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24.02 Moral Problems and the Good Life
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Pornography and Degradation

1. Strategies of argument

We have considered several different ways to support relatively unrestricted freedom of speech:

- 1) Freedom of speech promotes the greater good/maximizes utility (John Stuart Mill).
- 2) Freedom of speech is a basic liberty/right (Dworkin, Arthur).
- 3) Freedom of speech is a prerequisite for genuine democracy.

We have also considered several different exceptions to the first amendment protection of speech: Libel, incitement to lawlessness, obscenity, and fighting words.

- Lawrence argued that hate speech should be considered an exception to free speech on the model of “fighting words”.
- Historically, pornography has fallen under the category of “obscenity,” but the courts have more or less abandoned this approach.
- MacKinnon/Dworkin and others have argued that pornography should be regulated under civil rights law, shifting the emphasis to harm, and the restraint from censorship to damages.
- Judith Hill argues that pornography should be regulated on the model of libel:
On my account, Victim Pornography *libels* women as a class, in impugning the nature of women. This approach would not have to rely on controversial empirical studies concerning the consequences of pornography. Libel can be established without demonstrating actual damage to the plaintiff...in proving libel, it is enough to show that a defamatory statement about the plaintiff is false. (119)
- Garry is opposed to degrading and sexist pornography, but does not support regulation. Instead, she supports changes to the production of pornography: “...we want to make changes to pornography that would help us with the deep social changes needed to break the sex-harm connection and to make gender roles more equitable in sexual and nonsexual contexts.” (352) She continues, “New symbols and fantasies need to be introduced with care, perhaps incrementally.” (352)

II. Degradation

What does it mean to degrade something?

- It is a lowering of status, but not just any status: a lowering of moral status. (Hill 115)
 - Actual lowering of status is not required: what is required is *imputing a lesser moral value to*. (Hill 115)
- It is a matter of perception: if X is degraded by an action A, then A must cause X to be *perceived* as being treated as less than a full person. (Hill 115)
 - Degradation is public, or potentially public.
- Degradation expresses contempt. Public expression of contempt suggests that the victim’s lower status is so obvious it would be recognized by anyone.
- Sometimes it is wrongly thought that an individual who acquiesces in degradation deserves it: “degradation carries with it its own justification: people who allow themselves to be treated as less than persons deserve to be treated as less than persons.” (Hill 116)

Hill’s argument:

- 1) Persons have a moral right to be treated as an end in themselves, with fairness and respect.
- 2) So persons have a right not to be degraded. (From 1 and the definition of degradation.)
- 3) Pornography (at least “Victim Pornography” (VP)) degrades women.
- 4) So, the production (and consumption?) of pornography (VP) is morally wrong. (From 1-3)

- 5) “The propagation of false and derogatory statements about a class of people, for the sake of profit, inexcusably treats all members of that class as though they were a means only, as though they were not ends in themselves.” (Hill 120) This is equivalent to libel (Hill 119).
- 6) So pornography (VP) should not be protected as speech.

Questions:

- Even if Hill’s argument for regulation is unconvincing, does the argument up to line 4 work? If so, should it include not only production but also the consumption of pornography?
- On what basis does Hill claim that pornography degrades *all* women? Why not just “sleazy” women?
- If pornography is fiction, why think it is spreading falsehood? Doesn’t everyone know it is fiction? And how does an image – just a picture – say anything? Can’t any picture be interpreted in many ways?
- On what basis can feminists who support sexual freedom object to pornography? Isn’t it a part of sexual freedom that sex, even obscene sex, is not bad?
- Does pornography degrade both women and men or only women? (See Garry article)
- Is pornography more significant than other sexist images or practices in degrading women? What about advertising, Hollywood movies, etc?