

“The Price We Pay”? Pornography and Harm



Susan J. Brison

Note



- ❧ Brison attempts to establish her conclusion primarily by relying upon analogies.
- ❧ She offers very little, if any, empirical evidence to support her claims.
- ❧ I am assisting her by providing empirical evidence where it supports her argument.
 - ❧ As well as where it hurts her argument
 - ❧ Evidence is provided on my website

Pornography



- ❧ “...violent degrading misogynistic hate speech...”
 - ❧ “speech” includes words, pictures, films, etc.
 - ❧ “hate speech” is any speech, gesture or conduct, writing, or display which is forbidden because it may incite violence or prejudicial action against or by a protected individual or group, or because it disparages or intimidates a protected individual or group.
 - ❧ Protected classes include:
 - ❧ Gender based (women)
 - ❧ Race/ethnicity (minorities)
 - ❧ Sexual orientation (homosexuals)
 - ❧ Nationality
 - ❧ Some other immutable characteristic

Objective



- ☞ If pornography harms women then there is no *moral* right to produce and sell it.

Focus



∞ Production

∞ Presentation

Harm Principle



☞ Mill's Harm Principle:

☞ “...that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.”

Pornography and Prostitution



- ❧ Brison gives stories of pornography used in conjunction with prostitution and sex trafficking.
- ❧ These are not logically or morally relevant for evaluating the majority of pornography or of mainstream pornography.

Consent



☞ True consent...

☞ “requires the ability to evaluate critically and to choose from a range of significant and worthwhile options.”

Girls Gone Wild



- ❧ *Girls Gone Wild* was sued and lost because:
 - ❧ They failed to ensure all participants were of legal age.
 - ❧ Many participants were not capable of providing consent as they were drunk at the time of signing the waiver forms.
- ❧ Now they use professional porn stars to influence the participants.
- ❧ Most participants are college students.

Deception



☞ Companies place ads looking for “models”.

CASTING COUCH TEENS

CastingCouchTeens.Com brings you a little something different than your usual porn site. We put a bunch of ads at different college campuses all over Southern California and said we're looking for models for (tv, film, commercials, etc) Maybe we lied LOL... instead we get 'em naked and bring you **FRESH** new girls!!!

Pornography and Harm



- ❧ Linda Lovelace (nom de plum) star of *Deep Throat* was held at gunpoint, drugged, and raped in order to film the movie.
- ❧ 80% female porn stars are drug addicts and on drugs (mostly heroin) at the time of filming
- ❧ Marie Luv, an African American porn star and now producer, was raped during her first professional porn shoot. She says, “No matter how much I protested I was told to ‘Shut-up and take it bitch’. My insides were hanging out of me....”

Indirect Harms



- ∞ “Harms to those who have pornography forced on them.”
 - ∞ This is ambiguous; needs clarification.
- ∞ “Increased or reinforced discrimination against—and sexual abuse of—girls and women.”
- ∞ “Harms to boys and men whose attitudes toward women and whose sexual desires are influenced by pornography.”
- ∞ “Harms to those who have already been victimized by sexual violence.”

Porn - Rape



- ❧ Brison claims porn causally contributes to rape.
 - ❧ (pg 394)
- ❧ No evidence supports this claim.

Attitudes



∞ Two claims:

∞ 1. Porn causally “leads to attitudinal changes in men”.

∞ No evidence to support this claim.

∞ 2. “Porn at minimum fosters and perpetuates sexist attitudes that are essential for its enjoyment, even if it does not create them.”

∞ Plenty of evidence to support this though Brison does not provide any.

Arousal



- ∞ “Ability to arouse is dependent upon the depiction of degradation.”
- ∞ “The arousal is dependent upon the depiction of degradation, just as, in sexist humor, the humor is dependent on the sexism.”
- ∞ Is this true?

What to do?



- ⌘ Given that pornography *causes* harm what are we to do about pornography?
 - ⌘ Regulate it?
 - ⌘ Ban it?
 - ⌘ Tolerate it?
 - ⌘ Embrace it?
 - ⌘ Morally educate pornographers?

Rights



- ☞ “Person *P* has a right to *X*” means others are under a duty (requirement) of non-interference towards Person *P* in doing *X*.
- ☞ If Larry Flint has a right to pornography (in either consumption or production) then anyone is under a requirement of non-interference towards Larry Flint’s producing or consuming pornography.

Conflicting Rights



Moral Issues	vs.	Legal Issues
Harm		Free Speech
Degradation		Liberty
Equality		Equal Protection

Free Speech



- œ Courts have ruled that in general pornography is protected free speech barring certain exceptions.
 - œ Miller Test
- œ Brison would most likely say the Harm Principle trumps free speech.

Equal Protection



∞ Does not discuss

Harm vs. Liberty



- ❧ Sexual arousal is not purely biological but also socially constructed:
 - ❧ Ankles
 - ❧ Foot-binding
 - ❧ High-heels
 - ❧ Can you think of any female equivalents?

- ❧ Sexual autonomy and arousal does not override harm under Mill's Harm Principle.

Degradation vs. Liberty



- ❧ Anything can be made into a fetish:
 - ❧ (Internet Rule 34: If it exists, there is porn of it.)
 - ❧ Crush videos
 - ❧ If capacity to make profits (from porn) as an outgrowth of liberty is a right, that entails a right to “acculturate” (condition) others to be turned on by material that degrades and harms women.
 - ❧ The Harm Principle restricts liberty.

Alternative



- ☞ Advocates a progressive sexual morality, but
 - ☞ “does not know what it would look like”.
- ☞ Must break the sex-violence connection.