

Phil. 1200

Notes #19: Drugs

I. Arguments for drug prohibition:

A. Harm to Users

1. Drugs are very harmful to users.
 - Drugs harm users' health.
 - They also cause you to be a loser in life.
2. The government should prohibit people from harming themselves.
3. Therefore, they should prohibit drugs.

B. Harm to Others

1. Drugs harm other people.
 - Can cause traffic accidents.
 - Emotional harms to family/friends. They can cause you to become a jerk.
 - Harm to society. Users are less productive, worse citizens. Causes crime.
2. The government should prohibit people from harming others.
3. Therefore, they should prohibit drugs.

C. Drug Use Is Immoral.

1. Drug use is immoral. Why?
 - Perhaps because the Bible says so.
 - Perhaps because it harms self/others (see A and B above).
 2. The government should prohibit people from being immoral.
 3. So they should prohibit drugs.
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II. Criticisms of those arguments:

- A. Premise 2: Should people be punished for harming themselves, in general? Two objections:
- (a) People have a right to control their own lives. Therefore, the government should not prohibit them from harming themselves.

- (b) People are more likely to know what is in their interests, and to be motivated to serve their own interests, than third parties (like the government). Therefore, the government should not be in the business of trying to make people serve their own interests.

Premise 2: Many things are harmful to oneself, but we don't think they should be illegal. Some examples:

Drugs (illegal + prescription)	18,000 deaths/year
Alcohol	111,000 deaths/year
Tobacco smoking	440,000 deaths/year
Obesity/overweight	420,000 deaths/year
Automobiles	42,000 deaths/year
Marrying a jerk	
Working in a dead-end job	
Dropping out of high school	

Premise 1: Harms of drugs have been greatly exaggerated. (See section IV below.)

B. Premise 2: Objection:

- a. If it should not be illegal to directly bring about x , then it should not be illegal to do something merely because it has a chance of bringing about x indirectly.
- b. It should not be illegal to: (1) Be a jerk, (2) be a loser in life, (3) be an unproductive worker, (4) be a poor citizen.
- c. Therefore, it should not be illegal to use drugs merely because they may cause you to (1) be a jerk, (2) be a loser in life, (3) be unproductive, or (4) be a poor citizen.

C. Premise 1: How is drug use immoral?

- The Bible is a poor source of moral guidance. (See home.sprynet.com/~owl1/biblequotes.htm)
- It's not immoral in general to harm oneself.
- It may be immoral to harm others, but not always: it's not *immoral* to be an unproductive worker.

Premise 2: Should all immoral actions be illegal? Here are some

immoral actions:

- Lying
 - Spreading malicious gossip in the office
 - Cheating on your girlfriend
 - Perhaps: not giving to charity
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III. Arguments for Drug Legalization

A. Individual rights

1. Individuals have rights to control their own bodies.
2. Drug use counts as an exercise of such rights.
3. Therefore, individuals have a right to use drugs.

B. Injustice of drug laws

1. It is unjust to punish a person for no good reason.
2. The government has no good reason to punish drug users. (See section II above.)
3. So the drug laws are unjust.

C. Drug laws are harmful

1. The drug war is more harmful than drugs.
 - Causes crime.
 - Costs of enforcement. \$50 billion?
 - Costs to civil liberties.
 - Causes police corruption.
 - Causes drugs to be less safe.
 - 450,000 people imprisoned on drug charges. United States has the world's highest incarceration rate.
 - And it doesn't even stop people from using drugs.
 2. If a law is worse than the problem it is intended to solve, the law should be repealed.
 3. So the drug laws should be repealed.
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IV. Some Drug War Misinformation

1. *Ecstasy causes parkinsonism.*
 - Researchers at Johns Hopkins reported (in *Science*, Sept. 27,

2002) that MDMA, in doses similar to those taken by young people at raves, caused damage to dopamine neurons which could cause parkinsonism. 2 of 10 animals given the drug died.

- The ONDCP fact sheet on ecstasy (on their web site) repeats the dopamine damage claim. May have motivated the RAVE act of 2003.
- The researchers then retracted the study (*Science*, Sept. 2003), saying that the vials that were supposed to contain ecstasy had been mislabeled and the monkeys actually received a different drug.
- This doesn't mean Ecstasy isn't harmful. Other studies claim that it damages serotonin neurons and impairs memory functioning. Critics say the studies are methodologically flawed and more research is needed. By law, research on it can only be conducted with government approval. Scientists who fail to find harms of drugs have difficulty getting published. (See www.erowid.org/chemicals/mdma/mdma_neurotoxicity1.shtml)

2. *Heroin is incredibly addictive; users cannot stop without treatment. Withdrawal symptoms are life-threatening.*

- "In a 1974 study of Vietnam veterans, only 12 percent of those who were addicted to heroin in Vietnam took up the habit again during the three years after their return to the United States. Those who had undergone treatment (half of the group) were just as likely to be re-addicted as those who had not." --*Reason* magazine (<http://reason.com/0306/fe.js.h.shtml>)
- Heroin withdrawal cannot cause death. "Within a few hours after the last administration of heroin, withdrawal may occur. This withdrawal can produce effects such as drug craving, restlessness, muscle and bone pain, and vomiting." --ONDCP (www.whitehousedrugpolicy.gov/drugfact/heroin/index.html)
- "Sudden withdrawal from heroin never causes direct death, unless the user is also using other drugs and is in poor health. Withdrawal from heroin or other narcotic analgesics is much less dangerous than withdrawal from some other drugs such as alcohol or benzodiazepines." --MIMS consumer health group

(<http://www.mydr.com.au/default.asp?article=2912>)

3. *Cocaine is also highly addictive.*
 - “When heavily dependent users of cocaine are asked to compare the urge to take cocaine with the urge to smoke cigarettes, about 45 percent say the urge to smoke is as strong as or stronger than that for cocaine.” --*New York Times* (www.tfy.drugsense.org/tfy/addictvn.htm)
 4. *Most users are addicts, and if you use illegal drugs, you'll ruin your life.*
 - 1/3 of all Americans over the age of 12 have tried some illegal drug.
 - This includes at least 1 U.S. President, 1 Speaker of the House, 1 Vice-President, and 1 Supreme Court Justice.
 - Psychological studies have found that people who have experimented with drugs are the most psychologically healthy group, followed by people who have never used drugs, followed by heavy users. The first group far outnumbers the third. (Shedler and Block, “Adolescent Drug Use and Psychological Health,” *American Psychologist* 45 [1990], p. 612)
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Recommended Reading

- Douglas Husak, *Legalize This! The Case for Decriminalizing Drugs.*
- Jacob Sullum, *Saying Yes: In Defense of Drug Use.*

Problems facing the country:

of people who identified each problem, and # of deaths caused per year by the problem:

8	government interference/ corruption/inefficiency		?
7	poverty/unemployment		?
5	conservatives/Bush		?
4	ignorance/irrationality		?
3	drugs/alcohol	18,000 / 111,000	
3	the drug war		?
3	crime/murder	16,000	
3	national debt		?
3	selfishness/greed		?
3	inequality		?
2	corporations		?
2	education		?
2	economy		?
2	dependence on oil		?
2	foreign affairs		?
1	abortion	1,400,000	(fetus deaths)
1	terrorism	~ 300	
1	obesity	420,000	
0	eating animals	> 8,000,000,000	(animal deaths)
0	heart disease	700,000	
0	cancer	550,000	
0	suicide	30,000	
0	traffic accidents	43,000	
0	tobacco smoking	440,000	
	Total deaths, U.S., 2001	2,400,000	(excluding animals & fetuses)

(Miscellaneous problems with 1 omitted.)

Phil. 1200

Notes #20: Pornography, Feminist View (Longino)

I. Overview

- *Old view:*

- In the 1950's, people thought sex should only be used for procreation, within marriage.
- What was objectionable was “the explicit description or representation of bodily parts or sexual behavior for the purpose of inducing sexual stimulation or pleasure on the part of the reader or viewer.”
- Pornography was sinful, obscene, etc. Hard to get it.
- What is pornography? (a) Material that “taken as a whole appeals to a prurient interest” (Supreme Court, in the '60's.) (b) “I can't define it, but I know it when I see it.” (Justice Potter Stewart)

- *The sexual revolution:*

- Harm to others is wrong.
- Nothing else is wrong. All sexual activities between consenting adults are permissible.
- Attitudes towards pornography improved. Pornography is now readily available to anyone.

- *The new, feminist view:*

- Pornography harms women and is wrong. It is degrading & causes violence against women.
- New alliance between feminists and religious conservatives (e.g., the Meese commission) over this.

II. What is pornography?

- “Verbal or pictorial explicit representations of sexual behavior that have as a distinguishing characteristic the degrading and demeaning portrayal of the role and status of the human female as a mere sexual object to be exploited and manipulated sexually.” (42)
- “It is material that explicitly represents or describes degrading and abusive sexual behavior so as to endorse and/or recommend the behavior as described.” (44)

III. Pornography should be censored:

1. Pornography harms women. How?

- a. “Pornography, especially violent pornography, is implicated in the committing of crimes of violence against women.”
- b. It “supports sexist attitudes, and thus reinforces the oppression and exploitation of women.” (48) How?
 - It portrays activities that are degrading to women, in such a way as to endorse them.
 - It portrays women as subservient to the desires of men. “Women are represented as passive and as slavishly dependent upon men.”

2. The government should prohibit people from harming others.

3. Therefore, they should censor pornography.

- What is “degradation”?

- “physical harm or abuse, and physical or psychological coercion”, “behavior which ignores or devalues the real interests, desires, and experiences of one or more participants in any way.” (43)
- “that a person has chosen or consented to be harmed ... does not alter the degrading

character of such behavior” (43)

- How is it “endorsed”?
 - Degrading behavior is portrayed as giving pleasure to everyone.
 - No suggestion that it is inappropriate.
 - Purpose of the material is to please the viewer.

IV. Is there a right to publish pornography?

Arguments against censorship of pornography:

A. It is protected by a general right to privacy.

- Reply:*
1. Right to privacy only protects actions that are done privately, involving no other people.
 2. Production & distribution of pornography is not private in that sense.
 3. So it isn't protected by the right to privacy.

B. It is protected by the First Amendment.

- Replies:*
1. 1st Amendment does not protect libel. Pornography is libelous.
 2. 1st Amendment does not protect speech that “impinges on other rights.” Pornography violates women’s rights, as discussed above.
 3. 1st Amendment only protects expression of (political?) ideas. Pornography does not express (political) ideas.
“Freedom of speech in this context means that an individual may not only entertain beliefs concerning government privately, but may express them publicly.”
“What we wish to protect is the free expression of ideas even when they are unpopular.” (52)

C. Censoring pornography restricts liberty, and more liberty is good, in general.

- Reply:*
1. There are 2 kinds of liberty:
 - a) *License*: ability to do what one wants, without legal interference.
 - b) *Independence*: “the status of a person as independent and equal rather than subservient.”
 2. But License is not worth protecting.
 - That would mean no laws against murder, rape, theft, etc.
 - Plus, it’s inconsistent, since different people have different desires.
 3. And pornography *interferes* with Independence (see above).
 4. Thus, neither form of liberty justifies allowing pornography.

D. We have a “general right to do what we please as long as the rights of others are respected.”

- Reply:* “Since the production and distribution of pornography violates the rights of women--to respect and to freedom from defamation, among others--this protection is not available.” (53)

Phil. 1200

Notes #21: Pornography, Libertarian Views

I. Does pornography cause violence?

- Some laboratory studies have found greater tendency toward aggression immediately after viewing violent pornography; others found no relationship. Studies find no relationship with *non-violent* pornography.
- One study found no *long-term* effects on aggressiveness from violent pornography.
- Rapists report less exposure to pornography than average men.
- Areas with higher porn availability have higher rape rates. However, when the variable of the proportion of unmarried men is controlled for, the correlation disappears.
- Increased availability of pornography in society does not correlate to increase in rape rates. (Examining Denmark, Sweden, W. Germany, & U.S.) Availability of pornography massively increased during 1990's. Rape rate declined significantly.

Studies on Pornography & Violence:

<libertus.net/censor/studies2.html>, <www.netspeed.com.au/ttguy/refs2.htm>

II. What is the message of pornography?

- Avedon Carol's point:
 - Many things are subject to many interpretations. Feminist view of pornography's message is only their (subjective) interpretation.
 - Alternative interpretations: "what are men thinking when they look at porn? Well, they might be thinking it would be nice to be in the sack with someone who doesn't act like she's doing them a favour." (5)
- Most pornography (almost all) portrays clearly consensual sexual activities. Female characters are portrayed as extremely eager and satisfied.
- Does pornography have a message at all?

III. Pornography is protected by the 1st Amendment

- *The First Amendment*: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."
- What is the purpose of freedom of speech?
 - Individuals have a right to do anything they want that doesn't violate others rights. Speaking your opinions doesn't violate anyone's rights. Others don't have a right that you agree with them.
 - The best way to find out the truth is to allow all positions to be heard.
 - Government cannot be trusted with the power to decide what the "correct" ideas are.
- Therefore, the clearest cases of free speech rights are cases of speech that (a) does not violate anyone's rights, and (b) expresses ideas/opinions, especially political.

Argument against Longino:

1. If pornography has the message Longino says it has, then it is political speech.
2. Political speech is protected by the 1st Amendment. (So it should not be censored.)
3. If pornography does not have the message Longino says, then there is no reason for

censoring it. (So it should not be censored.)

4. Therefore, either way, it should not be censored.

IV. Availability of pornography is part of general liberty

1. People have a right to do anything that does not infringe on others' rights.
2. Pornography does not infringe on others' rights.
 - a. People do not have a general right to respect from others. People do not have rights over the thoughts/feelings of others.
 - b. Pornography is not a form of libel as Longino says. Conditions on libel:
 - Must be of a specific, identifiable individual or (small number of) individuals. Cannot be about a whole class (e.g., "Lawyers are crooks." is not libel).
 - Must be "malicious," meaning the agent knew the statements to be false, or acted in reckless disregard for the truth.
 - Must consist of factual claims, not matters of opinion. ("You're an asshole" is not libel.)
 - The libelous statement probably has to be fairly explicit, not *read into* the material.
3. Therefore, there is a right to use/publish pornography.

Phil. 1200
Notes #22: Discrimination + Patriarchy

I. Some background

Important Concepts:

- *Discrimination*
- *Affirmative Action:* Giving preference to members of historically discriminated-against groups in hiring and admissions for schools, in order to increase their numbers

Important Laws:

- *The 14th Amendment:*
“... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. ...”
- *The Civil Rights Act of 1964 (title VII):*
“It shall be an unlawful employment practice for an employer - (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin . . .”

“Notwithstanding any other provision of this subchapter, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees . . . on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise . . .”

Supreme Court decisions:

- *The Bakke case (1978):*
Supreme court rules against racial quotas.
- *In 2003,* the court held that race could be used when “diversity” was important to education. But affirmative action may *not* be used for redressing past discrimination. Also, rejected use of point system that assigned points for race.

Moral Issues:

- What is ‘discrimination’, and why is it wrong?
- Is affirmative action discrimination? Is it wrong?
- What traits should ‘discrimination’ cover? Would you outlaw discrimination based on the following:

race	sexual orientation	appearance	work skills
sex	age	intelligence	experience
religion		personality	criminal record
nationality		family membership	
disability		dress, grooming	
		aggressiveness	

II. Facial Discrimination

- *What is it?* Discrimination on the basis of physical attractiveness.
- *Examples of prejudice:*
 - Perfectly socially acceptable to make jokes at the expense of the ugly. Used as a negative term.
 - Attractiveness has a “halo effect”: attractive people considered more trustworthy, more intelligent, better at whatever they do, etc. More desired as friends; others have higher expectations of them.
 - Essays of attractive people are graded higher
 - Unattractive convicts receive harsher sentences
 - One study of Canadian federal elections found that attractive candidates received more than 2 ½ times as many votes as unattractive candidates. But only 14% of voters admitted it was possible that appearance influenced their vote. (Source: Cialdini, *Influence: The Psychology of Persuasion*, 171)
 - Employment discrimination:
 - Some employers explicitly list physical appearance criteria for hiring
 - Interviews enable this to come in. (Aside: Interviewing is unhelpful.)
- *What should be done about it?*
 - *Harvard Law Review* editors say: Should be illegal, like discrimination on the basis of disability.

III. The Inevitability of Patriarchy (Goldberg)

Goldberg's Thesis:

- ‘Patriarchy’ is inevitable. Men will attain the high-status positions in any society, whatever they happen to be.
- It is the result of biology, not discrimination.

Argument:

1. Males are more aggressive than females.
 2. Aggressiveness inevitably leads to (i) seeking high-status positions, (ii) greater success in competitions.
 3. This aggressiveness is biologically based. It is due to hormones. (Recommended reading: Moir & Jessel, *Brain Sex*.)
 4. Therefore, men will inevitably (because of their biology) dominate the high-status positions in any society.
- *Implication: We should not try to prevent patriarchy.*
 - a) This would be futile.
 - b) Will result in women with unhappy lives.

Phil. 1200

Notes #23: Affirmative Action + Racism

I. Arguments for A.A.

A. *Reparations*

- Affirmative action makes up for past discrimination.
- Analogy: repaying someone you have committed a wrong against.
- *Objections (Rand):*
 - Depends on treating races as people, assigning rights, guilt, etc. to races.
 - Present white people are not responsible for their ancestors' deeds.
 - Present minority people are not due compensation for their ancestors' suffering.
 - Present minorities would not be better off if past injustice had not occurred.

B. *Counters present racism*

- 1) Minorities are less represented in many desirable positions than whites.
 - 2) This is due to prejudice, which is wrong.
 - 3) The only way to counter this is through affirmative action.
- *Objections:*
 - Is #2 true?
 - Reverse discrimination argument

C. *Diversity*

- 1) Diversity is needed for education.
 - 2) Affirmative action is needed to attain this.
- *Objections:*
 - Is #1 true?
 - If diversity harmed education, would it then be justified to exclude minorities?

D. *Reducing racial divisions (Dworkin):*

- 1) Racial division + racial consciousness is caused by the fact that good jobs go mostly to whites.
 - 2) Affirmative action is the only realistic way to change that fact.
- *Objections:*
 - Affirmative action might increase racial division (see IIB).
 - Is this the job of a school/employer?

II. Arguments against A.A.

A. *Reverse discrimination (Rand)*

- 1) Racial discrimination is wrong.
 - 2) Affirmative action is racial discrimination.
 - 3) So it is wrong.
- *Objection (Dworkin):*
 - Discrimination is wrong only if caused by contempt for the racial/religious group.
“Every citizen has a constitutional right that he not suffer disadvantage ... because the race or religion ... to which he belongs *is the object of prejudice or contempt.*”
(Dworkin, 239; emphasis added)

B. *Counter-productive*

- 1) Aff. action causes less qualified minority applicants to be admitted/employed.
 - 2) This increases racism.
 - a. Encourages belief that minorities are unqualified.
 - b. Even well-qualified minority members may be assumed not to be.
 - c. Causes resentment by people whose prospects are worse because of it.
 - 3) Therefore, aff. action is counter-productive to its stated goal.
- *Quasi-objection (Dworkin):*
 - This wouldn't make it unconstitutional, or otherwise a rights violation (as Bakke claimed).
 - We need to try it in order to find out.
 - If we *don't* try it, then things will definitely not improve.

C. *People should be judged on merit*

- 1) People have a right to be judged (for admissions/employment) based on their merit.
 - 2) Their race isn't part of that.
 - 3) Therefore, their race should not be used at all. (People have a right that it not be used.)
- *Objection (Dworkin):*
 - ‘Merit’ is a matter of social benefit produced. (Examples: age, intelligence, steady hands)
 - Race may affect the social benefit one can produce.
 - Therefore, #2 is false.

D. *People should be judged as individuals*

- 1) People have a right to be judged as individuals, not as members of groups.
 - 2) Affirmative action judges people as members of groups (races), not as individuals.
 - 3) Therefore, affirmative action should not be used.
- *Objection (Dworkin):*
 - All admissions procedures judge people as members of groups.
 - We use probabilistic generalizations, not true of every individual.
 - E.g., grades, MCAT scores.
 - This is not wrong.
 - So #1 is false.

III. Individual Rights Argument (Rand):

- 1) Employers have a right to hire/not hire whomever they choose; no individual has a right to be hired by any employer.
 - a. This follows from the right to property.
 - b. Employer need not hire anyone at all.
 - c. Employers (properly) hire in order to serve their own desires, not because others are entitled to it.
- 2) Discrimination laws contradict that right. (Includes any law for/against discrimination, including laws for/against affirmative action.)
 - a. They allow would-be employees to sue for not being hired.
 - b. This implies that the employee has a *right* to be hired (or retained, promoted, etc.).
 - c. That contradicts the idea that the employer has a right to employ who he wants.
- 3) So discrimination laws are wrong.

IV. What Is 'Racism'?

Rand's def.: "It is the notion of ascribing moral, social, or political significance to a man's genetic lineage." (Rand, 126)

Phil. 1200
Review, unit 4

Be familiar with these arguments:

Drugs:

3 main reasons for drug prohibition

The harms of tobacco vs. drugs:
the point of this comparison

Objection to 'harm to others' argument: why this harm doesn't
justify legal action

Individual rights argument for legalization
& what is the relevant right

Porn:

How porn is harmful, feminist view

what is the message of pornography

Why it isn't protected by right to free speech

Libertarian view:

why there is a right to produce it / response to Longino's
argument about harm to women

Response to free speech argument

Discrimination, etc.:

Why patriarchy is inevitable (Goldberg)

Reparations argument (aff. action)
& objection to it

Diversity argument (aff. action)

Reverse discrimination argument
& Dworkin's response to it

Individual rights argument (including what it shows, what is
the relevant right

Know what positions these people took:

Wilson

Huemer

Longino

Carol

editors of Harvard Law Review

Goldberg

Dworkin

Rand

Know what these things are:

Pornography, Longino's def.

the 1st amendment

the 14th amendment

Civil Rights Act of 1964

Facial discrimination

Bakke case (& the Supreme court's decision)

Affirmative action

Court's ruling about 'diversity' & 'reparations' arguments

Racism, Rand's def.