

Philosophy 104, Ethics, Queens College, Spring 2005  
Russell Marcus, Instructor  
email: [philosophy@thatmarcusfamily.org](mailto:philosophy@thatmarcusfamily.org)  
website: <http://philosophy.thatmarcusfamily.org>  
Office phone: (718) 997-5287

Lecture Notes, April 20

### I. Freedom and social utility

Goodin defends paternalistic anti-smoking laws on the basis of the irrationality of smoking.  
We do not normally accept laws enforcing rational behavior, though.  
We allow people to gamble, even allowing the state to run lotteries.  
We allow them to make poor decisions regarding their education and work.  
My freedom may oppose my welfare.  
This is why Mill's defense of liberty on the basis of utilitarian principles is strained.  
We may have to choose between freedom and utility, for myself, and for society at large.  
We will return to this question in the next unit, on free speech.

### II. Drug addiction

Goodin's paternalism is based on the irrationality of cigarette addicts.  
Since smokers are addicted, they have lost their ability to rationally choose how to act.  
Shapiro denies the received view concerning addiction.  
"The standard view that cocaine is *inherently* addictive is false, because no drug is inherently addictive," p 519.

Shapiro argues that addiction is a social construction.  
It combines drug, (mind) set, and setting (social context).  
He alleges that there is no purely pharmacological basis for addiction.  
Compare drinking in Finland with drinking in Mediterranean countries.  
Or consider heroin use among American soldiers in Vietnam.  
Many did not continue to use the drug when they came home.  
Similarly, consider cocaine among the middle class, where it may not disrupt lives.  
Cigarettes are addictive, but because of their social uses: relaxation, taking a break, oral gratification.

According to Shapiro, some people in some situations may addict themselves.  
But no drug is addictive in itself.

Addiction is fostered by expectation.  
If you expect to get drunk you will.  
The placebo effect, p 518.

### III. Use and abuse

Shapiro is distinguishing use from abuse.  
He alleges that if we were to legalize drugs, we would not get an explosion of abuse.

Against his claim, we do have an explosion of cigarette smoking, with ill effects.  
Shapiro says that cigarette addiction is due to an unhealthy attitude toward smoking.  
The unhealthy attitude can be traced to set and setting.  
He does not address how we can change that.  
And he does not offer assurances that we will not have similar unhealthy attitudes toward currently illegal drugs.

Goodin urges a weak paternalism, since we can not handle the liberty we have.  
This applies broadly, to stronger drugs, as well.  
Shapiro urges a lessening of paternalism, since we can handle more than we have, as long as we adjust the social context appropriately.  
For both Goodin and Shapiro, then, the decision to criminalize or legalize a substance should be based on utilitarian calculations, not on idealism about liberties.  
Society struggles to defend freedoms when social welfare is opposed.  
Compare with the limitations on our freedoms imposed since the terrorist attacks of September 11, 2001.

#### IV. The Harm Principle and censorship

Mill argues that censorship is immoral.  
He bases his argument on the harm principle.  
In specific, he uses a proof by cases:  
First case: If the opinion censored is right.  
Second case: If the opinion censored is wrong.

If the opinion censored is right:  
The censors wrongly assume their own infallibility, and society is deprived of the benefit of a true opinion.  
E.g. perhaps violence on television does not cause more violence, but helps engender a healthy attitude toward it.  
Or perhaps pornography is not abusive toward women, and can serve the social good.

An objection: Isn't it the public's (i.e. government's) job to protect its citizens in the best way it can?  
I.e. doesn't the government have the responsibility to make the assumption that it's right and act accordingly?  
And thus censor when it believes the public good is served in this way?  
Mill's response: There is a difference between assuming an opinion true because it has not been refuted and assuming it true in order to not permit its refutation.  
The government has a responsibility to the former, but not to the latter.  
Thus, we must permit free speech, so that we can determine which views are right.

If the opinion censored is wrong:  
By censoring we leave ourselves open to the problem of the dead dogma, p 522.  
Our beliefs become held as empty dogma instead of live opinions.  
"He who knows only his own side of the case knows little of that," 522.  
If we censor, we lose the ground for holding the right opinion.

There is a third possibility: some part of the attempted-to-be-repressed opinion is true, some part of it is false.  
This is the most common situation.

Even the most false opinion has a grain of truth.

E.g. Those who oppose restrictions on abortion can agree that abortions should be minimized.

And those who favor gun control can agree that eroding constitutional protections is bad.

Note Mill's assumption that what can or may not be censored is an opinion.

That is, something capable of being true or false.

Contrast this with the common opinion that opinions aren't truth valuable.

Also, contrast with art or pornography: are these opinions?