

Philosophy 104, Ethics, Queens College, Spring 2005  
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Lecture Notes, May 4

## I. The harm of pornography

Longino defines pornography as degrading depictions of women with two further characteristics:

- 1) They must endorse the degradation; and
- 2) They represent the degraded woman as every woman; she calls this universalism.

She then alleges that pornography produces three kinds of harms:

- 1) It creates and buttresses sexism.
- 2) It degrades and libels women.
- 3) It leads to, or correlates with, increased violence toward women.

Wicclair, opposing censorship, argues that the charges of sexism and degradation are hopelessly ambiguous, p 543, #2.

On the contrary, it seems clear that we could agree on a core set of degrading behaviors. Establishing endorsement and universalism seem the more difficult tasks.

Wicclair says that it is hard, or impossible, to determine when a work condones degrading behavior, since the meaning of art (conceived broadly) is difficult to determine, p 543, #3.

He is overly skeptical about our ability to discover meaning of art.

But if we take the meaning to include whether the movie endorses the behavior depicted, then this is a real problem.

Consider a movie which depicts an act that is clearly degrading, like a rape.

There are two attitudes which could be called endorsement of this act.

- 1) The characters in the movie might explicitly endorse the act.

Still, the viewer might not concur with the characters.

For example, if one watches a WWII movie which depicts Nazi brutality, the Nazi characters endorse degrading acts.

The viewer is supposed to hold an attitude different than attitude of those characters.

- 2) The viewer is meant to endorse the act.

This seems like the more relevant interpretation of Longino's endorsement criterion.

But even if the meaning of the work is clear, the intended effect on the viewer may not be.

If the rape was intended to be sexually stimulating, one could argue that the viewer is intended to endorse the act.

But, this does not necessarily follow.

The issues of endorsement and universalism seem resolvable politically if the claim about violence were substantiated.

On the other hand, pornography seems at best an indirect, rather than direct threat.

Wicclair argues that it affects attitudes, rather than behavior, p 542.

And it may help to reduce an existing threat, by providing an outlet, p 542.

Here is where one needs empirical evidence, more studies, to see whether there is a causal connection between the viewing of pornography, as Longino defines it, and violent behavior.

It may be hard to see pornography as a free speech issue.

One has to determine in what way it is even speech.

Consider Voltaire's "I may not agree with what you say, but I'll defend to the death your right to say it."

This presupposes that one is saying something.

## II. A simple argument against capital punishment:

1. Murder is wrong.

2. Capital Punishment is murder.

So, Capital Punishment is wrong.

You might disagree with the second premise.

If so, you can replace 'murder' with 'killing.

But then you need to change the first premise, in order for the conclusion to follow.

That is, this is not a valid argument:

1. Murder is wrong.

2. Capital Punishment is killing.

So, Capital Punishment is wrong.

If we change the first premise, too, we get:

1. Killing is wrong.

2. Capital Punishment is killing.

So, Capital Punishment is wrong.

But killing is not always wrong.

Consider killing a harmful bacteria or insect, for example.

We can try to resolve this problem by changing "killing" to "premeditated killing of a human being"

1. Premeditated killing of a human being is wrong.

2. Capital Punishment is premeditated killing of a human being.

So, Capital Punishment is wrong.

But this rules out waging war.

One can hold this position, as Quakers do, but it is a difficult position to maintain.

Some war seems justified, like WWII.

The simple argument just does not look like it will work.

We will have to see if punishment, like waging a just war, is an acceptable reason for killing a human being.

We will start by examining more closely the concept of punishment.

Then, we will apply these general observations to the specific case of capital punishment.

### III. Basic defenses of punishment, generally:

Forward looking punishments are called utilitarian.

These emphasize the benefits of punishment, both to society and to the punished person.

The child is punished to make him better.

We call prisons 'correctional facilities', and we construct rehabilitation centers.

Rehabilitative justifications for punishment sometimes allow punishments that don't fit the crime.

We could punish too little, if we don't see benefits of a more severe punishment.

For example, we have little hope that repeat drug offenders will rehabilitate.

Still, does that mean they shouldn't obey the law?

Or we could punish too much, if we think the deterrent effect would be large.

We might provoke greater deterrence by using gruesome public executions.

But that seems severe.

Backward-looking punishments are called 'retributive'.

They are based on a Kantian model.

Sometimes, we call this *lex talionis*, or law of retribution.

Retributive punishments generally require proportionality.

The classical proportionality requirement is 'an eye for an eye'.

But this can be seen as too severe.

Do we really want to rape the rapist?

There are other ways to devise proportionality.