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## THE ETHICS OF FREE SPEECH

Mary Kate McGowan

Most liberal societies are deeply committed to a principle of free speech. As a result, we sometimes tolerate very disagreeable speech. This is as it should be. After all, people have the right to say false things and they even have the right to say false and obnoxious things. Even more than this, though, some speech (e.g. racist hate speech) appears to be *harmful*. Arguably, racist hate speech undermines equality by causing things like racial discrimination. In this way, it looks as if allowing such speech means that one values the right to free speech even more than equality. Might our commitment to free speech be so strong that it is more important than our commitment to equality?

Since a commitment to free speech is so important, it is prudent to be as clear as possible about what this commitment involves. For one thing, it does not mean that a person is free to say whatever that person wants to say. As we shall see, plenty of speech is regulated (e.g. insider trading, defamation, contracts). Furthermore, regulating such speech is perfectly compatible with a commitment to free speech. What a commitment to free speech does, rather, is make it *more difficult* to regulate speech. This means that the justifications offered for regulating speech must meet raised standards. In this way, a principle of free speech extends special protections to speech that make it more difficult to regulate.

Why should it be more difficult to regulate speech than it is to regulate other actions? What is it about speech that warrants these special protections? In other words, what makes speech so valuable? Theorists disagree about the right answer to this question but most offer one (or a combination) of the following three sorts of answers. The first answer maintains that speech ought to be protected because the free flow of ideas is the best (or only) way to access the truth (or knowledge). By saying what we think and by attending to the opinions and reactions of others, we, as a society, are more likely to form better-justified and hence true beliefs (Mill 1978). The second answer contends that speech must be protected in order for a democracy to function well. A society will be genuinely democratic only if we are free to criticize the government, tell our

representatives what we want them to do and freely discuss matters of public concern (Meiklejohn 1960). Finally, the third sort of answer maintains that speech must be free in order for persons to be genuinely autonomous by deciding for themselves what to think and do. If the state limits expression, then we are prevented from *even considering* some possibilities when deciding what to do and think. In this way then, the free expression of ideas is a requirement of autonomy (Scanlon 1972). As one can see, there are really two important questions about value here. First, what is so valuable about speech and, second, what is so valuable about the alleged good (e.g. truth, democracy, autonomy) that speech seems to serve?

Another important question concerns what counts as speech for the purposes of a free speech principle. To exactly which class of actions will the special protections be extended? One might think that the answer to this question is straightforward: Everything that is speech (in the ordinary sense) is harder to regulate because of the special protections extended to it in virtue of a free speech principle. Although this answer is simple and intuitive, it is not correct. To see this, notice that burning a flag or wearing an armband, for example, is not speech in the ordinary sense but such actions do count as speech for the purposes of a free speech principle. Moreover, plenty of speech in the ordinary sense (e.g. "I hereby hire you to kill my boss" or "It is henceforth against company policy to hire women") is regulated without raising any free speech concerns at all. Although this is a somewhat controversial way to put the point, it seems that such utterances do not even count as speech for the purposes of a free speech principle. When it comes to free speech then, the word "speech" seems to be being used in a special technical sense and this raises a question about precisely what this special technical sense is. Unfortunately, only a handful of scholars have explicitly addressed this question (Greenawalt 1989; Braddon-Mitchell and West 2004; Schauer 2004; Maitra and McGowan 2007). Despite the neglect of this question, this much seems clear. This question (about what counts as speech) is related to the above question (about what makes speech valuable). In particular, it seems that what ought to count as speech should have the property (or properties) that make speech valuable in the first place.

### Regulation

Suppose that Johnny is on trial for hiring an assassin to kill his wife and the prosecution actually has a videotape of Johnny hiring the assassin. On this tape, Johnny can clearly be heard saying to a known assassin: "Now, once you kill her, you'll be sure to hide the body where no one will find it, right? I don't want this coming back on me, you know. So, you'd better do it right, 'cause I'm sure paying you enough!" Suppose that, in his defense, Johnny admits that it is he on the tape but he insists that he has a free speech right to say what he said.

According to Johnny, since his alleged crime merely involves the uttering of words, the government cannot punish him because the government is committed to free speech. As clever as this defense may be, it will not be taken seriously by the courts. Some speech is regulated without raising any free speech concerns at all and hiring an assassin is a case in point. I think this is because Johnny's utterance does not even count as speech in the technical sense of a free speech principle. On this view, his utterance is easy to regulate exactly because the special protections extended to speech (in the technical sense) are not extended to utterances like his.

Other categories of speech (e.g. defamation) are regulated even though they do count as speech in the free speech sense. Although special protections are extended to such utterances, the justifications for regulating the speech in question meet the raised standards. The justifications (or arguments) for regulation typically involve the "balancing of harms" approach. On this approach, it is alleged that the harms associated with failing to regulate the speech in question outweigh any harms that would be associated with regulating it. Since this characterization is rather abstract, an example may help. When Peter said that George is a pedophile, for example, Peter said something he knew to be false. Furthermore, what Peter said also damaged George's reputation in certain measurable ways. (Let's say that George lost his job and his wife divorced him because of what Peter said.) As a result, Peter's utterance constitutes defamation and it is thereby an unprotected, and hence regulable, form of speech.

Defamation is regulable, in part, because the harms that would be caused by failing to regulate it outweigh any harms that may be caused by its regulation. To see this, imagine what it would be like if individuals had the legal right to say false and damaging things about one another. In such a case, reputations would be wrongly damaged. Even worse than that, though, we would probably stop believing each other. After all, if people could get away with undermining their enemies (accusers or competitors) with defamatory speech, then we would probably eventually stop trusting what people say about each other. In this way, one can see that *failing* to regulate defamation would undercut what is so valuable about speech. Moreover, since regulating defamatory speech does little to undermine our commitment to free speech, it is clearly less harmful, and therefore better, to regulate it.

Note that, depending on the system of free speech in question, there may be various levels of protection. In other words, it may be that some categories of speech (e.g. political speech) are more valuable, and hence more difficult to regulate, than other categories of speech (e.g. commercial speech). Whether or not some particular kind of speech is regulated will depend on whether the justifications for regulating it meet the relevant (raised) standard (and this will typically involve demonstrating that it is less harmful to regulate it than it is to fail to regulate it).

Strictly speaking, the legitimate regulation of speech requires more than just showing that the balancing of harms turns out a certain way. Given that important

values (e.g. autonomy, truth, democracy) justify the special protections that we extend to speech, we should expect that the cost-benefit calculus of this balancing of harms approach is insufficient to restrict the free speech right. In what follows, I identify two further conditions that legitimate regulations must meet.

Although there are differences in free speech law between different countries, certain principles seem to guide the legitimate regulation of speech. First, any legitimate regulation of speech must carefully identify the precise class of speech to be regulated. To get a sense of this, consider the following example. Suppose that a young member of the Aryan Nation burns a cross on the lawn of an African American family in the very white community of Mattapoisett, Massachusetts. The residents of Mattapoisett are, quite rightly, very upset by this action and they demand that a new law be enacted to prohibit such things in the future. Suppose that, in response, the town enacts a law prohibiting the burning of crosses. This law would be problematic because it is "over broad." It would, after all, prohibit actions that should not be prohibited. In particular, it would prohibit Helen, for example, from burning a cross as a political protest against the (recent pedophile-priest-protecting actions of the) Catholic Church. Good legislation will take care to target all and *only* the speech that ought to be targeted. (Of course, it may prove difficult *in practice* to pinpoint the *exact* class of speech in question.)

Second, legitimate regulations of speech are also content-neutral. To see this, suppose next that the town enacts a law prohibiting all racist cross-burnings. Although this might do a better job of targeting the right cases, it violates the principle of content (or viewpoint) neutrality which states that the reasons for regulating a certain category of speech should not be based on the viewpoint expressed by that speech. Since the government should not be in the business of deciding what we ought to think, the government should not regulate speech based on the views expressed. As a result, it would be illegitimate to ban cross-burning because it expresses racist views. Of course, this leaves it open whether it might be legitimate to ban (some) cross-burnings on other grounds. Perhaps the instances of cross-burnings that ought to be regulated are all and only those instances that constitute a serious threat of death or bodily injury. Perhaps instead they are all and only those instances that constitute a certain sort of intimidation.

As one can see, regulations of speech (in this technical sense) are justified only if the harms associated with the speech clearly outweigh the harms that would be associated with its regulation. Although demonstrating this is *necessary* for regulation, it is not sufficient. Further conditions are, first, that the regulation carefully identify the exact class of speech to be regulated and, second, that the basis for the regulation be content-neutral. I here leave it open whether there are further conditions as well.

In certain especially controversial cases, it can be quite difficult to assess the merits of any particular argument for regulation. This is because such arguments often rely on controversial empirical claims (e.g. the consumption of

pornography causes rape, regulating racist hate speech would chill too much race-related political speech, regulating pornography would ultimately harm homosexuals). In the following section, I present some of the controversies regarding the free speech status of pornography.

## Pornography

There are many different kinds of pornography and it is very difficult, if not impossible, to define. Thus, in order to simplify our discussion, I will begin by excluding some pornographic materials from our discussion. We will not be concerned with the types of pornography that are already illegal. Snuff films (i.e. films of actual rape-murders) and child pornography (i.e. films or pictures of sexual acts with minor children) involve crimes in their very production. As a result, the creation and possession of such material is illegal. Also, we will not be concerned with erotica (i.e. sexually explicit images of mutually consenting and mutually respectful adults). Erotica is importantly different from pornography (or from the sort of pornography that concerns us here) because pornography depicts and *endorses* degrading or abusive sexual behavior (Longino 1980). Thus, for the purposes of our discussion and to fix ideas, we shall be concerned with sexually explicit materials that endorse degrading and/or abusive sexual activity.

Certainly, some disagreements about the alleged harm of pornography arise because theorists have different materials in mind when they make their respective claims about it. Suppose, for example, that Les maintains that pornography is liberating because it presents and celebrates healthy gay sexual relations while Catharine maintains that pornography is oppressive because it portrays women as mere sexual objects. It seems that, in this case, Les and Catharine have different materials in mind. Les appears to be making a claim about gay erotica while Catharine is concerned with a certain sort of heterosexual pornography. Thus, when discussing pornography (or when evaluating a discussion about it), it is prudent to keep this possibility in mind.

That said, not all disagreements about pornography arise in this manner. People certainly do disagree about the harmfulness of pornography even when they are talking about the very same materials. In what follows, I briefly survey some of the positions taken on pornography and I assume, even if only to make the discussion manageable, that all theorists are talking about the same sorts of materials (i.e. sexually explicit materials that endorse degrading and/or abusive sexual acts).

Some theorists argue for the regulation of pornography on the grounds that it encourages promiscuity and other aberrant sexual behaviors. Such arguments, which sometimes appeal to obscenity law, typically appeal to shared (moral) standards of decency and are concerned primarily with the alleged immoral content of the sexual activity depicted (Devlin 1965; Clor 1970).

Others see pornography as liberating exactly because it presents a wide variety of sexual behaviors as both legitimate and enjoyable. Pro-porn feminists, for example, see porn as an important form of cultural expression with a multiplicity of meaning and they are also typically quite critical of claims that pornography causes harm (Williams 1989; Kipnis 1996). Although it is clear that pornography offends people, it is significantly less clear that pornography actually harms anyone.

Pornography is alleged to cause a wide variety of harms. Some claim that women are abused in various ways in the very making of pornography (MacKinnon and Dworkin 1997). Others allege (typically in addition) that consuming pornography causes harms like rape, gender discrimination and even the political disenfranchisement of women generally (Russell 2000). Some feminists even claim that pornography "silences" women in a way that violates women's right to free speech (MacKinnon 1987a; Hornsby 1993; Langton 1993; Maitra 2009). Note that if this silencing claim is correct, then *failing* to regulate pornography damages free speech.

Despite all this, some maintain that, even if pornography causes these harms, attempting to regulate it would be even more harmful (Easterbrook 1985; Carse 1995). The main worry seems to be that attempting to regulate pornography would inevitably lead to the regulation of speech that ought to remain protected. In this way, it is alleged that regulating pornography would undermine free speech. Moreover, since other remedies are available (e.g. educating people about the harmful effects of pornography or promoting the political power of women), regulation is thought to be unnecessary and hence unwarranted.

Unsurprisingly, others claim that the balancing of harms works out differently. According to such theorists, the harms caused to women by pornography outweigh any harms that might be caused by its regulation. Such theorists also claim that the alleged remedies are inadequate and that careful legislation would minimize (or even avoid) damage to free speech anyway.

There are also feminists who contend that, in addition to *causing* harm to women, pornography actually *constitutes* harm. According to MacKinnon (1987b), for example, pornography ought to be legally actionable because it constitutes an otherwise illegal act of gender discrimination.

Another radical argument claims that pornography is more like prostitution than expression and so it should not be treated as speech in this technical sense (Schauer 1982: 181–2). Note that, in the United States, it is illegal to hire a prostitute and it is illegal to hire a prostitute to have sex with somebody else. Schauer then asks why pornography is legal in the United States when it involves paying people to have sex with each other and then recording and distributing their "performance."

As one can see, the free speech status of pornography is no simple matter. Whether it is (or ought to be) regulated depends, first, on whether it counts (or ought to count) as speech in this technical sense. Second, if it does count as

speech, then it ought to be regulated only if the harms it causes (or constitutes) outweigh the harms that would be caused (or constituted) by its regulation.

Note that even if one has the *legal* (free speech) right to participate in pornography, it certainly does not follow that doing so is the *morally* right thing to do. Remember that the law is not in the business of enforcing morality. Plenty of immoral things are legally permissible (e.g. cheating on one's spouse, lying, cheating while playing gin rummy with one's friends). So, just because the law permits participation in pornography does not mean that such participation is morally OK. In fact, there is reason to believe that such participation is, at least sometimes, morally problematic. After all, acting in a pornographic film (or posing for a pornographic photograph) might be extremely damaging to people you love. Doing so could harm your spouse, your parents or even your (current or future) self. Furthermore, being involved in the production of pornography is morally suspect, if, for example, the "actors" involved are abused, exploited or coerced. Moreover, distributing or selling pornography is morally problematic if, for example, its consumption really does cause the harms alleged. (Of course, there are complicated issues here regarding when an agent is responsible for such causal consequences.)

In fact, some argue that the real issue with pornography is moral, as opposed to legal. Altman (2007), for example, argues that we have a moral right to (even violent) pornography and this right is grounded in our right to sexual autonomy (as opposed to our free speech right). Brison (2007) argues against this right to pornography. According to her, autonomy can be respected without protecting such harmful pornography (1998). Finally, Dwyer (2005) argues that, even though one has a legal right to consume (cyber)pornography, one ought to refrain from doing so because of the damage to one's moral character that results.

### Racist hate speech

The free speech status of racist hate speech is also controversial. Like pornography, it too is extremely difficult (if not impossible) to define. Following Matsuda (1993), let's say that racist hate speech is a persecutory, hateful and degrading message of racial inferiority aimed directly at a member of a racialized group. Some of it is clearly illegal. If such an utterance incites a crime, for example, then it would be punishable. Suppose, for instance, that Charlie utters racist hate speech to Peter knowing full well that doing so will make Peter so mad that Peter will certainly assault him. In a case like this, Charlie's "fighting words" are regulable (Greenawalt 1995).

Arguably, though, most instances of racist hate speech are not like this. Whether racist hate speech is (or ought to be) regulable seems to depend on how the balancing of harms works out. Since the free speech status of racist hate speech depends on this balancing of harms, let us now turn to a consideration of the alleged harms involved.

Racist hate speech is alleged to cause many different sorts of harm. According to Delgado (1993), for example, racist hate speech causes both immediate (e.g. anxiety, fear) and long-term (e.g. high blood pressure, low self-esteem) harm to the person addressed. Racist hate speech is also alleged to cause more widespread social harms (e.g. racial violence, racial discrimination, and the political disempowerment of people of color). Some theorists claim that, in addition to causing various harms, racist hate speech also is the harm of racial subordination (Lawrence 1993; Matsuda 1993). Such speech is alleged to mark persons of color as socially inferior. Finally, if racist hate speech silences people of color and if that silencing violates the free speech right, then *failing* to regulate racist hate speech will harm free speech.

On the other side of this balancing act, it is alleged that regulating racist hate speech would (or could) cause various harms. Some believe, for example, that by regulating such speech, we would thereby be prevented from identifying the racists. Moreover, such a result would be harmful because we would thereby be prevented from making the world a better place by, for example, educating them about race or avoiding them (and their racial abuse). Some contend that regulating racist hate speech would actually *increase* racial violence because the uttering of racist hate speech allows racists to let off steam thereby preventing such violence. Still others maintain that since freedom of speech is required to gain rights for minorities, anything that regulates speech will thereby harm freedom of speech and ultimately undermine the rights of minorities. For a response to such arguments, see Delgado and Yun (1995). Similarly, some express a distrust for the government and insist that any governmental regulation on racist hate speech would ultimately backfire and be used against members of racial minority groups (Butler 1997). Perhaps the most common concern is that any regulation of racist hate speech would eventually lead to the regulation of speech that ought to remain protected. The concern seems to be that if racist *hate* speech is regulated then so eventually will *all* discussions of race and, since so many issues of public concern involve race, such a result would seriously undermine free speech.

As one can see, the free speech status of racist hate speech is a fairly complex affair. There are subtle and difficult to assess causal claims involved and, even if such claims could be established one way or the other, settling how to weigh the various harms is a further complication. As things currently stand in the United States, most racist hate speech is protected. Although it is generally agreed that racist hate speech causes various harms, it is the official opinion of the US courts that regulating it would be even more harmful. It is interesting to note that the United States here departs from the rest of the international community which has criminalized all racist hate propaganda (Matsuda 1993). In the United Kingdom, for example, speech that incites racial hatred is regulable on the grounds that it is more harmful than its regulation. As one can see, different systems of free speech can yield different conclusions about what ought to be regulated.

Keep in mind, however, that even if one has a legal right to utter racist hate speech, it certainly does not follow that doing so is morally right. After all, if such speech causes *any* of the harms alleged, then engaging in it is morally suspect.

### Lies, promises and disrespectful speech

Lying is a fairly familiar immoral form of speech. Some lies are even illegal. When one is under oath, for example, one is legally obligated to tell the truth. As a result, lying in a court of law can constitute the crime of perjury. Although there are such illegal lies, most lies are perfectly legal. Suppose, for example, that during the course of a casual conversation with a total stranger in the supermarket, I lie and claim to be a corporate attorney from Philadelphia. While one might wonder why anyone would bother to do this, such a lie is perfectly legal. Maybe such a lie is harmless. Maybe it is not. Maybe such a lie is immoral whether or not it is harmful. Maybe it is not.

Other legal lies, however, are clearly immoral. Consider the following whopper of a lie. Cindy meets Carl and they immediately feel a deep mutual connection. Just two weeks after meeting, Carl informs Cindy that he has been diagnosed with an inoperable form of stomach cancer. They mourn together. Carl then tells Cindy that he wants to spend what little time he has left making love with the woman of his dreams. Wanting desperately to support the man she loves, Cindy works desperately to satisfy his every sexual whim. Eventually Cindy discovers that the perfectly healthy Carl lied about the stomach cancer in order to gain sympathy and lots of sex. Supposing that Cindy does not suffer financially, the harm of Carl's lie is not legally recoverable. Although Carl's lie is perfectly legal, he nevertheless did something seriously awful to Cindy. As one can see, even when issues of legality are beside the point, mere words can be incredibly harmful.

Notice also that words are often involved in the undertaking of obligations. When I promised my neighbor that I would watch her child swimming, for example, I thereby undertook an obligation by saying what I said. If I subsequently fail to watch her child, I have done something immoral. Had I not promised to do so, however, I would not have been under any such obligation and so my failure to watch the child would not be a moral failing. As one can see, it is the speech act of promising that creates the obligation and thus the possibility of moral failure.

Finally, speech plays a pivotal role in the construction and perpetuation of social hierarchies. If such hierarchies are unjust then there is a moral component to the speech associated with them. To see what I have in mind, consider the following simplified example. Joe is the coolest kid in fifth grade. Most of his classmates take their cues from Joe since his actions indicate how to act, dress and talk. His actions also indicate who is cool and who is not. Suppose now that

a new kid comes to town and, with contempt, Joe calls him a "wuss." By calling the new kid a "wuss," Joe marks the new kid as uncool and thereby makes it socially acceptable for everyone else to treat him accordingly. As a result, the new kid is uncool and he is consequently excluded, bullied and mocked. As one can see, Joe's words have the power to affect one's social position (and thus one's treatment).

Now, of course, the social hierarchies in the adult world are considerably more complex and they are also more subtle. Despite this, one ought to be mindful of the possibility that one's words function somewhat like Joe's. By using disparaging terms about another person, for example, one thereby expresses one's disrespect. Doing so is morally suspect (assuming, of course, that such disrespect is unwarranted). Using such terms does more than just express disrespect, though, it also signals to others that such disrespect is in accord with that person's social status. In other words, using such terms marks that person as inferior and this, in turn, licenses further mistreatment (Tirrell 1999; McGowan 2009). While most would no doubt agree that telling racist jokes (or making sexist comments) is morally wrong, most people probably think this is because doing so causes offense. If what I am suggesting here is correct, though, such disrespectful speech may be significantly more harmful than that. As a result, even if one has (or ought to have) the legal right to engage in such speech, anyone interested in social justice should think twice before doing so.

### Conclusion

As one can see, being committed to free speech does not mean that one is free to say whatever one wants. Rather, it means that speech is valuable in a way that warrants extending special protections to it so that it is more difficult to regulate. We have also seen that free speech theory is more complex than generally recognized. What makes speech valuable and even what counts as speech are important open questions. Finally, we have seen that different systems of free speech can yield different verdicts regarding which categories of speech ought to be regulated.

Even when one has the legal right to say a certain thing, it does not follow that one is morally right to do so. Although one has the legal right to neglect one's elderly and ailing parents, doing so is wrong. What is legally permissible is one thing. What is morally right is another. Thus, even if the law maintains that one has the right to utter racist hate speech with legal impunity, it does not follow from this that doing so is morally defensible. Similarly, even if the law contends that Charlie has the right to hang a pornographic poster in his locker at work, Charlie may nevertheless be quite wrong to do so.

See also Ethics and law (Chapter 35); Feminist ethics (Chapter 43); Rights (Chapter 56).

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- Lawrence, C. (1993) "If He Hollers Let Him Go: Regulating Racist Speech on Campus," in M. Matsuda, C. Lawrence, R. Delgao and K. Krenshaw (eds) *Words that Wound: Critical Race Theory, Assaultive Speech and the First Amendment*, Boulder, CO: Westview Press, pp. 53–88. (This paper argues for the regulation of racist hate speech.)
- Longino, H. (1980) "Pornography, Oppression and Freedom: A Closer Look," in L. Lederer (ed.) *Take Back The Night: Women and Pornography*, New York: William & Morrow, pp. 40–54. (This paper distinguishes pornography from erotica.)
- Scanlon, T. (1972) "A Theory of Freedom of Expression," *Philosophy & Public Affairs* 1: 204–26. (This paper articulates the autonomy approach to free speech.)
- Schauer, F. (1982) *Free Speech: A Philosophical Enquiry*, Cambridge: Cambridge University Press. (This book introduces free speech issues from both a legal and philosophical perspective.)
- Sunstein, C. (1993) *Democracy and the Problem of Free Speech*, New York: The Free Press. (This book introduces free speech issues and argues for a new Madisonian system of free speech.)

# THE ETHICS OF RESEARCH

*Julian Savulescu and Tony Hope*

## Introduction

The ethics of scientific research is one of the most important issues in applied ethics today. We are a part of radical scientific revolution that promises untold benefits for humans, but also threatens our existence in new and profound ways. How we should proceed is an ethical question of the deepest significance. To answer it we require understanding of the reasons for a particular piece of research, and the concept of reasonable risk.

During the Second World War, the Nazi doctors placed healthy, innocent people in freezing water until they froze to death and amputated healthy limbs to test surgical procedures. These appalling experiments, among other atrocities, led to the first internationally agreed guidelines on research involving people – the Nuremberg Code (established in 1946), which was incorporated by the medical profession into the Declaration of Helsinki in 1964. Two influential publications in the 1960s identified several hundred allegedly unethical experiments involving people as the participants in the research (Beecher 1966; Pappworth 1967). These experiments were considered unethical either because they put research participants at unacceptable risk of harm or because they were performed without adequate consent.

Examples of such research were:

- The Tuskegee syphilis study 1932–72
- The Jewish Chronic Disease Hospital New York study 1963
- The Willowbrook study 1956
- The human radiation experiments 1945–72 (Hope et al. 2003).

The Declaration of Helsinki stated that research involving human participants should be clearly formulated in an experimental protocol and reviewed by a committee independent of the researcher. This has led to such review committees being established in most Western countries and these committees can effectively prevent research considered unethical from being carried out. Researchers and review committees are constrained by: professional guidance