**Reading & Study Guide for Week 7**

* **Ronald Dworkin, “Liberty and Pornography”**
* **Judith M. Hill, “Pornography and Degradation”**
* **Catherine MacKinnon, “Pornography, Civil Rights, and Speech”**

Ronald Dworkin, “Liberty and Pornography”

This article, following Isaiah Berlin, distinguishes negative from positive liberty, and uses this distinction to address certain pro-censorship arguments, including feminist arguments that appeal to the idea that certain forms of pornography contribute to the false idea that women have less worth or dignity than do men. Negative liberty involves not being hindered from engaging in certain behavior including, for example, the exercise of one’s right to free speech. Positive liberty, by contrast, involves the right to engage in certain activities that enable one to participate in public decisions and includes, for example, the right to vote. In terms of the distinction between negative and positive liberty, the pro-censorship feminist arguments in question can be understood as appealing to women’s positive liberty to participate equally with men in community. The idea, then, is that the positive liberty in question ought to limit the negative liberty of free speech and expression when it comes to pornography. Dworkin concludes that even if pornography interferes with women’s positive liberty to participate in political processes, this would not justify censoring pornography. He also responds to a related pro-censorship argument based on the idea that because pornography, through its portrayal of women, tends to silence them, it thus violates their negative liberty to free speech.

Judith M. Hill, “Pornography and Degradation”

Hill advances an essentially Kantian argument against what she calls “victim pornography.” She claims that degradation is a public phenomenon in which some individual or group is overtly represented as not being worthy of a certain level of respect that they are due. Victim pornography, by its very nature, degrades women by representing them as members of a class of beings not entitled to an appropriate level of respect. Thus, since on the Kantian view, failing to treat others as deserving of respect is morally objectionable, victim pornography is morally objectionable.

Catherine Mackinnon, “Pornography, Civil Rights, and Speech”

For Mackinnon, what is wrong about pornography is not obscenity, but subordination. In order words, what is wrong about pornography is not that it is sexually explicit, but that it promotes immoral power dynamics by perpetuation the degradation or marginalization of women. For MacKinnon, social identity is not something that is innate, but constructed. It is defined by norms and images of who we ought to be. One way of looking at this is that there are “scripts” given to us for how to behave. These scripts tell us how to be what society says we are, for example, black, white, straight, gay, and so on. The scripts pornography in society gives are those which promote the inferiority for women, depicting them as passive, dehumanized, and desiring of pain. MacKinnon argues that pornography is “a map that pretends to be a mirror.” It tells men and women what women “really want.” Pornography is itself a harm because it tells women and men that women like being violated, are there for the use of men, and so on. MacKinnon is not concerned with consent because consent made under conditions of inequality is not valid.

Study Questions (Common)

1. What would Mill say about the distinction between positive and negative liberties?
2. Describe the argument from feminist literature that, according to Dworkin, concludes that pornography leads to women’s political subordination.
3. Describe the argument from Frank Michelman, discussed by Dworkin, for the claim that pornography should be censored because it has the effect of silencing women and thereby violates their right to free speech.
4. How does Hill define degradation? How does she use the notion of degradation to argue against the legality of pornography?
5. Describe and evaluate Hill’s argument for the claim that it is not true that women who serve as models for pornography are treated by consumers of pornography as a means only.
6. What is MacKinnon’s argument that pornography degrades women?
7. What does MacKinnon think of the role of civil rights in this issue?
8. Explain MacKinnon’s idea that pornography is a harm in itself. What does she mean by this? Which parties are harmed by pornography? How?
9. How would MacKinnon respond to Dworkin’s arguments?
10. How do the arguments put forth by Hill and MacKinnon differ? What are the important similarities and differences?
11. What would MacKinnon say about Mill’s position? Where are the key points of disagreement? What is at stake in their disagreement? Explain.

Further reading online

* American Civil Liberties Union page on free speech, <http://www.aclu.org/free-speech>
* Stanford Encyclopedia of Philosophy entry, "Freedom of Speech", <http://plato.stanford.edu/entries/freedom-speech/>
* Stanford Encyclopedia of Philosophy entry, "Pornography and Censorship", <http://plato.stanford.edu/entries/pornography-censorship/>
* "Hate speech or free speech? " *New York Times*, June 11, 2008., <http://www.nytimes.com/2008/06/11/world/americas/11iht-hate.4.13645369.html?_r=1>
* ***Feminist Ethics***
  + SEP, topics in feminism: <http://plato.stanford.edu/entries/feminism-topics/>
  + The largest feminist organization in the United States: <http://now.org/>