Berson, and Josep M. Pujol. 2018. "WhoTracks .Me: Shedding Light on the Opaque World of Online Tracking." ArXiv:1804.08959 [cs.CY], April 24. <http://arxiv.org/abs/1804.08959>.
- Lazzarato, Maurizio. 1996. "Immaterial Labor." In *Radical Thought in Italy: A Potential Politics*, edited by Paolo Virno and Michael Hardt, new edition, 133–48. University of Minnesota Press.
- LePage, Pete. 2021. "New in Chrome 91." Chrome Developers. May 26, 2021. <https://developer.chrome.com/blog/new-in-chrome-91/>.
- Marino, Bill. 2021. "Privacy Concerns and the Prevalence of Third-Party Tracking Cookies on ARL Library Homepages." *Reference Services Review* 49 (2): 115–31. <https://doi.org/10.1108/RSSR-03-2021-0009>.
- Oakleaf, Megan. 2016. "Getting Ready & Getting Started: Academic Librarian Involvement in Institutional Learning Analytics Initiatives." *The Journal of Academic Librarianship* 42 (4): 472–75. <https://doi.org/10.1016/j.acalib.2016.05.013>.
- . 2018. "The Problems and Promise of Learning Analytics for Increasing and Demonstrating Library Value and Impact." *Information and Learning Science* 119 (1/2): 16–24. <https://doi.org/10.1108/ILS-08-2017-0080>.
- O'Brien, Patrick, Scott W. H. Young, Kenning Arlitsch, and Karl Benedict. 2018. "Protecting Privacy on the Web: A Study of HTTPS and Google Analytics Implementation in Academic Library Websites." *Online Information Review* 42 (6): 734–51. <https://doi.org/10.1108/OIR-02-2018-0056>.
- Oliphant, Tami, and Michael R. Brundin. 2019. "Conflicting Values: An Exploration of the Tensions between Learning Analytics and Academic Librarianship." *Library Trends* 68 (1): 5–23. <https://doi.org/10.1353/lib.2019.0028>.
- Paris, Britt, Rebecca Reynolds, and Catherine McGowan. 2021. "Sins of Omission: Critical Informatics Perspectives on Privacy in E-learning Systems in Higher Education." *Journal of the Association for Information Science and Technology* 73 (5): 708–725. <https://doi.org/10.1002/asi.24575>.
- Parks, Cecelia. 2017. "Beyond Compliance: Students and FERPA in the Age of Big Data." *Journal of Intellectual Freedom & Privacy* 2 (2): 23–33. <https://doi.org/10.5860/jifp.v2i2.6253>.
- Piwowar, Heather, Jason Priem, Vincent Larivière, Juan Pablo Alperin, Lisa Matthias, Bree Norlander, Ashley Farley, Jevin West, and Stefanie Haustein. 2018. "The State of OA: A Large-Scale Analysis of the Prevalence and Impact of Open Access Articles." *PeerJ* 6: e4375. <https://doi.org/10.7717/peerj.4375>.
- Quintel, Denise, and Robert Wilson. 2020. "Analytics and Privacy: Using Matomo in EBSCO's Discovery Service." *Information Technology and Libraries* 39 (3). <https://doi.org/10.6017/ital.v39i3.12219>.
- Schiller, Herbert. 1996. *Information Inequality: The Deepening Social Crisis in America*. New York: Routledge.
- Science Europe. n.d. "'Plan S' and 'COalition S'—Accelerating the Transition to Full and Immediate Open Access to Scientific Publications." Accessed January 24, 2020. <https://www.coalition-s.org/>.
- Selwyn, Neil. 2019. "What's the Problem with Learning Analytics?" *Journal of Learning Analytics* 6 (3): 11.
- Singley, Emily. 2020. "A Holistic Approach to User Privacy in Academic Libraries." *The Journal of Academic Librarianship* 46 (3): 102151. <https://doi.org/10.1016/j.acalib.2020.102151>.
- Slade, Sharon, and Alan Tait. 2019. "Global Guidelines: Ethics in Learning Analytics." International Council for Open and Distance Education.
- StatCounter. n.d. "Browser Market Share Worldwide." StatCounter Global Stats. Accessed April 13, 2022. <https://gs.statcounter.com/browser-market-share/all/worldwide/2021>.
- Stebbins, Michael. 2013. "Expanding Public Access to the Results of Federally Funded Research." Whitehouse.Gov. February 22, 2013. <https://obamawhitehouse.archives.gov/blog/2013/02/22/expanding-public-access-results-federally-funded-research>.
- Travis, Tiffini A., and Christian Ramirez. 2020. "Big Data and Academic Libraries: The Quest for Informed Decision-Making." *portal: Libraries and the Academy* 20 (1): 33–47. <https://doi.org/10.1353/pla.2020.0003>.
- Tummon, Nikki, and Dawn McKinnon. 2018. "Attitudes and Practices of Canadian Academic Librarians Regarding Library and Online Privacy: A National Study." *Library & Information*



*Science Research* 40 (2): 86–97. <https://doi.org/10.1016/j.lisr.2018.05.002>.

Yu, Zhonghao, Sam Macbeth, Konark Modi, and Josep M. Pujol. 2016. "Tracking the Trackers." In *Proceedings of the 25th International Conference on World Wide Web*, 121–32. Montréal, Canada: International World Wide Web Conferences Steering Committee. <https://doi.org/10.1145/2872427.2883028>.

Zimmer, Michael. 2014. "Librarians' Attitudes Regarding Information and Internet Privacy." *The Library Quarterly: Information, Community, Policy* 84 (2): 123–51. <https://doi.org/10.1086/675329>.

## Appendix I. Publishers, Journals, and Articles Tested

Publisher name	Journal tested	Journal website	Article tested
Academy of Science of South Africa	South African Journal of Science	<a href="http://www.sajs.co.za">http://www.sajs.co.za</a>	<a href="https://www.sajs.co.za/article/view/3577">https://www.sajs.co.za/article/view/3577</a>
Advancements in Agricultural Development Inc	Advancements in Agricultural Development	<a href="https://agdevresearch.org/index.php/aad">https://agdevresearch.org/index.php/aad</a>	<a href="http://agdevresearch.org/index.php/aad/article/view/87">http://agdevresearch.org/index.php/aad/article/view/87</a>
AIP Publishing LLC	AIP Advances	<a href="http://aipadvances.aip.org/">http://aipadvances.aip.org/</a>	<a href="http://dx.doi.org/10.1063/1.4968177">http://dx.doi.org/10.1063/1.4968177</a>
AIP Publishing LLC and ACA	Structural Dynamics	<a href="http://sd.aip.org">http://sd.aip.org</a>	<a href="http://dx.doi.org/10.1063/1.4883975">http://dx.doi.org/10.1063/1.4883975</a>
Alanya Hamdullah Emin Pa a Üniversitesi	Journal of Contemporary Urban Affairs	<a href="https://www.ijcua.com/index.php/ijcua">https://www.ijcua.com/index.php/ijcua</a>	<a href="https://ijcua.com/index.php/ijcua/article/view/7">https://ijcua.com/index.php/ijcua/article/view/7</a>
American Physical Society	Physical Review X	<a href="http://prx.aps.org/">http://prx.aps.org/</a>	<a href="http://doi.org/10.1103/PhysRevX.5.041034">http://doi.org/10.1103/PhysRevX.5.041034</a>
American Psychological Association	Archives of Scientific Psychology	<a href="http://www.apa.org/pubs/journals/arc/">http://www.apa.org/pubs/journals/arc/</a>	<a href="https://psycnet.apa.org/fulltext/2019-71045-001.html">https://psycnet.apa.org/fulltext/2019-71045-001.html</a>
American Society for Microbiology	mBio	<a href="http://mbio.asm.org/">http://mbio.asm.org/</a>	<a href="http://mbio.asm.org/cgi/content/full/7/1/e01931-15">http://mbio.asm.org/cgi/content/full/7/1/e01931-15</a>
AOSIS	Onderstepoort Journal of Veterinary Research	<a href="http://www.ojvr.org">http://www.ojvr.org</a>	<a href="https://ojvr.org/index.php/ojvr/article/view/1595">https://ojvr.org/index.php/ojvr/article/view/1595</a>
Aperio	Journal of Modern Philosophy	<a href="https://jmphil.org">https://jmphil.org</a>	<a href="https://jmphil.org/articles/66">https://jmphil.org/articles/66</a>
Arkat USA, Inc.	ARKIVOC	<a href="http://www.arkat-usa.org">http://www.arkat-usa.org</a>	<a href="https://www.arkat-usa.org/arkivoc-journal/browse-arkivoc/ark.5550190.p010.407">https://www.arkat-usa.org/arkivoc-journal/browse-arkivoc/ark.5550190.p010.407</a>
Association for Learning Technology	Research in Learning Technology	<a href="https://journal.alt.ac.uk/index.php/rlt/index">https://journal.alt.ac.uk/index.php/rlt/index</a>	<a href="https://journal.alt.ac.uk/index.php/rlt/article/view/2446/2815">https://journal.alt.ac.uk/index.php/rlt/article/view/2446/2815</a>
Association for Medical Education in Europe (AMEE)	MedEdPublish	<a href="https://www.mededpublish.org/home">https://www.mededpublish.org/home</a>	<a href="https://www.mededpublish.org/Manuscripts/1009">https://www.mededpublish.org/Manuscripts/1009</a>
Association Internationale de Management Stratégique (AIMS)	M@n@gement	<a href="https://management-aims.com/index.php/mgmt">https://management-aims.com/index.php/mgmt</a>	<a href="https://management-aims.com/index.php/mgmt/article/view/4501/12129">https://management-aims.com/index.php/mgmt/article/view/4501/12129</a>
Australasian Association for Information Systems	Australasian Journal of Information Systems	<a href="http://journal.acs.org.au/index.php/ajis/index">http://journal.acs.org.au/index.php/ajis/index</a>	<a href="http://journal.acs.org.au/index.php/ajis/article/view/1098">http://journal.acs.org.au/index.php/ajis/article/view/1098</a>





Publisher name	Journal tested	Journal website	Article tested
Australian International Academic Centre PTY. LTD.	Advances in Bioscience and Clinical Medicine	<a href="http://www.journals.aiac.org.au/index.php/ABCMED/index">http://www.journals.aiac.org.au/index.php/ABCMED/index</a>	<a href="http://journals.aiac.org.au/index.php/ABCMED/article/view/3598">http://journals.aiac.org.au/index.php/ABCMED/article/view/3598</a>
Bangladesh Pharmacological Society	Bangladesh Journal of Pharmacology	<a href="http://www.banglajol.info/index.php/BJP/index">http://www.banglajol.info/index.php/BJP/index</a>	<a href="https://www.banglajol.info/index.php/BJP/article/view/45800">https://www.banglajol.info/index.php/BJP/article/view/45800</a>
Beilstein-Institut	Beilstein Journal of Organic Chemistry	<a href="http://www.beilstein-journals.org/bjoc">http://www.beilstein-journals.org/bjoc</a>	<a href="https://doi.org/10.3762/bjoc.10.332">https://doi.org/10.3762/bjoc.10.332</a>
Betasciencepress Publishers	Journal of Applied Bioanalysis	<a href="https://betasciencepress-publishing.com/journals/journal-of-applied-bioanalysis/">https://betasciencepress-publishing.com/journals/journal-of-applied-bioanalysis/</a>	<a href="https://doi.org/10.17145/jab.18.019">https://doi.org/10.17145/jab.18.019</a>
BMC	Journal of Cardiovascular Magnetic Resonance	<a href="http://www.jcmr-online.com/">http://www.jcmr-online.com/</a>	<a href="https://doi.org/10.1186/1532-429X-15-S1-W4">https://doi.org/10.1186/1532-429X-15-S1-W4</a>
Canadian Science Publishing	FACETS	<a href="http://www.facetsjournal.com/">http://www.facetsjournal.com/</a>	<a href="https://www.facetsjournal.com/doi/10.1139/facets-2021-0023">https://www.facetsjournal.com/doi/10.1139/facets-2021-0023</a>
Cappadocia University	Ecocene: Cappadocia Journal of Environmental Humanities	<a href="http://ecocene.kapadokya.edu.tr">http://ecocene.kapadokya.edu.tr</a>	<a href="https://ecocene.kapadokya.edu.tr/index.php/ecocene/article/view/30">https://ecocene.kapadokya.edu.tr/index.php/ecocene/article/view/30</a>
Cardiff University Press	Welsh Economic Review	<a href="https://wer.cardiffuniversitypress.org/">https://wer.cardiffuniversitypress.org/</a>	<a href="https://wer.cardiffuniversitypress.org/articles/254">https://wer.cardiffuniversitypress.org/articles/254</a>
Centre for Security Governance	Stability : International Journal of Security and Development	<a href="http://www.stabilityjournal.org/">http://www.stabilityjournal.org/</a>	<a href="https://www.stabilityjournal.org/articles/600">https://www.stabilityjournal.org/articles/600</a>
Cogitatio	Urban Planning	<a href="http://www.cogitatiopress.com/urbanplanning">http://www.cogitatiopress.com/urbanplanning</a>	<a href="https://www.cogitatiopress.com/urbanplanning/article/view/2619">https://www.cogitatiopress.com/urbanplanning/article/view/2619</a>
Copernicus Publications	Archives Animal Breeding	<a href="http://www.archives-animal-breeding.net/">http://www.archives-animal-breeding.net/</a>	<a href="https://www.arch-anim-breed.net/61/481/2018/aab-61-481-2018.pdf">https://www.arch-anim-breed.net/61/481/2018/aab-61-481-2018.pdf</a>
CSRC Publishing	Journal of Accounting and Finance in Emerging Economies	<a href="http://publishing.globalcsrc.org/jafee/">http://publishing.globalcsrc.org/jafee/</a>	<a href="http://publishing.globalcsrc.org/ojs/index.php/jafee/article/view/100">http://publishing.globalcsrc.org/ojs/index.php/jafee/article/view/100</a>
D. G. Pylarinos	Engineering, Technology & Applied Science Research	<a href="http://www.etasr.com/index.php/ETASR">http://www.etasr.com/index.php/ETASR</a>	<a href="https://etasr.com/index.php/ETASR/article/view/4008">https://etasr.com/index.php/ETASR/article/view/4008</a>
De Gruyter	Science and Engineering of Composite Materials	<a href="https://www.degruyter.com/view/j/secm">https://www.degruyter.com/view/j/secm</a>	<a href="http://www.degruyter.com/view/j/secm.2019.26.issue-1/secm-2019-0032/secm-2019-0032.xml?format=INT">http://www.degruyter.com/view/j/secm.2019.26.issue-1/secm-2019-0032/secm-2019-0032.xml?format=INT</a>
Department of Art History, University of Birmingham	Journal of Art Historiography	<a href="https://arthistoriography.wordpress.com">https://arthistoriography.wordpress.com</a>	<a href="https://arthistoriography.files.wordpress.com/2017/11/mateo-rev.pdf">https://arthistoriography.files.wordpress.com/2017/11/mateo-rev.pdf</a>
Diponegoro University	International Journal of Renewable Energy Development	<a href="http://ejournal.undip.ac.id/index.php/ijred">http://ejournal.undip.ac.id/index.php/ijred</a>	<a href="http://ejournal.undip.ac.id/index.php/ijred/article/view/8872">http://ejournal.undip.ac.id/index.php/ijred/article/view/8872</a>
EDP Sciences	Parasite	<a href="http://www.parasite-journal.org/">http://www.parasite-journal.org/</a>	<a href="http://dx.doi.org/10.1051/parasite/2014070">http://dx.doi.org/10.1051/parasite/2014070</a>



Publisher name	Journal tested	Journal website	Article tested
EL-Med-Pub	Journal of Neonatal Surgery	<a href="http://www.jneonatalsurg.com/">http://www.jneonatalsurg.com/</a>	<a href="https://jneonatalsurg.com/ojs/index.php/jns/article/view/335">https://jneonatalsurg.com/ojs/index.php/jns/article/view/335</a>
Emerald Publishing	International Journal of Climate Change Strategies and Management	<a href="http://www.emeraldgroupublishing.com/products/journals/journals.htm?id=ijccsm">http://www.emeraldgroupublishing.com/products/journals/journals.htm?id=ijccsm</a>	<a href="https://www.emeraldinsight.com/doi/pdfplus/10.1108/IJCCSM-05-2016-0074">https://www.emeraldinsight.com/doi/pdfplus/10.1108/IJCCSM-05-2016-0074</a>
European Federation of Psychology Students' Associations	Journal of European Psychology Students	<a href="http://jep.s.efpsa.org/">http://jep.s.efpsa.org/</a>	<a href="https://jep.s.efpsa.org/articles/333">https://jep.s.efpsa.org/articles/333</a>
European Publishing	Tobacco Induced Diseases	<a href="http://www.tobaccoinduceddiseases.org">http://www.tobaccoinduceddiseases.org</a>	<a href="http://www.tobaccoinduceddiseases.org/Perceptions-of-lung-cancer-screening-and-smoking-behavior-nchange-among-Chinese-immigrants,133579,0,2.html">http://www.tobaccoinduceddiseases.org/Perceptions-of-lung-cancer-screening-and-smoking-behavior-nchange-among-Chinese-immigrants,133579,0,2.html</a>
EXARC	EXARC Journal	<a href="https://exarc.net/journal">https://exarc.net/journal</a>	<a href="https://exarc.net/ark:/88735/10163">https://exarc.net/ark:/88735/10163</a>
F1000 Research Ltd	F1000Research	<a href="https://f1000research.com">https://f1000research.com</a>	<a href="https://f1000research.com/articles/9-1498/v1">https://f1000research.com/articles/9-1498/v1</a>
Felix-Verlag	ILIRIA International Review	<a href="http://iliriapublications.org/index.php/iir/index">http://iliriapublications.org/index.php/iir/index</a>	<a href="http://iliriapublications.org/index.php/iir/article/view/45">http://iliriapublications.org/index.php/iir/article/view/45</a>
Firenze University Press	Phytopathologia Mediterranea	<a href="http://www.fupress.net/index.php/pm/index">http://www.fupress.net/index.php/pm/index</a>	<a href="https://oajournals.fupress.net/index.php/pm/article/view/11840">https://oajournals.fupress.net/index.php/pm/article/view/11840</a>
Forum Kunst und Markt	Journal for Art Market Studies	<a href="https://fokum-jams.org">https://fokum-jams.org</a>	<a href="https://fokum-jams.org/index.php/jams/article/view/7">https://fokum-jams.org/index.php/jams/article/view/7</a>
Frontiers Media S.A.	International Journal of Public Health	<a href="https://www.ssph-journal.org/journals/international-journal-of-public-health">https://www.ssph-journal.org/journals/international-journal-of-public-health</a>	<a href="https://www.ssph-journal.org/articles/10.3389/ijph.2021.1604045/full">https://www.ssph-journal.org/articles/10.3389/ijph.2021.1604045/full</a>
Genetics Society of America	G3: Genes, Genomes, Genetics	<a href="http://www.g3journal.org">http://www.g3journal.org</a>	<a href="http://g3journal.org/lookup/doi/10.1534/g3.117.300232">http://g3journal.org/lookup/doi/10.1534/g3.117.300232</a>
Geological Survey of Denmark and Greenland	Geological Survey of Denmark and Greenland Bulletin	<a href="https://geusbulletin.org/index.php/geusb/index">https://geusbulletin.org/index.php/geusb/index</a>	<a href="https://doi.org/10.34194/GEUSB-201943-03-03">https://doi.org/10.34194/GEUSB-201943-03-03</a>
German Medical Science GMS Publishing House	GMS Ophthalmology Cases	<a href="https://www.egms.de/en/journals/oc/">https://www.egms.de/en/journals/oc/</a>	<a href="http://www.egms.de/static/en/journals/oc/2019-9/oc000097.shtml">http://www.egms.de/static/en/journals/oc/2019-9/oc000097.shtml</a>
Gonzaga Library Publishing	Journal of Hate Studies	<a href="https://jhs.press.gonzaga.edu/">https://jhs.press.gonzaga.edu/</a>	<a href="https://jhs.press.gonzaga.edu/articles/147">https://jhs.press.gonzaga.edu/articles/147</a>
H.S. Skovoroda Kharkiv National Pedagogical University	Pedagogy of Physical Culture and Sports	<a href="https://sportpedagogy.org.ua/index.php/ppcs">https://sportpedagogy.org.ua/index.php/ppcs</a>	<a href="https://sportpedagogy.org.ua/index.php/ppcs/article/view/1618">https://sportpedagogy.org.ua/index.php/ppcs/article/view/1618</a>
Helsinki University Press	Redescriptions	<a href="https://journal-redescriptions.org">https://journal-redescriptions.org</a>	<a href="https://journal-redescriptions.org/articles/19">https://journal-redescriptions.org/articles/19</a>
Hindawi - SAGE Publishing	Adsorption Science & Technology	<a href="https://www.hindawi.com/journals/ast/">https://www.hindawi.com/journals/ast/</a>	<a href="https://doi.org/10.1177/0263617416659490">https://doi.org/10.1177/0263617416659490</a>



Publisher name	Journal tested	Journal website	Article tested
Hindawi Limited	Behavioural Neurology	<a href="https://www.hindawi.com/journals/bn/">https://www.hindawi.com/journals/bn/</a>	<a href="http://dx.doi.org/10.1155/2020/9370891">http://dx.doi.org/10.1155/2020/9370891</a>
Hindawi-Wiley	Journal of Food Quality	<a href="https://www.hindawi.com/journals/jfq/">https://www.hindawi.com/journals/jfq/</a>	<a href="http://dx.doi.org/10.1155/2021/6654211">http://dx.doi.org/10.1155/2021/6654211</a>
IJHCR Publication	International Journal of Health and Clinical Research	<a href="http://ijhcr.com/index.php/ijhcr/about">http://ijhcr.com/index.php/ijhcr/about</a>	<a href="http://ijhcr.com/index.php/ijhcr/article/view/8/8">http://ijhcr.com/index.php/ijhcr/article/view/8/8</a>
IJPHY	International Journal of Physiotherapy	<a href="https://www.ijphy.org">https://www.ijphy.org</a>	<a href="https://www.ijphy.org/index.php/journal/article/view/703">https://www.ijphy.org/index.php/journal/article/view/703</a>
IMR (Innovative Medical Research) Press Limited	Reviews in Cardiovascular Medicine	<a href="https://rcm.imrpress.com">https://rcm.imrpress.com</a>	<a href="https://rcm.imrpress.com/fileup/2153-8174/PDF/1609227825483-1867379003.pdf">https://rcm.imrpress.com/fileup/2153-8174/PDF/1609227825483-1867379003.pdf</a>
Institute of Paleobiology PAS	Acta Palaeontologica Polonica	<a href="http://www.app.pan.pl/">http://www.app.pan.pl/</a>	<a href="http://www.app.pan.pl/archive/published/app63/app005332018.pdf">http://www.app.pan.pl/archive/published/app63/app005332018.pdf</a>
International Association for Court Administration	International Journal for Court Administration	<a href="https://www.iacajournal.org">https://www.iacajournal.org</a>	<a href="https://www.iacajournal.org/articles/237">https://www.iacajournal.org/articles/237</a>
International Biogeography Society	Frontiers of Biogeography	<a href="http://escholarship.org/uc/fb">http://escholarship.org/uc/fb</a>	<a href="http://escholarship.org/uc/item/6nt6b38b">http://escholarship.org/uc/item/6nt6b38b</a>
International Centre For Transactional Analysis Qualifications	International Journal of Transactional Analysis Research	<a href="http://www.ijtar.org">http://www.ijtar.org</a>	<a href="https://www.ijtar.org/article/view/20783">https://www.ijtar.org/article/view/20783</a>
International Medical Society	International Archives of Medicine	<a href="http://imedicalsociety.org/ojs/index.php/iam/index">http://imedicalsociety.org/ojs/index.php/iam/index</a>	<a href="http://imedicalpublisher.com/ojs/index.php/iam/article/view/2931">http://imedicalpublisher.com/ojs/index.php/iam/article/view/2931</a>
International Society for Engineering Education (IGIP), Kassel University Press	International Journal of Engineering Pedagogy (iJEP)	<a href="http://www.i-jep.org">http://www.i-jep.org</a>	<a href="http://online-journals.org/index.php/i-jep/article/view/8099">http://online-journals.org/index.php/i-jep/article/view/8099</a>
International Union of Crystallography	IUCrJ	<a href="http://www.iucrj.org">http://www.iucrj.org</a>	<a href="http://scripts.iucr.org/cgi-bin/paper?S2052252517014324">http://scripts.iucr.org/cgi-bin/paper?S2052252517014324</a>
Ivano-Frankivsk National Medical University	Galician Medical Journal	<a href="https://ifnmujournal.com/gmj/">https://ifnmujournal.com/gmj/</a>	<a href="https://ifnmujournal.com/gmj/article/view/1196">https://ifnmujournal.com/gmj/article/view/1196</a>
Japan Epidemiological Association	Journal of Epidemiology	<a href="http://jeaweb.jp/english/journal/index.html">http://jeaweb.jp/english/journal/index.html</a>	<a href="https://www.jstage.jst.go.jp/article/jea/29/3/29_JE20180196/_pdf">https://www.jstage.jst.go.jp/article/jea/29/3/29_JE20180196/_pdf</a>
JMIR Publications	Journal of Medical Internet Research	<a href="https://www.jmir.org">https://www.jmir.org</a>	<a href="http://www.jmir.org/2020/6/e17930/">http://www.jmir.org/2020/6/e17930/</a>
Joint Implant Surgery & Research Foundation	Reconstructive Review	<a href="http://reconstructivereview.org">http://reconstructivereview.org</a>	<a href="https://reconstructivereview.org/ojs/index.php/rr/article/view/201">https://reconstructivereview.org/ojs/index.php/rr/article/view/201</a>
Kamje Press/xmlink	Annals of Occupational and Environmental Medicine	<a href="http://aoemj.biomedcentral.com">http://aoemj.biomedcentral.com</a>	<a href="http://link.springer.com/article/10.1186/s40557-017-0184-x">http://link.springer.com/article/10.1186/s40557-017-0184-x</a>
KenzPub	Nuclear Receptor Research	<a href="http://www.kenzpub.com/journals/nurr/">http://www.kenzpub.com/journals/nurr/</a>	<a href="https://www.kenzpub.com/journals/nurr/2019/101435/">https://www.kenzpub.com/journals/nurr/2019/101435/</a>



Publisher name	Journal tested	Journal website	Article tested
Kiel Institute for the World Economy	Economics : the Open-Access, Open-Assessment e-Journal	<a href="http://www.economics-ejournal.org/">http://www.economics-ejournal.org/</a>	<a href="http://www.economics-ejournal.org/economics/discussionpapers/2017-86">http://www.economics-ejournal.org/economics/discussionpapers/2017-86</a>
Knowledge E	Sudan Journal of Medical Sciences	<a href="https://knepublishing.com/index.php/SJMS">https://knepublishing.com/index.php/SJMS</a>	<a href="https://doi.org/10.18502/sjms.v16i1.8938">https://doi.org/10.18502/sjms.v16i1.8938</a>
Korea Information Processing Society-Computer Software Research Group	Human-Centric Computing and Information Sciences	<a href="http://www.hcis-journal.com/">http://www.hcis-journal.com/</a>	<a href="http://link.springer.com/article/10.1186/s13673-020-00220-2">http://link.springer.com/article/10.1186/s13673-020-00220-2</a>
Levy Library Press	Annals of Global Health	<a href="https://www.annalsofglobalhealth.org/">https://www.annalsofglobalhealth.org/</a>	<a href="https://annalsofglobalhealth.org/articles/3291">https://annalsofglobalhealth.org/articles/3291</a>
Librelloph	Journal of Human Security	<a href="http://www.librelloph.com/journalofhumansecurity">http://www.librelloph.com/journalofhumansecurity</a>	<a href="http://www.librelloph.com/journalofhumansecurity/article/view/503">http://www.librelloph.com/journalofhumansecurity/article/view/503</a>
LLC "CPC "Business Perspectives"	Problems and Perspectives in Management	<a href="https://businessperspectives.org/journals/problems-and-perspectives-in-management?category_id=30">https://businessperspectives.org/journals/problems-and-perspectives-in-management?category_id=30</a>	<a href="https://businessperspectives.org/images/pdf/applications/publishing/templates/article/assets/14829/PPM_2021_01_Rybina.pdf">https://businessperspectives.org/images/pdf/applications/publishing/templates/article/assets/14829/PPM_2021_01_Rybina.pdf</a>
MDPI AG	Medicina	<a href="http://www.mdpi.com/journal/medicina">http://www.mdpi.com/journal/medicina</a>	<a href="https://www.mdpi.com/1010-660X/56/5/220">https://www.mdpi.com/1010-660X/56/5/220</a>
Nandan Nawn	Ecology, Economy and Society ,Äi The INSEE Journal	<a href="https://ecoinsee.org/journal/ojs/index.php/ees/index">https://ecoinsee.org/journal/ojs/index.php/ees/index</a>	<a href="https://ecoinsee.org/journal/ojs/index.php/ees/article/view/344">https://ecoinsee.org/journal/ojs/index.php/ees/article/view/344</a>
National Iranian Oil Company (NIOC) Health Organization	The International Journal of Occupational and Environmental Medicine	<a href="http://www.theijoem.com/">http://www.theijoem.com/</a>	<a href="http://www.theijoem.com/ijoem/index.php/ijoem/article/view/1164">http://www.theijoem.com/ijoem/index.php/ijoem/article/view/1164</a>
National Numeracy Network	Numeracy	<a href="http://scholarcommons.usf.edu/numeracy/">http://scholarcommons.usf.edu/numeracy/</a>	<a href="http://scholarcommons.usf.edu/numeracy/vol9/iss2/art7/">http://scholarcommons.usf.edu/numeracy/vol9/iss2/art7/</a>
National Research Nuclear University (MEPhI)	Nuclear Energy and Technology	<a href="https://nucet.pensoft.net/">https://nucet.pensoft.net/</a>	<a href="http://www.sciencedirect.com/science/article/pii/S2452303817300663">http://www.sciencedirect.com/science/article/pii/S2452303817300663</a>
Nature Publishing Group	Scientific Reports	<a href="http://www.nature.com/srep/index.html">http://www.nature.com/srep/index.html</a>	<a href="https://doi.org/10.1038/s41598-021-90872-6">https://doi.org/10.1038/s41598-021-90872-6</a>
New Bulgarian University	English Studies at NBU	<a href="https://esnbu.org">https://esnbu.org</a>	<a href="http://esnbu.org/data/files/2018/2018-2-3-schroeder-p117-130.pdf">http://esnbu.org/data/files/2018/2018-2-3-schroeder-p117-130.pdf</a>
Norwegian Polar Institute	Polar Research	<a href="https://polarresearch.net/index.php/polar/index">https://polarresearch.net/index.php/polar/index</a>	<a href="https://polarresearch.net/index.php/polar/article/view/4458/11076">https://polarresearch.net/index.php/polar/article/view/4458/11076</a>
Open Library of Humanities	Digital Medievalist	<a href="https://journal.digitalmedievalist.org/">https://journal.digitalmedievalist.org/</a>	<a href="https://journal.digitalmedievalist.org/articles/55">https://journal.digitalmedievalist.org/articles/55</a>
Österreichische Apotheker-Verlags-gesellschaft m. b. H.	Scientia Pharmaceutica	<a href="http://www.mdpi.com/journal/scipharm">http://www.mdpi.com/journal/scipharm</a>	<a href="https://www.mdpi.com/2218-0532/89/1/5">https://www.mdpi.com/2218-0532/89/1/5</a>



Publisher name	Journal tested	Journal website	Article tested
PAGEPress Publications	European Journal of Histochemistry	<a href="http://www.ejh.it/">http://www.ejh.it/</a>	<a href="https://www.ejh.it/index.php/ejh/article/view/3213">https://www.ejh.it/index.php/ejh/article/view/3213</a>
Palacky University Olomouc	Acta Gymnica	<a href="http://gymnica.upol.cz">http://gymnica.upol.cz</a>	<a href="http://gymnica.upol.cz/artkey/gym-201604-0004_Physical_fitness_of_primary_school_children_in_the_reflection_of_different_levels_of_gross_motor_coordination.php">http://gymnica.upol.cz/artkey/gym-201604-0004_Physical_fitness_of_primary_school_children_in_the_reflection_of_different_levels_of_gross_motor_coordination.php</a>
Papers in Physics	Papers in Physics	<a href="https://www.papersinphysics.org/index.php/papersinphysics/index">https://www.papersinphysics.org/index.php/papersinphysics/index</a>	<a href="https://www.papersinphysics.org/papersinphysics/article/view/638">https://www.papersinphysics.org/papersinphysics/article/view/638</a>
PeerJ Inc.	PeerJ	<a href="https://peerj.com/">https://peerj.com/</a>	<a href="https://peerj.com/articles/9570/">https://peerj.com/articles/9570/</a>
Pensoft Publishers	Folia Medica	<a href="https://foliamedica.bg">https://foliamedica.bg</a>	<a href="https://foliamedica.bg/article/54171/">https://foliamedica.bg/article/54171/</a>
Performance Philosophy	Performance Philosophy	<a href="https://www.performancephilosophy.org/journal">https://www.performancephilosophy.org/journal</a>	<a href="http://www.performancephilosophy.org/journal/article/view/201">http://www.performancephilosophy.org/journal/article/view/201</a>
Polish Botanical Society	Acta Mycologica	<a href="https://pbsociety.org.pl/journals/index.php/am/index">https://pbsociety.org.pl/journals/index.php/am/index</a>	<a href="https://pbsociety.org.pl/journals/index.php/am/article/view/8557">https://pbsociety.org.pl/journals/index.php/am/article/view/8557</a>
PsychOpen	Europe's Journal of Psychology	<a href="http://ejop.psychopen.eu/index.php/ejop">http://ejop.psychopen.eu/index.php/ejop</a>	<a href="http://ejop.psychopen.eu/article/view/1007">http://ejop.psychopen.eu/article/view/1007</a>
Public Library of Science (PLoS)	PLoS Biology	<a href="http://journals.plos.org/plosbiology/">http://journals.plos.org/plosbiology/</a>	<a href="http://europepmc.org/articles/PMC5369665?pdf=render">http://europepmc.org/articles/PMC5369665?pdf=render</a>
Queensland University of Technology	International Journal for Crime, Justice and Social Democracy	<a href="https://www.crimejusticejournal.com/index">https://www.crimejusticejournal.com/index</a>	<a href="https://www.crimejusticejournal.com/article/view/1659">https://www.crimejusticejournal.com/article/view/1659</a>
RCVS Knowledge	Veterinary Evidence	<a href="https://veterinaryevidence.org/index.php/ve">https://veterinaryevidence.org/index.php/ve</a>	<a href="https://veterinaryevidence.org/index.php/ve/article/view/72">https://veterinaryevidence.org/index.php/ve/article/view/72</a>
SAGE Publishing	International Journal of Engineering Business Management	<a href="https://journals.sagepub.com/home/enb">https://journals.sagepub.com/home/enb</a>	<a href="https://doi.org/10.1177/1847979016670526">https://doi.org/10.1177/1847979016670526</a>
Scandinavian Military Studies	Scandinavian Journal of Military Studies	<a href="https://sjms.nu/">https://sjms.nu/</a>	<a href="https://sjms.nu/articles/67">https://sjms.nu/articles/67</a>
School of English, Aristotle University of Thessaloniki, Greece	Ex-centric Narratives: Journal of Anglophone Literature, Culture and Media	<a href="http://ejournals.lib.auth.gr/ExCentric/index">http://ejournals.lib.auth.gr/ExCentric/index</a>	<a href="http://ejournals.lib.auth.gr/ExCentric/article/view/5997">http://ejournals.lib.auth.gr/ExCentric/article/view/5997</a>
SciELO	Journal of Venomous Animals and Toxins including Tropical Diseases	<a href="http://www.scielo.br/jvatitd">http://www.scielo.br/jvatitd</a>	<a href="http://www.scielo.br/scielo.php?script=sci_arttext&amp;pid=S1678-91992016000100325&amp;lng=en&amp;tlng=en">http://www.scielo.br/scielo.php?script=sci_arttext&amp;pid=S1678-91992016000100325&amp;lng=en&amp;tlng=en</a>
Sciendo	IZA Journal of Labor Economics	<a href="http://www.izajole.com/">http://www.izajole.com/</a>	<a href="http://www.degruyter.com/view/j/izajole.2020.9.issue-1/izajole-2020-0002/izajole-2020-0002.xml?format=INT">http://www.degruyter.com/view/j/izajole.2020.9.issue-1/izajole-2020-0002/izajole-2020-0002.xml?format=INT</a>



Publisher name	Journal tested	Journal website	Article tested
Scientific Medical Association of Moldova	The Moldovan Medical Journal	<a href="http://www.moldmedjournal.md">http://www.moldmedjournal.md</a>	<a href="http://moldmedjournal.md/wp-content/uploads/2021/05/moldovan-med-j-2021-64-2-surev-et-al-full-text.pdf">http://moldmedjournal.md/wp-content/uploads/2021/05/moldovan-med-j-2021-64-2-surev-et-al-full-text.pdf</a>
SciPost	SciPost Physics	<a href="https://scipost.org/SciPostPhys">https://scipost.org/SciPostPhys</a>	<a href="https://scipost.org/SciPostPhys.1.2.016">https://scipost.org/SciPostPhys.1.2.016</a>
SEEd	Clinical Management Issues	<a href="https://journals.seedmedicalpublishers.com/index.php/CMI">https://journals.seedmedicalpublishers.com/index.php/CMI</a>	<a href="https://journals.seedmedicalpublishers.com/index.php/cmi/article/view/1298">https://journals.seedmedicalpublishers.com/index.php/cmi/article/view/1298</a>
SEEd Medical Publishers	Farmeconomia: Health Economics and Therapeutic Pathways	<a href="https://journals.seedmedicalpublishers.com/index.php/FE/index">https://journals.seedmedicalpublishers.com/index.php/FE/index</a>	<a href="https://journals.seedmedicalpublishers.com/index.php/FE/article/view/1237">https://journals.seedmedicalpublishers.com/index.php/FE/article/view/1237</a>
Septentrio Academic Publishing	Rangifer	<a href="https://septentrio.uit.no/index.php/rangifer">https://septentrio.uit.no/index.php/rangifer</a>	<a href="https://septentrio.uit.no/index.php/rangifer/article/view/4630">https://septentrio.uit.no/index.php/rangifer/article/view/4630</a>
Shared Science Publishers OG	Microbial Cell	<a href="http://microbialcell.com/">http://microbialcell.com/</a>	<a href="http://microbialcell.com/researcharticles/2021a-ranalli-microbial-cell/">http://microbialcell.com/researcharticles/2021a-ranalli-microbial-cell/</a>
Slovenian Chemical Society	Acta Chimica Slovenica	<a href="http://acta.chem-soc.si/">http://acta.chem-soc.si/</a>	<a href="https://journals.matheo.si/index.php/ACSi/article/view/2920">https://journals.matheo.si/index.php/ACSi/article/view/2920</a>
Society for Sociological Science	Sociological Science	<a href="https://www.sociologicalscience.com/">https://www.sociologicalscience.com/</a>	<a href="https://sociologicalscience.com/articles-v8-4-73/">https://sociologicalscience.com/articles-v8-4-73/</a>
South African National Biodiversity Institut	Bothalia: African Biodiversity & Conservation	<a href="http://www.abcjournal.org">http://www.abcjournal.org</a>	<a href="https://abcjournal.org/index.php/abc/article/view/2099">https://abcjournal.org/index.php/abc/article/view/2099</a>
Springer	Intereconomics	<a href="https://www.springer.com/journal/10272">https://www.springer.com/journal/10272</a>	<a href="https://doi.org/10.1007/s10272-021-0961-1">https://doi.org/10.1007/s10272-021-0961-1</a>
SpringerOpen	Journal of Inequalities and Applications	<a href="http://www.journalofinequalitiesandapplications.com/">http://www.journalofinequalitiesandapplications.com/</a>	<a href="https://doi.org/10.1186/s13660-020-02535-1">https://doi.org/10.1186/s13660-020-02535-1</a>
Stockholm University Press	Designs for Learning	<a href="http://www.designsforlearning.nu/">http://www.designsforlearning.nu/</a>	<a href="https://www.designsforlearning.nu/articles/97">https://www.designsforlearning.nu/articles/97</a>
Swedish Nutrition Foundation	Food & Nutrition Research	<a href="http://foodandnutritionresearch.net/index.php/fnr">http://foodandnutritionresearch.net/index.php/fnr</a>	<a href="https://foodandnutritionresearch.net/index.php/fnr/article/view/5453/13390">https://foodandnutritionresearch.net/index.php/fnr/article/view/5453/13390</a>
Taylor & Francis Group	European Journal of Psychotraumatology	<a href="https://www.tandfonline.com/toc/zept20/current">https://www.tandfonline.com/toc/zept20/current</a>	<a href="http://dx.doi.org/10.1080/20008198.2019.1706297">http://dx.doi.org/10.1080/20008198.2019.1706297</a>
The Company of Biologists	Disease Models & Mechanisms	<a href="https://journals.biologists.com/dmm">https://journals.biologists.com/dmm</a>	<a href="http://dmm.biologists.org/content/9/3/271">http://dmm.biologists.org/content/9/3/271</a>
The Ohio State University Libraries	Empirical Musicology Review	<a href="http://emusicology.org/">http://emusicology.org/</a>	<a href="http://emusicology.org/article/view/6113">http://emusicology.org/article/view/6113</a>
The Royal Society	Open Biology	<a href="https://royalsocietypublishing.org/journal/rsob">https://royalsocietypublishing.org/journal/rsob</a>	<a href="https://royalsocietypublishing.org/doi/pdf/10.1098/rsob.170121">https://royalsocietypublishing.org/doi/pdf/10.1098/rsob.170121</a>
Ubiquity Press	Psychologica Belgica	<a href="http://www.psychologicabelgica.com/">http://www.psychologicabelgica.com/</a>	<a href="https://www.psychologicabelgica.com/articles/475">https://www.psychologicabelgica.com/articles/475</a>
UCL Press	Archaeology International	<a href="https://www.uclpress.co.uk/pages/archaeology-international">https://www.uclpress.co.uk/pages/archaeology-international</a>	<a href="https://www.ai-journal.com/articles/384">https://www.ai-journal.com/articles/384</a>



Publisher name	Journal tested	Journal website	Article tested
Universitas Ahmad Dahlan	IJAIN (International Journal of Advances in Intelligent Informatics)	<a href="http://ijain.org/index.php/IJAIN/index">http://ijain.org/index.php/IJAIN/index</a>	<a href="http://ijain.org/index.php/IJAIN/article/view/426">http://ijain.org/index.php/IJAIN/article/view/426</a>
University Library System, University of Pittsburgh	Journal of World-Systems Research	<a href="https://jwsr.pitt.edu/ojs/index.php/jwsr">https://jwsr.pitt.edu/ojs/index.php/jwsr</a>	<a href="http://jwsr.pitt.edu/ojs/index.php/jwsr/article/view/652">http://jwsr.pitt.edu/ojs/index.php/jwsr/article/view/652</a>
University of Alberta	Evidence Based Library and Information Practice	<a href="https://journals.library.ualberta.ca/ebliip/index.php/EBLIP">https://journals.library.ualberta.ca/ebliip/index.php/EBLIP</a>	<a href="https://journals.library.ualberta.ca/ebliip/index.php/EBLIP/article/view/29634">https://journals.library.ualberta.ca/ebliip/index.php/EBLIP/article/view/29634</a>
University of Bologna	Journal of Formalized Reasoning	<a href="http://jfr.unibo.it/">http://jfr.unibo.it/</a>	<a href="https://jfr.unibo.it/article/view/8751">https://jfr.unibo.it/article/view/8751</a>
University of California Press	Collabra: Psychology	<a href="http://www.collabra.org">http://www.collabra.org</a>	<a href="https://www.collabra.org/articles/218">https://www.collabra.org/articles/218</a>
University of Jyväskylä	Human Technology	<a href="https://humantechnology.jyu.fi/">https://humantechnology.jyu.fi/</a>	<a href="https://humantechnology.jyu.fi/archive/vol-13/issue-2-1/puolakanaho_latvala">https://humantechnology.jyu.fi/archive/vol-13/issue-2-1/puolakanaho_latvala</a>
University of Kansas	Journal of Montessori Research	<a href="http://journals.ku.edu/jmr">http://journals.ku.edu/jmr</a>	<a href="https://journals.ku.edu/jmr/article/view/15122">https://journals.ku.edu/jmr/article/view/15122</a>
University of South Florida	Undergraduate Journal of Mathematical Modeling: One + Two	<a href="http://scholarcommons.usf.edu/ujmm/">http://scholarcommons.usf.edu/ujmm/</a>	<a href="http://scholarcommons.usf.edu/ujmm/vol6/iss2/4/">http://scholarcommons.usf.edu/ujmm/vol6/iss2/4/</a>
University of Victoria Libraries	KULA	<a href="https://kula.uvic.ca/">https://kula.uvic.ca/</a>	<a href="https://kula.uvic.ca/articles/63">https://kula.uvic.ca/articles/63</a>
University of York	Internet Archaeology	<a href="http://intarch.ac.uk/">http://intarch.ac.uk/</a>	<a href="http://intarch.ac.uk/journal/issue50/17/index.html">http://intarch.ac.uk/journal/issue50/17/index.html</a>
Uppsala Medical Society	Uppsala Journal of Medical Sciences	<a href="https://ujms.net/index.php/ujms/index">https://ujms.net/index.php/ujms/index</a>	<a href="https://ujms.net/index.php/ujms/article/view/6118/13543">https://ujms.net/index.php/ujms/article/view/6118/13543</a>
Utrecht University Library Open Access Journals (Publishing Services)	Liber Quarterly: The Journal of European Research Libraries	<a href="https://www.liberquarterly.eu/">https://www.liberquarterly.eu/</a>	<a href="http://www.liberquarterly.eu/articles/10.18352/lq.10185/">http://www.liberquarterly.eu/articles/10.18352/lq.10185/</a>
Utrecht University School of Law	Utrecht Law Review	<a href="https://www.utrechtlawreview.org">https://www.utrechtlawreview.org</a>	<a href="http://www.utrechtlawreview.org/articles/10.18352/ulr.350/">http://www.utrechtlawreview.org/articles/10.18352/ulr.350/</a>
UTS ePRESS	PORTAL: Journal of Multidisciplinary International Studies	<a href="https://epress.lib.uts.edu.au/journals/index.php/portal">https://epress.lib.uts.edu.au/journals/index.php/portal</a>	<a href="https://epress.lib.uts.edu.au/journals/index.php/portal/article/view/7400">https://epress.lib.uts.edu.au/journals/index.php/portal/article/view/7400</a>
Verein zur Förderung des Open Access Publizierens in den Quantenwissenschaften	Quantum	<a href="http://quantum-journal.org/">http://quantum-journal.org/</a>	<a href="https://quantum-journal.org/papers/q-2019-01-06-115/pdf/">https://quantum-journal.org/papers/q-2019-01-06-115/pdf/</a>
Veterinary World	Veterinary World	<a href="http://www.veterinaryworld.org">http://www.veterinaryworld.org</a>	<a href="http://www.veterinaryworld.org/Vol.13/March-2020/27.pdf">http://www.veterinaryworld.org/Vol.13/March-2020/27.pdf</a>
Volcanica	Volcanica	<a href="https://www.jvolcanica.org/ojs/index.php/volcanica/index">https://www.jvolcanica.org/ojs/index.php/volcanica/index</a>	<a href="http://www.jvolcanica.org/ojs/index.php/volcanica/article/view/38">http://www.jvolcanica.org/ojs/index.php/volcanica/article/view/38</a>



Publisher name	Journal tested	Journal website	Article tested
Wellcome	Wellcome Open Research	<a href="https://wellcomeopenresearch.org/">https://wellcomeopenresearch.org/</a>	<a href="https://wellcomeopenresearch.org/articles/6-107/v1">https://wellcomeopenresearch.org/articles/6-107/v1</a>
White Rose University Press	Undergraduate Journal of Politics and International Relations	<a href="https://www.ujpir-journal.com/">https://www.ujpir-journal.com/</a>	<a href="https://www.ujpir-journal.com/articles/76">https://www.ujpir-journal.com/articles/76</a>
Wiley	Molecular Oncology	<a href="https://febs.onlinelibrary.wiley.com/journal/18780261">https://febs.onlinelibrary.wiley.com/journal/18780261</a>	<a href="https://doi.org/10.1002/1878-0261.12692">https://doi.org/10.1002/1878-0261.12692</a>
World Century Publishing Corporation	China Quarterly of International Strategic Studies	<a href="https://www.worldscientific.com/cqjss">https://www.worldscientific.com/cqjss</a>	<a href="http://www.worldscientific.com/doi/pdf/10.1142/S2377740018500252">http://www.worldscientific.com/doi/pdf/10.1142/S2377740018500252</a>
Yale University	British Art Studies	<a href="http://www.britishartstudies.ac.uk">http://www.britishartstudies.ac.uk</a>	<a href="http://britishartstudies.ac.uk/issues/issue-index/issue-4/thomas-rowlandson">http://britishartstudies.ac.uk/issues/issue-index/issue-4/thomas-rowlandson</a>

## Appendix 2. Known Trackers Identified in Sample Set

Tracker	Third-party responsible for script	Purpose Category	Site reach (sample set)	Cumulative site reach - top 10k website (Ghostery)	Utilized tracking content value (Ghostery)	Invasiveness product	Estimated tracking reach in sample set (n = 154)
Google Analytics	Google	Site analytics	0.717	0.848	0.006	0.005	1
AddThis	Oracle	Advertising	0.435	0.082	0.063	0.028	4
Google Static	Google	CDN	0.370	0.927	0.086	0.032	5
Twitter	Twitter	Social media	0.290	0.319	0.270	0.078	12
Twitter Syndication	Twitter	Social media	0.246	0.245	0.336	0.083	13
Google APIs	Google	CDN	0.232	0.633	0.018	0.004	1
Google	Google	Advertising	0.225	0.797	0.783	0.176	27
Cloudflare	Cloudflare	CDN	0.174	0.349	0.051	0.009	1
DoubleClick	Google	Advertising	0.152	0.715	0.074	0.011	2
Facebook	Facebook	Advertising	0.130	0.558	0.280	0.036	6
Disqus	Zeta Global	Comments	0.116	0.049	0.687	0.080	12
Twitter Analytics	Twitter	Site analytics	0.116	0.056	0.830	0.096	15
jsDelivr	jsDelivr	CDN	0.109	0.210	0.007	0.001	0
Bing Ads	Microsoft	Advertising	0.058	0.157	0.308	0.018	3
Baidu Ads	Baidu	Advertising	0.043	0.016	0.334	0.015	2
LinkedIn Ads	Microsoft	Advertising	0.043	0.050	0.425	0.018	3



# WHO'S READING WHO? \_ FEATURE



Tracker	Third-party responsible for script	Purpose Category	Site reach (sample set)	Cumulative site reach - top 10k website (Ghostery)	Utilized tracking content value (Ghostery)	Invasiveness product	Estimated tracking reach in sample set (n = 154)
Google Syndication	Google	Advertising	0.036	0.320	0.024	0.001	0
Google Adservices	Google	Advertising	0.022	0.262	0.023	0.000	0
New Relic	New Relic	Site analytics	0.022	0.157	0.042	0.001	0
Statcounter	StatCounter	Site analytics	0.022	0.006	0.024	0.001	0
Youtube	Google	Audio Video player	0.022	0.432	0.371	0.008	1
Adobe Experience Cloud	Adobe	Site analytics	0.014	0.069	0.029	0.000	0
Adobe Typekit	Adobe	Essential	0.014	0.054	0.000	0.000	0
Brightcove	Brightcove	Audio Video Player	0.014	0.026	0.036	0.001	0
Hotjar	Hotjar	Site analytics	0.014	0.126	0.007	0.000	0
Stripe	Stripe, Inc.	Customer interaction	0.014	0.034	0.943	0.014	2
Yahoo! Analytics	Yahoo	Site analytics	0.014	0.075	0.402	0.006	1
Alexa Metrics	Amazon	Site analytics	0.007	0.033	0.001	0.000	0
Brightcove Player	Brightcove	Audio Video Player	0.007	0.025	0.039	0.000	0
Catchpoint	Catchpoint Systems	Site analytics	0.007	0.004	0.110	0.001	0
Criteo	Criteo	Advertising	0.007	0.216	0.054	0.000	0
Google Translate	Google	Customer interaction	0.007	0.148	0.775	0.006	1
LinkedIn Widgets	Microsoft	Social media	0.007	0.009	0.319	0.002	0
Liveramp	Acxiom	Advertising	0.007	0.089	0.153	0.001	0
Marin Search Marketer	Marin Software	Advertising	0.007	0.002	0.020	0.000	0
Pardot	Pardot	Site analytics	0.007	0.007	0.145	0.001	0
Pendo	Pendo	Site analytics	0.007	0.015	0.055	0.000	0
Quantcast	Quantcast International Ltd.	Advertising	0.007	0.104	0.070	0.001	0
Riskified	Riskified	Customer interaction	0.007		Data not available in Ghostery		
Salesforce DMP	Salesforce	Advertising	0.007	0.018	0.878	0.006	1

# WHO'S READING WHO? \_ FEATURE



Tracker	Third-party responsible for script	Purpose Category	Site reach (sample set)	Cumulative site reach - top 10k website (Ghostery)	Utilized tracking content value (Ghostery)	Invasiveness product	Estimated tracking reach in sample set (n = 154)
Scorecard Research Beacon	comScore Inc.	Site analytics	0.007	0.148	0.065	0.000	0
Segment	Segment	Site analytics	0.007	0.024	0.002	0.000	0
ThreatMetrix	ThreatMetrix (LexisNexis Risk Solutions FL)	Site analytics	0.007	0.025	0.021	0.000	0
VG Wort	VG Wort (Collecting Society)	Site analytics	0.007	0.009	0.574	0.004	1
VWO	Wingify	Site analytics	0.007	Data not available in Ghostery			
Wordpress Stats	Wordpress	Site analytics	0.007	0.063	0.073	0.001	0
Zendesk	Zendesk	Customer interaction	0.007	0.040	0.876	0.006	1



## Contesting Obscenity

Book Challengers and Criminalizing Literature

**Author** \_ **Richard S. Price** ([richardprice@weber.edu](mailto:richardprice@weber.edu)), Professor of Political Science, Weber State University

**B**ook challenges have long been a regular part of library and school operations. “Book challenges are requests by members of the public to remove, relocate, or restrict books from or within institutions” (Knox 2015, 3). At base, the book challenger sees some information contained in a book as dangerous and seeks to make it harder to access. In recent years book challenges have exploded in frequency, escalating rapidly in 2021. This was driven increasingly by national conservative activist groups attempting to purge what they perceived as dangerous information from the public sphere.

In one illustrative example, Representative Matt Krause, Texas House Chair of the Committee on General Investigations, sent a list of 850 books to Texas school districts demanding that they inform the committee of how many of the titles they had and how much money was spent on them.<sup>1</sup> An analysis of the list found that 62% were LGBTQ inclusive with the other major categories being sex education (14%) and representations of race (8%) (Ellis 2021). As Ellis concluded, it seems that someone simply did broad searches for any mention of LGBTQ, race, or sex education and threw them in a list of potentially dangerous titles. The goal appeared to have been a warning to school districts and this list pushed at least two school districts to remove hundreds of books for an investigation with unclear rules or policy guidelines (Crum 2022; Cruz 2022).

PEN America’s *Banned in the USA* (2022) report attempted to present a broad picture of the number of books

banned in schools. This is often quite difficult because book challenges occur at the lowest level of government and rarely generate public attention. The American Library Association’s Office of Intellectual Freedom (2022) suggests that 82-97% of book challenges are likely never reported anywhere. PEN America’s report sought to utilize both self-reports of bans as well as media reports from July 1, 2021, to March 31, 2022. This 9-month period found 1,145 titles banned in 1,586 incidents across the country. As this still only involved 86 school districts in 26 states, it is likely an undercount. In terms of content, the report found that 41% had protagonists or prominent characters of color, 22% addressed issues of race and/or racism, and 33% had LGBTQ characters. Where once book challenges were episodic and ad hoc, “book bans have become a favorite tool for state-wide and national political mobilization” such as through Moms for Liberty, No Left Turn in Education, and Parents Defending Education groups curating lists of dangerous books to disseminate to their members (PEN America 2022).

1. Krause Letter to Texas Education Agency, 25 October 2021.



Finally, and key for this article, is “the focus on alleged obscenity in books” in this wave of book controversies (PEN America 2022). The recent wave of book challenges has attempted to resurrect the notion of obscenity in print to bring the criminal, punitive system to bear on schools and/or libraries that will not remove material. This article explores this development first by engaging with a brief history of the development of obscenity law with concern for books in particular. Then I turn to the ways in which book challengers have often deployed notions of obscenity, pornography, and/or indecency to criticize the institutional possession of some books. Finally, I examine some of the attempts to deploy the criminal process in recent years. Obscenity crusaders are leading a movement that challenges the basic definition of obscenity itself and seeks to return to an earlier era of criminalized literature. While this resurrection of older obscenity law is unlikely, the very attempt to engage the criminal process is likely to bring a chilling effect to school libraries.

### Obscenity and Books

Books have a long and messy history with obscenity law which in turn has a complicated history with notions of pornography. As Whitney Strub (2010, 4) described, “obscenity denotes a legal term” where pornography “merely refers to anything deemed pornographic by a given authority at a given moment.” Pornography is “a discursive site onto which varied social tensions are mapped out” (Strub 2010, 3). For much of American history, obscenity and pornography were treated as deeply connected precisely because relevant actors saw anything that constituted porn, to them, must also be legally obscene and thus subject to punishment (Boyer 2002; Werbel 2018). After World War II battles against obscenity and porn were one means of strengthening and normalizing the (straight) nuclear family (Strub 2010, 13). Police, politicians, and prosecutors engaged in this moral panic through obscenity charges as a means of removing dangerous literature from the community. Courts struggled with how to review these obscenity charges.

The Massachusetts Supreme Judicial Court is illustrative of this struggle. In 1945, it declared its duty to “enforce the public policy of the Commonwealth . . . whatever our own personal opinions may be.”<sup>2</sup> The court warned that the “fundamental right of the public to read is not to be trimmed down to the point where a few prurient persons can find nothing upon which their hypersensitive imaginations may dwell” but that criminal punishment is warranted if selling a book if it “adversely affects a substantial proportion of its readers may well be found to lower appreciably

the average moral tone of the mass in the respects hereinbefore described and to fall within the intended prohibition.”<sup>3</sup> It is hard to take this claim that their personal opinions did not influence the outcome of cases seriously. *Strange Fruit* by Lillian Smith (1944) was obscene because of four scenes of sexual intercourse and other unspecified distasteful material<sup>4</sup> but *Forever Amber* by Kathleen Winsor (1944) was not obscene even though it had numerous “sexual episodes” because “in the opinion of the majority of the court . . . it undoubtably has historical purpose, and in this is adequately accurate in achievement.”<sup>5</sup> *Serenade* by James M. Cain (1937) was not obscene despite having “several sexual episodes” because they were not portrayed in a depraved or corrupting manner<sup>6</sup> but Erksine Caldwell’s *God’s Little Acre* (1933) was obscene because it “abounds in sexual episodes and some are portrayed with an abundance of realistic detail.”<sup>7</sup> The refusal to engage with what specifically differentiated the obscene from the protected literature left a strong impression that it was nothing more than the justices own personal opinions of the books in question.

The messiness of obscenity law exemplified by the Massachusetts cases contributed to a call for more concrete guidance on the issue. In *Roth v. United States*, the Supreme Court definitively stated that while obscenity is unprotected speech, “sex and obscenity are not synonymous.”<sup>8</sup> This declaration helped to create space between the legal notion of obscenity and the popular understanding of pornography. *Roth* declared that the modern test for obscenity was “whether, to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to prurient interest.”<sup>9</sup> While the justices may have hoped to create a new era of coherent, objective obscenity law, it would spend the next 16 years divided over the various details of what made a work obscene or not (Powe 2000, 336-357). Lower courts were left without any real guidance about what obscenity meant, for books or anything else.

This doctrinal incoherence in the Supreme Court’s approach to *Roth* and obscenity left little clear rationale to lower courts in the determination of literary obscenity.

3. *Isenstadt*, 62 N.E.2d at 845.

4. *Isenstadt*, 62 N.E.2d at 846-47.

5. *Attorney General v. Book Named “Forever Amber,”* 81 N.E.2d 663, 666, 667 (Mass. 1948).

6. *Attorney General v. Book Named “Serenade,”* 94 N.E.2d 259, 260 (Mass. 1950).

7. *Attorney General v. Book Named “God’s Little Acre,”* 93 N.E.2d 819, 821 (Mass. 1950).

8. *Roth v. United States*, 354 U.S. 476, 487 (1957).

9. *Roth*, 354 U.S. at 489.

2. *Commonwealth v. Isenstadt*, 62 N.E.2d 840, 843 (Mass. 1945).



Often obscenity turned on little more than the tastes of the relevant judges. For example, a 4-3 majority of the New York Court of Appeals found Henry Miller's *Tropic of Cancer* (1961) obscene because it was "nothing more than a compilation of a series of sordid narrations dealing with sex in a manner designed to appeal to the prurient interest."<sup>10</sup> While some experts might see value in *Tropic of Cancer*, to accept this as a defense "would permit the substitution of the opinions of authors and critics for those of the average person in the contemporary community."<sup>11</sup> In contrast, the Massachusetts Supreme Judicial Court, in its own 4-3 decision, found *Tropic of Cancer* not obscene precisely because of the literary value: "Much in modern art, literature, and music is likely to seem ugly and thoroughly objectionable to those who have different standards of taste."<sup>12</sup> Some courts tried to weigh a challenged book against those found to be protected by the Supreme Court. For example, the Pennsylvania Supreme Court held *Candy* by Maxwell Kenton (1958) not obscene largely because it seemed no different than pulp novels held by the Supreme Court to be protected.<sup>13</sup>

The Supreme Court attempted to settle the obscenity chaos in *Miller v. California* (1973). In a 5-4 opinion, the Court came to agreement on an obscenity standard by modifying some aspects of recent doctrine. Now obscenity would require three elements: "whether 'the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest'; 'whether the work depicts or describes, in a patently offensive way, sexual conduct' defined by state law; and, 'whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.'<sup>14</sup> This modification of *Roth* would also clarify that the relevant community standards were local in nature,<sup>15</sup> though it would later declare that the serious value judgment must be that of a reasonable person.<sup>16</sup> This local standards approach allowed obscenity law to vary based upon the supposed local values of each community but *Miller* also included language suggesting a more fundamental

limit to obscenity: under *Miller* "no one will be subject to prosecution for the sale or exposure of obscene materials, unless these materials depict or describe patently offensive 'hard core' sexual conduct."<sup>17</sup>

Two other issues merit mention. While *Miller* standardized the general obscenity test, the Court also recognizes the concept of variable obscenity. Briefly this means that states are allowed generally to punish obscenity as to minors even if the material would not be obscene for adults.<sup>18</sup> States commonly punish obscene material in "harmful to minors" laws that utilize minors as the reference point for what is prurient, patently offensive, and has serious value. However, the *Miller* requirement that the dominant theme of the work as a whole is still preserved.<sup>19</sup> Images of child sex abuse, commonly termed "child porn," are not protected and are punishable without reference to the obscenity standard.<sup>20</sup>

While the Supreme Court refused to declare prose novels inherently outside of obscenity law in a companion case to *Miller*,<sup>21</sup> the functional reality of this shift to concern for "hardcore porn" was to end the possibility of charging books as legally obscene. After all, prose novels by definition are not depictions of actual sex acts. Long gone were the days were James Joyce's *Ulysses* would be charged as a danger to the public (Birmingham 2015). Additionally, the market changed dramatically. In the 1970s, adult stores and theaters brought new forms of pornographic magazines and films to the market, later assisted by the home video revolution, and prosecutors and police simply had no real interest in pursuing smutty novels any longer as they were overwhelmed by the explosion of sexual expression in new media (Stone 2017, 296-312). Controversy over books did not disappear, of course, it simply shifted to the book challenge. The legal battles transitioned to a question of whether libraries and/or schools could remove books from their institutions simply because some elements of the community objected to them.<sup>22</sup>

10. *People v. Fritch*, 192 N.E.2d 713, 716 (N.Y. 1963).

11. *Fritch*, 192 N.E.2d at 717.

12. *Attorney General v. Book Named "Tropic of Cancer,"* 184 N.E.2d 328, 334 (Mass. 1962).

13. *Commonwealth v. Dell Publications, Inc.*, 233 A.2d 840 (Pa. 1967). At 858 the Pennsylvania Court noted that "None of the published works involved in the *Redrup* related cases comes close to having achieved the national recognition affording 'Candy.' Indeed, to our knowledge, none of them were reviewed in any publication and none certainly appeared on any best seller lists" (citing *Redrup v. New York*, 386 U.S. 767 [1967]).

14. *Miller v. California*, 413 U.S. 15, 24 (1973).

15. *Miller*, 413 U.S. at 24.

16. *Pope v. Illinois*, 481 U.S. 497 (1987).

17. *Miller*, 413 U.S. at 27.

18. *Ginsberg v. New York*, 390 U.S. 629 (1968).

19. See, e.g., Illinois Statutes Ch. 720, Sec.11-21(a); Texas Penal Code Sec. 43.24(a); Utah Code 76-10-1203(5).

20. *New York v. Ferber*, 458 U.S. 747 (1982). See also, *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002) (holding that part of the Child Pornography Prevention Act of 1996 was unconstitutional where it targeted images of adults made to appear younger since there was no actual abuse of a child involved.)

21. *Kaplan v. California*, 413 U.S. 115 (1973).

22. This culminated in *Board of Education v. Pico*, 457 U.S. 853 (1982) where a fractured plurality said that removing a book from a school library solely because of ideological disagreement with its message would be unconstitutional.



## Book Challenges

Educational spaces have long advocated a broad right to read. In 1953, the American Library Association (ALA) and Association of American Publishers (1953/2004) jointly issued the Freedom to Read Statement. They centered concern on a public movement “in various parts of the country . . . to remove or limit access to reading materials, to censor content in schools, to label ‘controversial’ views, to distribute lists of ‘objectionable’ books or authors, and to purge libraries.” In contrast to censors, the ALA and book publishers framed the freedom to read as a cornerstone of democracy because the “written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth.” To achieve this end the two groups called for resistance by libraries, publishers, authors, and booksellers to the broad demand of 1950s censorship.

In 1981, the National Council of Teachers of English (NCTE) (1981/2018) issued *The Students’ Right to Read* elaborating on similar arguments but driven by a new generation of censors. Having lost the threat of obscenity charges, book challenges arose in the 1970s and ‘80s as a means of contesting the place of particular items in libraries and school curriculum. The NCTE admitted that the freedom to read “can be used wisely or foolishly . . . but to deny the freedom of choice in fear that it may be unwisely used is to destroy the freedom itself.” One value of this right to read is that the “reader is freed from the bonds of chance. The reader is not limited by birth, geographic location, or time, since reading allows meeting people, debating philosophies, and experiencing events far beyond the narrow confines of an individual’s own existence.” The NCTE centered this right in English classrooms by defending the expert judgment of teachers in selecting texts to serve this important purpose. It is particularly crucial for English teachers to resist unwarranted censorship because such actions skew the picture of the world presented to students and, thus, undermines, the value of the right to read itself.

These two statements worked within a broader civil libertarian trend that emphasized the right not only to produce information but also the right to consume it free from governmental intrusion (Wheeler 2013). This vision of a liberal right to read, however, was contested by new generations of book challengers. At base, the book challenger seeks to make knowledge harder to gain access to whether by removing it from a library or simply shifting the location of book in such a way as to make finding it more difficult. Some knowledge is simply too dangerous for easy access. Book challengers invoke a wide array of arguments with one common example being the idea that the book is obscene and thus inappropriate.

To many book challengers, obscenity and pornography are interchangeable items; porn is inherently obscene and anything obscene must be pornographic. Going further, they equate nearly any sexual conduct within books to be porn and thus obscenity. For example, a challenger to *A Bad Boy Can be Good for a Girl* (Stone 2006) complained that it was “like a porno in paper.” Depicting what they saw as “sexual perversion” and “immorality” was the equivalent of showing a hardcore porn film in the school library.<sup>23</sup> Challengers often target John Green’s *Looking for Alaska* (2006). A parent complained about its use in a high school English class because of its use of profanity (281 instances!), mention of students consuming pornography, and depiction of oral sex. They could “see no purpose other than getting students ‘excited’ about porn, sex, drugs, + alcohol.”<sup>24</sup> In an earlier email, they complained that “some situations could be x-rated.”<sup>25</sup> Another challenger summarized the book as “nothing short of pornography and filth.”<sup>26</sup> By invoking the defunct “X” film rating, the challenger sought to utilize popular notions of pornography to denigrate the book by equating it to watching a dirty picture and calling it English class. Another challenger invoked the idea of times changing because in their childhood Penthouse had similar content as *Looking for Alaska* but the “difference was then you had to go to the convenience store to get it and it was wrapped in brown paper and sold to those over the age of 18. Not provided to 15 and 16 year olds as required reading.”<sup>27</sup>

Such complaints were not only about personal offense at the content. Book challengers see the books as infecting children, causing them fundamental harm in a variety of ways. When challengers objected to Alice Walker’s *The Color Purple* (1982) one warned that “requiring a 16 year old hormone charged teenager to read a book filled with sexually explicit material is not using wisdom.”<sup>28</sup> Another described the result of students reading this AP English text would

23. Park City School District #6, Wyoming. Request for Reconsideration, 10/4/17.

24. Marion County, Kentucky, Schools. Request for Reconsideration of *Looking for Alaska*, 3/30/16.

25. Redacted to E.V. Marion County, Kentucky, Schools, 3/22/16.

While the names are redacted the context of the communications suggest that this email was sent by the same person who filed the formal challenge.

26. Waukesha, Wisconsin, School District. Request for Reconsideration of *Looking for Alaska*. 6/14/14.

27. Clinton City, North Carolina. Board of Education public comments of D.B. 2/5/18.

28. Brunswick, North Carolina, County Schools. Request for Reconsideration of *The Color Purple*, 12/16/13.



be “Trash in & trash out.”<sup>29</sup> A parent in Texas warned that the effect of reading *Looking for Alaska* would be to “increase teens’ curiosity, ruin their morals” and thus “harming our children, Taking away innocence.”<sup>30</sup> To challengers, reading about something is the first step to doing it. For example, they at times worry that depictions of sexual violence will cause not only harm to sexual abuse survivors but also cause others to rape: “this is an extremely dangerous situation for a girl who has been raped, for a boy who has raped a girl, for a boy who is mentally ill and now thinks, hey raping girl is an idea I may peruse.”<sup>31</sup> This challenger went further and suggested that because the book failed to explicitly condemn the sexual violence it left the message open for interpretation and suggested sexual violence is perfectly acceptable. As one challenger to *Looking for Alaska* warned “There could never be enough good in this book to outweigh the bad.”<sup>32</sup> A challenger to *Perks of Being a Wallflower* (Chbosky 1999) complained that in the past such “obscene and harmful material” would never have been introduced but “the creep of secularization and relegation of all things sacred to the private sphere only, has amputated our minds from our hearts and souls. The new religion of modern culture and much modern literature is one where there are no transcendent realities, no sexual boundaries, no special protection for youth, no shame, and ultimately, no meaning.”<sup>33</sup>

At times, book challengers invoke formal legal ideas to support their points. But in doing so they tend to mix legal and popular notions of obscenity and porn in a way that ignore the key elements of the law. One challenger to *Perks of Being a Wallflower* invoked a form of the harmful material to minors statutes. They admitted that the “legal definitions make an accommodation for overall literary value” and that some great works have sexual content, such as *Hamlet*, but sexual references in *Hamlet* “are in poetry form and are very often couched in imagery requiring a translation. *Perks* . . . is no Shakespeare. With blatant descriptions such as, ‘then he put his penis in her mouth,’ we are not dealing with literary greatness.”<sup>34</sup> They acknowledge a key limitation of obscenity

law but then discount that because the sexualized elements are too easy to understand unlike Shakespeare that requires the expert guidance of a teacher to get at the real intent behind the poetry. At other times, the assertions are less clearly tied to the actual law. For example, community members in Campbell County, Wyoming, claimed that a number of books were “illegal” in some unspecified manner. *Gender Queer* (Kobabe 2019) “violates Wyoming’s Constitution” by simply existing.<sup>35</sup> Another complained that *This Book is Gay* by Juno Dawson (2014) “violates the contemporary community standards and is considered obscene.”<sup>36</sup> In this way, the challenger deployed one element of obscenity law but none of the others.

In a challenge to *Eleanor and Park* by Rainbow Rowell (2013), the challengers argued that parents “entrust the public schools to be the primary educators of their children in the academic fundamentals as well as to provide examples of the moral norms of our society” but this role also made it “possible for those educators to have a disproportionate impact on the moral and societal views of our children.”<sup>37</sup> Turning to the book they described being “assaulted” by the language and subject matter that “is pornographic and sexually explicit.”<sup>38</sup> They cataloged every instance of objectionable (to them) material concluding that the book “touches on a variety of age inappropriate and highly controversial topics including underage sex, underage drinking and drug use, pornography, and sexual abuse of children. These are topics that are best left to be addressed by parents or guardians in a supervised context with some moral guidance . . . not in our school libraries or classrooms.”<sup>39</sup> Instead of relying upon notions of legal obscenity alone, they utilized various external systems to validate their challenge. For example, they quoted a dictionary definition of pornography as being intended to cause sexual excitement, arguing that because the characters in the book desire sex it inherently meant that Rowell’s goal was sexual excitement.<sup>40</sup> Similarly, they

29. Brunswick, North Carolina, County Schools. Request for Reconsideration of *The Color Purple*, 12/1/13.

30. Austin, Texas, Independent School District. Request for Reconsideration of *Looking for Alaska*, 5/24/16.

31. Kennett, Pennsylvania, High School. Request for Reconsideration of *Nineteen Minutes*, 6/17/14.

32. Marion County, Kentucky, Schools. Request for Reconsideration of *Looking for Alaska*, 3/30/16

33. Dubuque Community School District. Reconsideration Request Form for *The Perks of Being a Wallflower*, filed 11/2/16.

34. Dubuque, Iowa, Community School District. Request for Reconsideration of *The Perks of Being a Wallflower*, 11/2/16. The statute

referenced was the federal Child Internet Protection Act which they acknowledged

35. *Gender Queer* Challenge, Campbell County Public Library, Wyoming, 10/7/21.

36. *This Book is Gay* challenge, Campbell County Public Library, Wyoming, 8/16/21.

37. Addendum to *Eleanor and Park* challenge, Anoka-Hennepin School District, 23 July 2013, 2.

38. Addendum to *Eleanor and Park* challenge, Anoka-Hennepin School District, 23 July 2013, 3, 4.

39. Addendum to *Eleanor and Park* challenge, Anoka-Hennepin School District, 23 July 2013, 7.

40. Addendum to *Eleanor and Park* challenge, Anoka-Hennepin School District, 23 July 2013, 8-9.



invoked both Federal Communications Guidelines indecency rules for broadcast radio and television as well as the private Motion Picture Associations rating system for film to argue that a reproduction of this content would be prohibited to anyone under 17.<sup>41</sup> This all led the challengers to conclude that *Eleanor and Park* fell below “a normative baseline of societal decency standards.”<sup>42</sup> They expressed shock at “the lack of moral outrage by district staff regarding the contents of the book,” describing it as “blatantly obscene material.”<sup>43</sup> This reinforces Strub’s point (2010, 3) about the nature of pornography being a contested field: here the challengers utilized external sources unrelated to obscenity law to strengthen their claim that anything sexual was inherently dangerous and, implicitly, that *Roth* was wrong to separate the two.

Book challengers often situate themselves in a narrative around moral decay in society and blame objectionable content in books as one reason for this decay (Knox 2015, 68). Challengers “view the library as an institution that has a moral responsibility to protect children from reading materials the challengers believe will be harmful to their development” (Knox 2013, 205). This moral harm is something that can only be prevented by removing access to dangerous material, or at least hiding that material in a section where it would be hard to discover by accident. The danger of the books is treated by most book challengers as self-evident, that there is no need to actually explain why swearing, sex, or representations of LGBTQ people are an inherent danger to the moral health of the community. They engage in common sense interpretations of texts that argues “not only . . . for the literal interpretation of texts but also that such an interpretation should be self-evident” (Knox 2017, 13). This common sense interpretative view is a central component of the Christian Right and its deployment of parental rights as “an essential cog in the family values agenda conservatives would use in their drive for control of national politics (Dowland 2015, 63, 74).

This rhetoric fits into a long history of attacking supposedly dangerous material to preserve the moral health of the community. This argument speaks to “what conservative Christians find most distressing about the modern state—its failure to act as a moral leader” (Herman 1996, 153). For much of the twentieth century, obscenity law was deployed

to purge moral dangers from the community. This was about creating safe communities. Now that obscenity law does not prevent the sale of supposedly dangerous books, the book challenger must seek to preserve the role of the library and school as a moral leader by forcing it to purge the danger. Challengers reject the concept of being a censor with the negative connotations that come with that title. Instead, they are simply trying to preserve a safe moral space for all children, not only their own (Know 2014). Invoking legalistic and popular notions of pornography, indecency, and obscenity allows the book challenger to strengthen their case. The law already prohibits obscenity, after all, and if a book is obscene, removing it is not censorship but just enforcing the law. However, the challengers do so by invoking a rejected notion of obscenity law where any discussion of sex is inherently obscene. In doing so, they contest obscenity law itself. What is new in recent years is that this contestation is increasingly moving into formal legal avenues again as challengers seek to invoke obscenity law to support their purge of materials.

### Resurrecting Obscenity?

In recent years, some book challengers have sought to reinvigorate obscenity law to target what they consider to be objectionable books. In 2019, the Florida Citizens Alliance began to develop reports on dangerous books that supposedly violated various statutes. For example, the middle grade graphic novel *Drama* (Telegemeir 2012) was described as having “age inappropriate” content that included “explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct” because it depicted two boys kissing. This was treated as violating the state obscenity law. Perhaps most oddly, the book was described as violating the Florida Constitution’s unconstitutional<sup>44</sup> definition of marriage as between a man and woman only.<sup>45</sup> In total, the group documented over two dozen novels, overwhelmingly LGBTQ-inclusive books, for the supposed violation of obscenity and other laws. This kind of activism laid the groundwork for broader attacks.

In September 2019, a parent objected to the assignment of Allen Ginsburg’s *Howl* in a music literature class in Steamboat Springs, Colorado. Another community member was so outraged that he sought criminal charges against the teacher. In an email to members of local government he complained that “it seems reasonable that distributing, assigning reading, and discussing such patently obscene sexual material with

41. Addendum to *Eleanor and Park* challenge, Anoka-Hennepin School District, 23 July 2013, 10-12.

42. Addendum to *Eleanor and Park* challenge, Anoka-Hennepin School District, 23 July 2013, 12.

43. Letter to Chairman Heideman, Anoka-Hennepin School District, 27 August 2013.

44. *Obergefell v. Hodges*, 576 U.S. 644 (2015).

45. Florida Citizens Alliance Review of *Drama*, obtained 11 January 2020.





minors may meet the statutory elements” under Colorado law. If the exact same conduct had occurred anywhere else in the community “law enforcement would have likely been notified to determine if a crime occurred.”<sup>46</sup> The Steamboat Springs Police Department declined to pursue charges after the detective specifically noted that *Howl* “became one of the most widely read poems of the century.” As the definition of obscenity requires that consideration of the merit of a work, the detective concluded that a poem so widely read and translated “would not lack literary or artistic value, therefore it would not meet the statutory definition” of obscenity.<sup>47</sup> Unhappy about this determination, the community member requested that the District Attorney review the case and present it to the grand jury. The DA declined to prosecute because a “piece of speech that has for over sixty years inspired countless people to consider their individualism, their relationship to the organized state, their political voice and ability to think freely” could not plausibly be said to lack literary merit.<sup>48</sup>

In 2019, challengers sought to have *Fun Home* by Alison Bechdel (2006) removed from the English curriculum at Watchung Hills, New Jersey, High School because the graphic novel had a number of images of masturbation and oral sex. After the school refused to remove the book (Price 2021a), a group sued seeking to utilize civil legal mechanisms as a means of enforcing obscenity law. This creative attempt to invoke obscenity law failed when the superior court noted that the civil courts were not a proper means of attempting to enforce obscenity law in this case.<sup>49</sup> Ultimately, these examples suggest that at times, recently, challengers have elevated their demands into legalized attacks on literature.

This development escalated dramatically with the conservative book activism of 2021. This is when Representative Krause distributed his watch list discussed above. Texas Governor Gregg Abbot and South Carolina Governor Henry McMaster both invoked obscenity law to threaten schools. For example, Abbott complained repeatedly about “pornography” that was supposedly available in public school

libraries and directing various state agencies “to develop statewide standards to prevent the presence of pornography and other obscene content in Texas public schools.”<sup>50</sup> Both governors provided *Gender Queer* by Maia Kobabe (2019), a graphic novel memoir about the author discovering her non-binary identity and comfort in asexuality, as an example of this supposedly illegal literature. McMaster flatly asserted that the images of masturbation and oral sex “easily meet or exceed the statutory definition of obscenity.”<sup>51</sup> He failed to actually explain how this was so, it was just treated as an obvious fact. In this way, both governors represented an attack on obscenity law because the simple presence of sex in books was sufficient to prove it obscene. There was no need to engage in legal analysis of the work as a whole. In contrast to *Roth*, sex is equal to obscenity, or at least it is when queer sex is involved.

Recent book challengers have often made this argument with *Gender Queer* receiving special attention because as a graphic novel they can point to images. Challengers in North Hunterdon, New Jersey, for example repeatedly invoked the graphic images in *Gender Queer* as reason to remove it with one even complaining that it amounted to child pornography under New Jersey and federal law.<sup>52</sup> The graphic images, however, were not present in other books challenged. For example, the same challenger claimed that the prose memoir *All Boys Aren't Blue* by George M. Johnson (2020) was illegal because it discussed Johnson’s sexual experience and “it is arguably illegal as it can be considered distribution of pornography to children.”<sup>53</sup> The images are just a convenient scapegoat for the real target: any representation of LGBTQ sexuality.

When schools refused to remove the books, numerous book challengers and public officials sought to file criminal charges. One in Kitsap County, Washington, complained that *Gender Queer* was “graphic pornography” presumably because it included “sexual intercourse, masturbation and fellatio.”<sup>54</sup> In Campbell County, Wyoming, another challenger filed charges against various public librarians for

46. Kenneth Mauldin email to local government, 5 September 2019.

47. Officer Report for Incident P1910417, Steamboat Springs Police Department.

48. Declination of Prosecution letter, 10/2/19. Mauldin then claimed that the DA was biased because his wife worked for the school district and that he should have recused himself (Mauldin 10/3/19, 9:14 AM email) and then threatened to seek review from the Colorado Attorney General’s office (Mauldin 10/3/19, 1:43 PM email). As of 12 November 2019, the Attorney General’s office had no record of a complaint.

49. Gallic, et al., v. Watchung Hills Regional High School Board of Education, et al., C-012032-19 9N.H. Super., Order Denying injunction and Dismissing Complaint with Prejudice, 6/10/19, 7.

50. Abbot to Mike Morath, et al., 8 November 2021.

51. McMaster to Molly Spearman, 10 November 2021.

52. G.D. Challenge to *Gender Queer*, North Hunterdon, New Jersey, 10/7/21.

53. G.D. Challenge to *All Boys Aren't Blue*, North Hunterdon, New Jersey, 10/26/21.

54. Steve Adams to Chad M. Enright, 10/20/21, Kitsap County Prosecutor’s Office. Adams reported that the sheriff’s department refused to take his complaint because he was told this was a school matter rather than criminal. So he sent an email inquiring about criminal charges to the county prosecutor.



providing access to sexual education materials.<sup>55</sup> Flagler School Board member Jill Woolbright sought to have school staff criminally charged for providing access to *All Boys Aren't Blue*. While she admitted to not reading the book, she did review two chapters and asserted that they were criminal because they are “very descriptive and discusses masturbation, oral sex, and sodomy.”<sup>56</sup> The basis for the criminality was never explicitly stated. She described the book as “disgusting” with the examples being Johnson’s being molested by a cousin and losing their virginity which she described as “how he first sodomized another male and then later he was sodomized by the other male.” Woolbright then asserted that she wants librarians “held accountable for this crime committed on our children” without specifying any other details about the crime.<sup>57</sup> The simple presence of gay sex in a book was sufficient to be illegal. In Leander, Texas, a parent complained to police because *Lawn Boy* (Evison 2018) has a character who talks about sexual contact when he was ten.<sup>58</sup> She specifically referenced Texas obscenity statute with a vague assertion that “many examples in the book” would be considered obscene under it. She noted that she monitored her children’s reading to prevent them from being exposed to “atrocities” such as *Lawn Boy* but she was “worried about the other kids with parents that may not be aware” of the books.<sup>59</sup> In Indian River, Florida, a group of “Moms for Liberty” sought to have the schools criminally charged for three books that it refused to remove—though the district did remove six other books. The Moms for Liberty complained that books contained “references to sex, rape and drugs.”<sup>60</sup>

Prosecutors and police resisted these calls. For example, Kitsap County Prosecutor Chad Enright noted that he and his staff had examined the various potential crimes and found no criminal violation here. There was no distribution of “erotic material” both because libraries were exempt from that statute but also because it would require a judicial finding that particular material was erotic first and that was lacking here. More fundamentally, the claim that *Gender Queer* was some kind of child pornography failed both

because that law was about photographic reproductions of child abuse but also “must be used for the sole purpose of ‘sexual stimulation of the viewer.’ While I would respect arguments to the contrary, the intent of the book does not appear to be solely for ‘sexual stimulation.’”<sup>61</sup> He also closed with a gesture to the “First Amendment protections from criminal prosecution in distributing these types of materials.”<sup>62</sup> The Weston County, Wyoming,<sup>63</sup> prosecutor largely echoed similar views in refusing to prosecute the library for provision of sexual education materials. The prosecutor noted Wyoming criminal law forbids enticement of juveniles into sex, a reference to the book challengers claiming that sexual education is akin to sexual grooming by pedophiles, but that this applies to attempts to engage in sexual activity and that this certainly did not cover materials “disseminated to the general public.” While Wyoming obscenity law exempted libraries, the prosecutor engaged with the substance and noted that the books in question did not describe sexual activity “in a patently offensive manner and they may have scientific value” with both being independent bases for refusing to prosecute.<sup>64</sup> Similarly, the prosecutor in Leander, Texas, informed the police that criminal action would require, at minimum, a judgment from the state Attorney General of a Texas court that *Lawn Boy* was legally obscene before prosecution could occur.<sup>65</sup> In Flagler County, Florida, the Sheriff’s general counsel concluded that *All Boys Aren't Blue* “is a widely recognized award winning piece of nonfiction which deals with difficult subjects of both social and political issues impacting this age group” and thus there was no basis for concluding that it lacked serious literary or artistic merit.<sup>66</sup> In Indian County, Florida, the Sheriff’s investigation concluded that no criminal actions occurred for multiple reasons including that while a few portions of the prose novels could meet the definition of “sexual excitement” the statute requires the material predominate and this was not met here; the investigator noted that the portions flagged by

55. Campbell County, Wyoming, Sheriff’s Report Incident 21-06990, filed 9/29/21.

56. Flagler County Sheriff’s Office Report for Case Number 2021-00100272, filed 11/9/21.

57. Flagler County Sheriff’s Voluntary Witness Statement for Case Number 2021-00100272, filed 11/9/21.

58. Leander Police Department Incident Report 21-2280. This was not treated as a criminal complaint, the officer clearly informed the people complaining that it would only be an informational report.

59. Leander Police Department Incident Report 21-2280. Voluntary Witness Statement of Brandi Burkman, 9/9/21.

60. Indian River County Sheriff’s Report 2022-00026805, filed 3/8/22.

61. This appears to be misinformation produced by failure to read the book. Kobabe’s book depicts some fantasies of sexual behavior in eir youth but the sexual episodes with other people are in eir adulthood.

62. Chad Enright to Steve Adams, 10/21/21.

63. The Campbell County Prosecutor appointed a neighboring prosecutor as special prosecutor to consider this issue. The reason for this was not explained but it seems likely that he was afraid of angering members of his local consistency close to reelection.

64. Weston County & Prosecuting Attorney’s Office to Campbell County Sheriff Matheny, 10/27/21.

65. Leander Police Department Incident Report 21-2280. The officer memorialized and quoted an email from the prosecutor’s office to this effect.

66. John T. LeMaster, Legal Memorandum 11/16/21. Flagler County Sheriff’s Investigative Report Case 2021-100272, 21.



the Moms for Liberty amounted to 6 of 236 pages (1.84%), 17/622 (2.73%), and 11/213 (5.16%) for the three novels.<sup>67</sup>

To date only one attempt to criminally punish literature has proceeded to the point where the petitioner had to deal with the requirement that the book be read as a whole. In Virginia Beach, Virginia, a sitting legislator, Tim Anderson, sought to bring a civil action under an obscure provision of Virginia code to declare two books obscene, one being *Gender Queer* (Kois 2022). When various defendants noted that the petition only cited 7 of 240 pages of the graphic novel, Anderson sought to simply pivot around this requirement. He declared that “although seven pages specifically were selected out of 240 in the filing of the Petition, these pages encompass the theme of the book as a whole – portraying sexual conduct in a patently offensive way with respect to what is suitable for minors or adults.”<sup>68</sup> While no reading of the book could possibly support the idea that it is about patently offensive sexual conduct throughout, after all he could point to only 7 pages, the assertion was treated as obvious and correct. However, Anderson also dropped a reference to the idea that “the totality of the work standard should be judged with a different lens for minors than adults and that graphically or textually sexual content in the amount contained in these books meets the obscenity standard.”<sup>69</sup> In this way, Anderson suggested the law must shift because, in his view, the material available in books has simply gotten too dangerous for adherence to this outdated doctrine.

## Discussion

Book challengers have long invoked rhetorical norms of obscenity, pornography, and indecency. The sample of challenges explored here support the idea that pornography is “a discursive site onto which varied social tensions are mapped out” (Strub 2010, 3). Book challengers are unhappy to see some content, whether it be actually sexual in nature, sexual education, or just LGBTQ people existing in the book, and translate that into a concept of pornography. What is new in recent years is the sustained attempt to translate that rhetoric into actionable criminal complaints under obscenity

laws. Something that one sex crimes investigator expressed confusion over: “During my years investigating these crimes, there is no precedence of a criminal investigation I can reference . . . based on a published literature book being checked out by a minor at a library public or private.”<sup>70</sup> The shift to obscenity law as distinct from a rhetorical construct has at least two important components.

First, it allows challengers to both shift away from claims that they are censors and bigots. As discussed by Knox (2014), challengers define censorship as the total elimination of a book or other media. Removal of a book from the library, whether public or school, cannot be censorship because the book exists somewhere else. Invocation of obscenity law takes this perspective one step further because obscenity law itself defines material as inherently without worth, as too dangerous to consume. Enforcing that is just good citizenship. Furthermore, the shift allows challengers to alter the rhetoric of disagreement. They are able to claim that it is only the sexual content and not the LGBTQ representation that leads to complaints against books like *Gender Queer* or *All Boys Aren't Blue*. The “shift from challenging ‘pro-homosexual’ books in the collection to challenging ‘sexually explicit’ and ‘youth-targeted pornographic literature’ suggests they recognized attacks on GLBTQ literature for its own sake were becoming less palatable to a more tolerant public” (Gaffney 2014, 735). Obscenity provides political cover from criticism that challengers are bigots by translating LGTBQ books, or books about race or other disfavored topics, into complaints solely about sexually explicit material.

Second, and more broadly, book challengers are engaged in a sustained critique of the *Roth-Miller* conception of obscenity. As discussed above, a core component of this conception is that works must be judged as a whole and sex is not synonymous with obscenity. This new round of challengers invoking obscenity law ignore these requirements. Any sexual content is treated as inherently obscene, there is no need to read the whole book or consider the value of the work. There is simply no value at all, at least for minors. In this sense they invoke older notions of literary obscenity and a return to the days when police and prosecutors sought to purge anything they objected to from the public sphere, based on a few pages of a novel. And as the challenger to *Lawn Boy* above noted, challengers “worried about the other

67. Indian River County Sherri’s Report 2022-00026805, filed 3/8/22, 5-6.

68. Petitioner’s Omnibus Brief in Opposition of Respondents’ Motions. In RE: *Gender Queer*, A Memoir (No. CL22-1985) and In RE: A Court of Mist & Fury (No. CL22-1984). Virginia Beach Circuit Court, 5 August 2022, 15-16.

69. Petitioner’s Omnibus Brief in Opposition of Respondents’ Motions. In RE: *Gender Queer*, A Memoir (No. CL22-1985) and In RE: A Court of Mist & Fury (No. CL22-1984). Virginia Beach Circuit Court, 5 August 2022, 2.

70. Deputy Report for Incident D22-01690, 21. Davis County Sheriff’s Department. As of this writing the County Attorney was still considering the complaint.



kids with parents that may not be aware” of the books.<sup>71</sup> The danger of the book is presumed and, thus, other parents must simply be unaware. Obscenity law, thus, is treated as a method of helping others parent their children better. It represents the conservative demand that the state “act as a moral leader” (Herman 1996, 153).

So far, this attempt has failed. Prosecutors have refused to indict librarians or school officials for providing books. But the very attempt to criminally charge has effects. Invocation of legal forms, even if baseless, seems to have effectively scared a significant number of schools and libraries into preemptive censorship outside of established institutional policy (PEN America 2022). After all, a school receiving complaints about obscene material will rarely have to justify its decision in the way it would have to if it simply acknowledged that *All Boys Aren't Blue* is being removed because some members of the community do not want LGBTQ inclusion in their (and it is only theirs) library. It provides a veneer of plausible justification. More worrisome, some school districts have just invented sexual conduct to justify removals (Price 2021b). This will likely lead to more removals but also a chilling effect will spread as school districts seek to prohibit “sexually explicit” material from being purchased or stocked in the library. As sexually explicit is often just code for representations of diverse perspectives, this will serve to limit the literature and views presented to children and library patrons widely (Jones 2021). A legislator in Iowa repeatedly called for broadening obscenity law to fight back against what he deems objectionable in schools (Higgins and LeBlanc 2021). In Williams County, Texas, the local government withheld CARES funding from two districts over the complaints about “inappropriate” books in the library (Kriniaak 2021). In Ridgeland, Mississippi, a mayor withheld the library’s budget until it removed LGBTQ books from the shelves, apparently because they offended his religious values (Judin 2022). As teachers and librarians often need strong institutional support to offer diverse material, this attack will almost certainly lead many to shy away from topics that are labeled as dangerous by anti-diversity activists. After all, a 2016 survey found that 90% of elementary and middle school librarians, and 73% of high school librarians, had recently refused to buy a book because of potential controversy (School Library Journal 2016, 2). With the 2021 backlash, it is not hard to assume that this tendency will increase. And it is far more difficult to combat the softer censorship of just refusing to purchase on certain topics than it is to fight book removals.

71. Leander Police Department Incident Report 21-2280. Voluntary Witness Statement of Brandi Burkman, 9/9/21.

## Conclusion

This article explored the history of obscenity law as it related to books to provide context to the modern evolution of book challenger tactics: the invocation of the criminal obscenity process. In seeking to more regularly deploy criminal charges, book challengers seek to bring to bear extraordinary pressure upon schools and libraries to comply with the demands of challengers. To date this has failed in a formal sense as no prosecutor has attempted to bring charges. This may only be a matter of time, however, as most district attorneys and sheriffs are elected partisan officials; one may decide that pushing charges serves their electoral interest. At least one sheriff, a district attorney, and a successful candidate for a Tennessee prosecutor’s office suggested support for criminal charges (Wiggins 2022).<sup>72</sup> Of course, as the PEN America report (2022) found, the very effort to invoke criminal law along with political pressure from governors, legislators, and local officials has been sufficient to push schools, at least, to remove materials often without regard to formal policy. The future of book challenges will certainly continue to see the interaction of this criminal and political strategies.

## Appendix on Primary Sources

This article relies upon a significant amount of material disclosed by libraries, schools, law enforcement, and prosecutors’ offices under freedom of information laws. As these documents are redacted to varying degrees and the identities of most of the writers are irrelevant, I utilize initials and gender neutral pronouns (they/them). The only exceptions are for those who hold a public office (elected officials, superintendents) and people who filed criminal or other legal action. I strive to include the necessary information to correctly source any material utilized. All primary materials are available at <https://adventuresincensorship.com/publications-data>.

72. Eric Flowers to David Moor and School District of Indian River County, Indian River County Sheriff, 4/19/22 (“we do not feel that this content is appropriate for young children even though it does not rise to the level of a crime” and the District should “continue to review their policy to allow for stricter oversight” of library books); Benjamin David to Ed McMahon, New Hanover County District Attorney, 6/7/22 (complaints of books containing “obscene and pornographic material. As a father of three children, I share the concerns of these parents” but the statute exempted libraries).



## References

- American Library Association and Association of American Publishers. 1953/2004. "The Freedom to Read Statement." <https://www.ala.org/advocacy/intfreedom/freedomreadstatement>.
- American Library Association. 2022. "Top 10 Most Challenged Books List." <https://www.ala.org/advocacy/bbooks/frequentlychallengedbooks/top10>.
- Bechdel, Alison. 2006. *Fun Home: A Family Tragicomic*. Mariner Books.
- Birmingham, Kevin. 2015. *The Most Dangerous Book: The Battle for James Joyce's Ulysses*. Penguin.
- Boyer, Paul S. 2002. *Purity in Print*, 2nd Ed. University of Wisconsin Press.
- Cain, James M. 1937. *Serenade*. Vintage.
- Caldwell, Erskine. 1933. *God's Little Acre*. University of Georgia Press.
- Chbosky, Stephen. 1999. *The Perks of Being a Wallflower*. MTV/Pocket Books.
- Crum, Brooke. 2022. "North East ISD Removes More than 100 Books after Review of Lawmaker's List." *San Antonio Report*, 15 March. <https://sanantonioreport.org/north-east-isd-removes-more-than-100-books-review-krause-list/>.
- Cruz, Kathy. 2022. "GISD to Review Books for Possible Removal from Schools." *Hood County News*, January 22. [https://www.hcnews.com/news/gisd-to-review-books-for-possible-removal-from-schools/article\\_f176f014-7886-11ec-b821-afc0d47071d4.html?utm\\_source=pocket\\_mylist](https://www.hcnews.com/news/gisd-to-review-books-for-possible-removal-from-schools/article_f176f014-7886-11ec-b821-afc0d47071d4.html?utm_source=pocket_mylist).
- Dawson, Juno. 2014. *This Book is Gay*. Hot Key Books.
- Dowland, Seth. 2015. *Family Values and the Rise of the Christian Right*. University of Pennsylvania Press.
- Ellis, Danika. 2021. "All 850 Books Texas Lawmaker Matt Krause Wants to Ban: An Qnalysis." *Bookriot*, November 5. <https://bookriot.com/texas-book-ban-list/>.
- Evison, Jonathan. 2018. *Lawn Boy*. Algonquin Books.
- Gaffney, Loretta M. 2014. "No Longer Safe: West Bend, Young Adult Literature, and Conservative Library Activism." *Library Trends* 62(4): 730–39.
- Green, John. 2006. *Looking for Alaska*. Speak.
- Hartman, Andrew. 2015. *A War for the Soul of America: A History of the Culture Wars*. University of Chicago Press.
- Herman, Didi. 1996. *The Antigay Agenda: Orthodox Vision and the Christian Right*. University of Chicago Press.
- Higgins, Chris and Sarah Kay LeBlanc. 2021. "Iowa Senator Calls for Felony Penalty for Distribution of 'Obscene' Materials in Schools." *Des Moines Register*, November 19. <https://www.desmoinesregister.com/story/news/education/2021/11/20/book-ban-debate-iowa-senator-calls-for-felony-penalty-obscene-materials-schools/8667630002/>.
- Johnson, George M. 2020. *All Boys Aren't Blue*. Farrar, Straus, and Giroux.
- Jones, Chris. 2021. "Activist Group Trains Parents on How to Get Books Removed." KUTV, November 18. <https://kutv.com/news/beyond-the-books/activist-group-trains-parents-on-how-to-get-books-banned>.
- Judin, Nick. 2022. "Ridgeland Mayor Demands LGBTQ+ Book Purge, Threatens Library Funding." *Mississippi Free Press*, 25 January. <https://www.mississippifreepress.org/20068/ridgeland-mayor-demands-lgbtq-book-purge-threatens-library-funding/>.
- Kenton, Maxwell. 1958. *Candy*. G.P. Putnam's Sons.
- Knox, Emily. 2013. "The Challengers of West Bend." In *Libraries and the Reading Public in Twentieth-Century America*, 200–214. University of Wisconsin Press.
- Knox, Emily. 2014. "'The Books Will Still Be in the Library': Narrow Definitions of Censorship in the Discourse of Challengers." *Library Trends* 62(4): 740–49.
- Knox, Emily J. M. 2015. *Book Banning in 21st-Century America*. Rowman & Littlefield.
- Knox, Emily J. M. 2017. "Indoctrination and Common Sense Interpretation of Texts." *Journal of Intellectual Freedom and Privacy* 2(2): 11-22.
- Kobabi, Maia. 2019. *Gender Queer*. Oni Press.
- Kois, Dan. 2022. "The Obscenity Pivot." *Slate*, August 10. <https://slate.com/culture/2022/08/book-banning-republicans-gender-queer-obscenity-supreme-court.html>.
- Krinjak, John. 2021. "Round Rock, Leander ISDs to Not Receive Federal Funds over 'Inappropriate' Books." Fox7 Austin, December 14. <https://www.fox7austin.com/news/round-rock-leander-isds-to-not-receive-federal-funds-over-inappropriate-books>.
- Miller, Henry. 1961[1934]. *Tropic of Cancer*. Grove Press.
- Moynihan, Don. 2021. "Making Public Jobs Impossible: How the Culture Wars Came to Your Local School." <https://donmoynihan.substack.com/p/making-public-jobs-impossible>.
- National Council of Teachers of English. 1981/2018. "The Students' Right to Read Statement." <https://ncte.org/statement/righttoreadguideline/>.
- PEN America. 2021. "Educational Gag Orders." <https://pen.org/report/educational-gag-orders/>.
- Powe, Lucas A. 2000. *The Warren Court and American Politics*. Belknap Press of Harvard University Press.
- Price, Richard S. 2021a. "Navigating a Doctrinal Grey Area: Free Speech, the Right to Read, and Schools." *First Amendment Studies* 55(2): 79–101.



- Price, Richard S. 2021b. "Banning the Breakaways." *Adventures In Censorship* (blog), October 22. <https://adventuresincensorship.com/blog/2021/10/22/banning-the-breakaways>.
- Rosky, Clifford. 2017. "Anti-Gay Curriculum Laws." *Columbia Law Review* 117: 1461–1542.
- Rowell, Rainbow. 2013. *Eleanor & Park*. St. Martin's Press.
- School Library Journal Research. 2016. "Controversial Books Survey." *School Library Journal*. [https://s3.amazonaws.com/WebVault/SLJ/SLJ\\_ControversialBooksSurveyReport\\_2016.pdf](https://s3.amazonaws.com/WebVault/SLJ/SLJ_ControversialBooksSurveyReport_2016.pdf).
- Smith, Lillian E. 1944. *Strang Fruit*. Mariner Books.
- Stone, Geoffrey R. 2017. *Sex and the Constitution: Sex, Religion, and Law from America's Origins to the Twenty-First Century*. Liveright.
- Stone, Tanya Lee. 2015. *A Bad Boy Can Be Good for a Girl*. Wendy Lamb Books.
- Strub, Whitney. 2010. *Perversion for Profit: The Politics of Pornography and the Rise of the New Right*. Columbia University Press.
- Telgemeier, Raina. 2012. *Drama*. Graphix.
- Walker, Alice. 1982. *The Color Purple*. Penguin Books.
- Werbel, Amy. 2018. *Lust on Trial: Censorship and the Rise of American Obscenity in the Age of Anthony Comstock*. Columbia University Press.
- Wheeler, Leigh Ann. 2013. *How Sex Became a Civil Liberty*. Oxford University Press.
- Wiggins, Christopher. 2022. "GOP Prosecutor Denies Wanting to Go After Librarians Over LGBTQ+ Books." *Advocate*, August 11. <https://www.advocate.com/politics/2022/8/11/gop-prosecutor-denies-wanting-go-after-librarians-over-lgbtq-books>.
- Winsor, Kathleen. 1944. *Forever Amber*. Penguin Books.
- Zimmerman, Johnathan. 2002. *Whose America? Culture Wars in the Public Schools*. Harvard University Press.