

Ethics and pornography



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IS PRONOGRAPHY WITHIN OUR CONSITUTIONAL RIGHT? When we think of pornography we usually think of videos that are explicit and graphic in a sexual nature and magazines such as Hustler and Playboy. It also can be found in paintings, sculptures, photos, drawings and the Internet. It can even be performed in a live venue, in front of a live audience. Pornography is a very controversial topic and there are many other factors that contribute to this. The First Amendment prohibits laws being made that establish a state religion; prohibit free exercise of religion; infringer the freedom of speech or press; limit the right to assemble in a peaceful manner and limit the right to petition the government for a redress of grievances. Under the First Amendment, pornography has little regulation and obscene speech has no protection under the amendment. What is the exact definition of pornography? Wikipedia defines it as the representation of the human body or sexual activity with the goal of sexual arousal. Pornography is often the depiction of sexual acts with little or not artistic value. The practice of pornography is merely erotica that is perceived as obscene. However, we each have our own definition of obscene. That is why it leaves the door wide open for people who are opposed to pornography to interpret it for legal actions. The pornography producer Larry Flynt and writer Salman Rushdie have argued that it is vital and as a free and civilized society we should accept pornography. However, opposition to pornography has become very strong in society. Religion and feminism groups believe that there is an existence of pornography addiction. A religious objection limits sexual intercourse to the express function of procreation. It is considered immoral and contributes to the immoral behavior in society. Feminist consider it demeaning to women. To test if speech or expression can be labeled as

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obscene uses the Miller test. This test was created in 1973 in a case of Miller vs. California. Miller tests looks at whether work is obscene if it would be found appealing to the prurient interest by the average person. It depicts sexual conduct in an offensive way and has no serious literary or artistic value. It uses community standards of the average person which means that material could be considered obscene in one community and not another. Deciding whether the material is of value is decided by National standards. The Miller test is not used for child pornography since in 1982 the Supreme Court decided that protecting children from abuse was of the up most importance. It is not illegal for you to have obscene material in your home. Justice Thurgood Marshall wrote, " if the First Amendment means anything, it means that a State has no business telling a man sitting in his own house what books he may read or what films he may watch." (Stanley vs. GA) Justice Anthony M Kennedy wrote: " First Amendment freedoms are most in danger when the government seeks to control thought or to justify its laws for that impermissible end. The right to think is the beginning of freedom, and speech must be protected from the government because speech is the beginning of thought." In the City of Topeka, Shawnee County District Attorney Robert Hecht indicted five businesses: Sensations, Adult Entertainment Center, After Dark Video and Some Like It Hot. He stated that they violated the states obscenity laws. The state laws charges that to be obscene, the material must be explicit, graphic in a sexual nature. However, the strip clubs in the Topeka area were not indicted. Why is it that women taking off their clothes for money and doing lap dances for men not in violation of the state law?