

# *Pornography*

## **Outline of today's talk:**

- I Introduction
- II What is pornography?
- III Common arguments for and against the censorship of pornography
- IV Some philosophical aspects in discussing pornography
- Questions for Further Discussion & Suggested References

## **I. Introduction**

### A. A key question on today's topic:

Should publishing or viewing pornography be prohibited?

### B. three positions will be discussed today

- 1. the moralistic view  
pornography corrupts traditional values
- 2. the liberal view  
adults should be allowed to read or watch pornography at least in private
- 3. the postmodern view  
pornography harms women's images, social standings and opportunities

## **II. An analysis of the concept "pornography"**

### A. porne + graphein (Greek)

porne: prostitutes, graphein: write

### B. anything that is sexually explicit

- 1. e.g. the exposure of sex or the depiction of sexual behaviour is sexually explicit
  - a) Chapter 579 Prevention Of Child Pornography Ordinance section 2 [site]  
"pornographic depiction" (色情描劃) means—
    - (1) a visual depiction that depicts a person as being engaged in explicit sexual conduct, whether or not the person is in fact engaged in such conduct; or
    - (2) a visual depiction that depicts, in a sexual manner or context, the genitals or anal region of a person or the breast of a female person
  - b) similarly Chapter 200 Crimes Ordinance section 138A  
to depict a person pornographically means—
    - (1) to visually depict a person as being engaged in explicit sexual conduct, whether or not the person is in fact engaged in such conduct; or
    - (2) to visually depict, in a sexual manner or context, the genitals or anal region of a person or, in the case of a female person, her breast

2. problems: the sexually explicit object can appear in different context
- C. according to Oxford Dictionary: pornography is “printed or visual material intended to stimulate sexual excitement”
- Pornography means “sexually explicit material which is intended by its creators to excite sexually those who are viewers of the material.” (Altman, 2005: 224)
1. two more useful criteria
    - a) the creator of the material has a particular intention
    - b) the effect of the material is to provide sexual excitement
  2. first problem: how can we know the intention of the creator?
    - a) the complaint that *Bible* is also indecent
    - b) TELA’s reply:
 

“The *Bible* is a religious text which is part of civilization. It has been passed on from generation to generation. TELA considers that such longstanding religious texts or literature have not violated standard of morality, decency and propriety generally accepted by reasonable members of the community. Therefore, TELA will not submit the *Bible* to the Obscene Articles Tribunal for classification.”

URL: <http://www.tela.gov.hk/english/press20070517.htm>
  3. second problem: what is sexual excitement? different people would have different reaction?
 

statistically speaking, it is the normal reaction by a reasonable member of a community; Joseph Wong’s essay in the appendix talks about the representativeness of the selection of adjudicators for the Obscene Articles Tribunal
  4. usually speaking pornography is condemned as something that lacks social worth, where social worth refers to education, art
- D. a brief summary
- the understanding of the concept of pornography involves at least the following components
1. sexually explicit
  2. the purpose of the creator of the material (intention)
  3. to sexually excite the viewers (reaction)
  4. the lack of social worth
- note: All these features are heavily dependent on the values accepted by the community at the specific period.

### III. Common arguments for and against the censorship of pornography

against	for
damage public morality	provide social values like pleasure, catharsis, jobs, etc.
degrading women	freedom of speech

### IV. Some philosophical aspects in discussing pornography

#### A. the moralistic position

pornography damages public morality (or in short pornography is dirty)

1. pornography offends people or corrupts its viewers
2. HK Law:  
Chapter 390 Control Of Obscene And Indecent Articles Ordinance section 2  
“ ‘obscenity’ (淫褻) and ‘indecent’ (不雅) include violence, depravity and repulsiveness”  
depravity: decadence 墮落、腐敗
3. What is the standard of morality?  
traditional standard? the standard shared by the majority?
4. the analogy between food and sex,  
food programme is innocent because appetite is innocent  
pornography should also be innocent because sex is innocent
  - a) counterargument, pornography promotes excessive sexual desire  
note that the focus of the counterargument here shifts to the excessiveness of sexual desire, not sexual desire itself
5. corrupts existing values that stabilise our society (e.g. the monogamous system, sex as a means of procreation, not entertainment)
  - a) since pornography encourages sex as enjoyment and promotes extramarital sex, people who imitate the sexual activities portrayed in pornography are corrupted human beings and such corruptive values rock our society
  - b) since the government has the responsibility to uphold the stability of the society, the government is justified in censoring corruptive material like pornography; and this position is also known as legal paternalism (Paternalism is the kind of interference that is based on the belief that the person interfered with will be better off. MPF is another good example of legal paternalism.)  
question: Are the existing values valuable?
6. In short, the moralistic position favours censorship of pornography

## B. the liberal position

1. the basic liberal stance:  
where consenting adults are concerned, pornography should not be censored  
note that it is not saying that the liberal position approves of pornography
2. two liberal ideas favours the non-censorship of pornography:
  - a) freedom of speech, the unalienable component in liberalism, affirms that a mature adult has the right to express his views and such views must never be suppressed because they are bad taste or offensive or socially worthless  
Voltaire: "I disapprove of what you say, but I will defend to the death your right to say it."
  - b) harm principle: the only purpose of government interference is to stop harm to others  
(J. S. Mill, *On Liberty*)
3. a few remarks on these two points
  - a) danger of censorship
    - (1) tyranny of the majority could crush dissident voices that are original or significantly helpful to the existing system
    - (2) it is reasonably worried that censorship laws targeting pornography will be used (deliberately or unintentionally) to suppress dissident voices in political discussion or art creation
  - b) freedom of speech is not absolute, when the kind of speech will probably cause harm in the form of clear and immediate danger, it should be stopped
  - c) according to Mill, harm principle only applies to adults
  - d) regarding bad-taste pornography, the liberals do not take up the laissez-faire policy, indeed they encourage the government to employ non-coercive methods like education or campaigns to persuade the public
4. In short, the liberal position opposes censorship although it may not approve of pornography

## C. the postmodern (or feminist) position

1. first of all, sexually explicit materials are divided in two groups: one group in which women are depicted as subordinate to men and forced to have sex and another group in which women are equal to men and they willingly take part in sexual acts.
2. in contrast to the moralistic view, feminists do not condemn the pornography because of explicit sex, they condemn pornography because pornography exploit (take unfair advantage of) women
3. according to this view pornography is harmful because it leads to the exploitation and oppression of women
4. women may be taken advantages of and oppressed in the following ways
  - a) presented as sex objects

- b) body parts of women are highlighted to give the impression that those body parts are the whole of women
  - c) women are viewed as gaining pleasure in sexual assaults
  - d) harms to women as a result of viewing pornography
    - (1) incites sexual violence
    - (2) distorted presentation about women and sexuality  
it's similar to libel against women as a group and it harms women's right to social equality
    - (3) the subordinate status of women in turn leads to lower pay at work, insult at home, rape on the street
    - (4) the inferior image and status of women engenders the following undesirable situation: women are reluctant to speak up about their unfair treatment, when they do speak up, few people pay attention or believe what they say
5. replies to this postmodern position:
- a) even if pornography exploit some women, it is too harsh to ban it totally.
  - b) pornography is a reflection of our sexist cultural values on sexual relation; while pornography in turn reinforces what we "falsely" believe (that women are inferior to men)
  - c) some pornography does not exploit women and functions as a tool to reshape the traditional view of male and female sexuality
  - d) compare with censorship, pornography is a lesser evil because censorship has a tendency to gag anything that challenges traditional values
6. To sum up, the postmodern view argues that some pornography takes unfair advantage of women and discriminates against women as a group.

### **Questions for Further Discussion**

- What is pornographic material?
- Pornography refers to something that is sexually explicit. What is sexual explicitness? To what extent is sexual explicitness dependent on the cultural values shared by a particular community in a certain period?
- Pornography usually refers to the idea that the producer(s) of the sexually explicit material intends to sexually arouse the viewers. How about the case in which a person produces a sexually explicit material for some other purpose? In art work? Education? Making profit? (Why do we usually condemn the person who produces a sexually explicit material to make money but not a person who does the same thing in the name of art?)
- Do pornographic materials have any social worth?

- Are all sexually explicit materials (books, pictures, films, etc.) necessarily pornographic? If not, what kind of material that is sexually explicit is not pornographic?
- Should government censor pornography? If yes, why? If no, explain.
- What kind of pornographic material should be banned? Why?
- Should adults have the freedom to view pornography in private?

## Suggested References

### Printed Works

Warburton, Nigel (2009) *Free Speech: A Very Short Introduction*, Oxford University Press.

Mottier, Veronique (2008) *Sexuality: A Very Short Introduction*, Oxford University Press.

Watkins, Alice (1996) *Feminism For Beginners*, Icon Books.

羅秉祥 (1993) “愛與性”，收於羅著《繁星與道德》香港：三聯。

羅秉祥 (1994) 《生死男女—選擇你的價值取向》第 14 至 16 章，香港：突破。

楊國榮 (2006) 《青紅皂白：從社會倫理到倫理社會》第六章，香港：三聯，

These books introduce the relevant subjects in a short and reader friendly approach.

Altman, Andrew (2005) “The Right to Get Turned on” in A. Cohen and C. Wellman (eds.) (2005) *Contemporary Debates in Applied Ethics*, Malden, MA: Blackwell.

Brison, Susan (2005) “‘The Price We Pay?’ Pornography and Harm,” in Cohen and Wellman (2005)

游靜編 (2006) 《性政治》香港：天地。

甯應斌、何春蕙編 (2008) 《色情無價》(Taking Pornography Seriously) 台灣：國立中央大學性別研究室。

These works are a little bit more difficult but they are generally not technical. The essays by Altman and Brison can be read as a debate on both sides.

### Films

Note that the following three films contains nudity, sexual scenes and drug uses.

*The People vs. Larry Flynt* (Miloš Forman, 1996)

The government of Cincinnati State prosecuted Larry Flynt for publishing pornographic material (*Hustler*) and related activities while the lawyer for Larry Flynt defended his case by appealing to freedom of speech (First Amendment).

*Inside Deep Throat* (Fenton Bailey and Randy Barbato, 2005)

*Deep Throat* was a hugely successful pornographic film released in 1972, but dozens of states in the US banned the film. *Inside Deep Throat* is a docu-drama showing the impact of *Deep Throat* psychologically, sociologically, as well as politically.

*Pornography: The Secret History of Civilisation* (Fenton Bailey, et. al. 2006)

As the title implies, the documentary is an “in-depth look at the history of pornography, and its evolution through the advancement of technology.”

### **Internet Resources**

*Healthy Information for a Healthy Mind* (齊享健康資訊)

The review of the Control of Obscene and Indecent Articles Ordinance

URL: <http://www.coiao.gov.hk>

video: “Difference between Art and Porn”

URL: <http://hk.youtube.com/watch?v=yj1MKuBsocU>

video: Charlie Rose interviews Milos Forman

URL: <http://hk.youtube.com/watch?v=X66sjs1M7hg>

Hong Kong Law

Chapter 579 Prevention Of Child Pornography Ordinance section 2

Chapter 200 Crimes Ordinance section 138A

Chapter 390 Control Of Obscene And Indecent Articles Ordinance section 2

available at HK Government Bilingual Laws Information System

URL: <http://www.legislation.gov.hk>

國立中央大學「性／別研究室」

<http://sex.ncu.edu.tw/>

Internet Filter Review: Internet Pornography Statistics

<http://www.internet-filter-review.toptenreviews.com/internet-pornography-statistics.html>

The last two websites are full of useful information on a wide range of topics related to sex study and pornography. And materials used at the beginning of this talk are from Internet Pornography Statistics.

Dr. Wan Shun Chuen

[wan.shunchuen@cityu.edu.hk](mailto:wan.shunchuen@cityu.edu.hk)

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