

Reading Guide #10: Free Speech and Pornography

These reading guides are provided to assist you in your reading. I encourage you to read the material through, first, then go back to answer the questions. You are not expected to hand in written answers. You are expected to have responses ready for class discussion. Page numbers refer to Arthur, *Morality and Moral Controversies*, 6th ed.

John Stuart Mill, 'Of the Liberty of Thought and Discussion', pp 417-420

- 1. "If all mankind minus one were of one opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind." (360) Explain.**
 2. What are the two branches of the argument against censorship?
 3. In the first branch of the argument, what assumption do those who support censorship make? How might they respond to this objection? What is Mill's counter-argument?
 - 4. What is the problem of "dead dogma", in the second branch of the argument?**
 - 5. "He who knows only his side of the case knows little of that." (361) Explain.**
 6. What possibility do the two branches of argument against censorship ignore? Why is this important to recognize?
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'Nazi Marches: Village of Skokie v National Socialist Party', pp 424-427

- 1. What exactly did the Nazis want to do? How did they defend, or justify, this proposed action?**
- 2. What is the "fighting words" doctrine? How did the Plaintiff urge for *Chaplinsky* to be extended?**
- 3. What was the Court's finding in *Cohen*? How did they support that ruling? How does it apply to this case?**
- 4. "The ability of government, consonant with the Constitution, to shut off discourse solely to protect others from hearing it is... dependent on showing that substantial privacy interests are being invaded in an essentially intolerable manner. Any broader view of this authority would effectively empower a majority to silence dissidents simply as a matter of personal predilections." (368) Explain. Does this apply in the Skokie case?**
5. How did the court defend Rockwell's right to speak in New York City?
- 6. What, exactly, did the court rule? Did they rule correctly?**

Helen E. Longino, 'Pornography, Oppression, and Freedom: A Closer Look', pp 436-442

1. How did the sexual revolution give rise to an acceptance of pornography?
 2. What results from severing the link between sexual chastity and moral virtue?
 - 3. On Longino's definition, what characterizes pornography?**
 - 4. Does Longino argue that all sexually explicit material is pornographic?**
 - 5. How does pornography communicate an endorsement of degrading behavior?**
 - 6. What's wrong with pornography?**
 7. How does pornography lie?
 - 8. [T]he lies of pornography are lies about all women." (439)**
 9. How does pornography deny women's equality to men? Why does it do this?
 - 10. How may pornography lead to increased violence toward women?**
 11. What does Longino believe we should do about pornography?
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Mark R. Wicclair, 'Feminism, Pornography, and Censorship', pp 442-447

1. How, on the feminist definition, is pornography sexist and misogynistic? Explain.
2. How are feminists divided over pornography?
3. Outline the arguments against censorship, generally.
4. What burden rests on advocates of censorship?
- 5. How do advocates of censorship of pornography rely on the harm principle?**
- 6. How may pornography be an indirect threat?**
- 7. How might pornography reduce the threat of harm to women?**
8. Is censorship justified to combat sexism? Explain.
- 9. What problems of clarity and specificity would arise from attempts at censoring pornography?**
- 10. Sexually explicit material that depicts violence against women or that depicts exist practices is said to be subject to censorship only if it *condones* the objectionable practices." (446) How may this be difficult to determine?**
- 11. How might a censorship law aimed at pornography extend beyond depictions of sexual activity?**
12. What problems arise for attempts to censor all portrayals of degrading behavior?