

Morally Offensive Content

In 1967, Congress established the Commission on Obscenity and Pornography

3 years later, the Commission told Congress there was no evidence to prove a causal relationship between explicit sexual materials and social or individual harm.

The Supreme Court has ruled that obscenity is not Constitutionally protected speech, but, they really haven't defined "obscenity."

"I cannot define obscenity, but I know it when I see it." (Justice Potter Stewart)

In 1974, the Court ruled that material could be held obscene if:

- an average person, applying contemporary community standards, finds the work, taken as a whole, appeals to prurient interests;
- the work depicts in a patently offensive way sexual conduct specifically defined by applicable state law; and
- the work in question lacks serious literary, artistic, political, or scientific value.

MORAL LIMITS?

4 principles have been offered historically for limiting liberty.

- the Harm Principle
- the Principle of Paternalism
- the Principle of Moralism
- the Offense Principle

The Harm Principle

The Harm Principle says that a person's liberty may justifiably be restricted to prevent harm that the person's actions would cause to others.

What's wrong with this idea?

- How do you define "harm"?
- How "real" is the harm?

The Principle of Paternalism

Morally offensive content should be controlled to prevent harm to self.

– It dehumanizes individuals and corrupts their value systems.

Paternalism allows the media (or someone else) to decide what is best for us.

What's wrong with this idea?

- What makes the media, or anyone else, expert enough to know what's good for us?
- Doesn't this limit our autonomy?

The Principle of Moralism

Offensive content should be controlled in order to prevent immoral behavior or the violation of societal norms.

What's wrong with this idea?

- Is society always right?

The Offense Principle

Society should restrict individual liberty to prevent offense to others.

Offensive behavior is defined as that which

- causes shame, embarrassment, discomfort, etc., to be experienced by onlookers in public.
- This usually justifies the protection of non-consenting adults from public displays of offensive material.

What is wrong with this idea?

- What is offensive?

What, then (if anything), is wrong with morally offensive content?

- It dehumanizes us
- It can objectify people
- It is a base instinct and thus not a virtue