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GREAT IDEAS FROM THE GREAT BOOKS

Mortimer J. Adler

PART VI

Questions About Social Problems

69. THE GROUNDS OF CENSORSHIP

Dear Dr. Adler,

Every once in a while we get a big drive against “immoral” or “obscene” literature, plays, etc., and the call goes out to ban certain books, censor movies, and the like. I wonder if they had this kind of problem in the past and what they did about it. Do the philosophers offer us any guidance on where to draw the line between artistic freedom and public offense, between “bluenose” tyranny and wise restraint?

C. S. C.

Dear C. S. C.,

The controversy over censorship goes back to the earliest times and is still being carried on today. The question is a difficult and delicate one, as are all questions concerning official control over matters that affect public morality. Broadly speaking, three main positions have been taken on this issue.

You may remember that Plato decided to banish the poets and dramatists from his ideal republic, because of the harmful influence that he thought they would have. Plato insists that all the arts in his society should serve prescribed moral and political ends. He makes all of them, therefore, subject to governmental control.

The rulers of the state consider themselves the custodians of virtue. They are under obligation to suppress any artistic activity that would weaken virtue and support artistic activity that would cause it to flourish. Plato’s views are typical of the first position, which advocates total political control of the arts and their products.

Far at the other end of the scale is the position which insists on completely unfettered freedom for the arts. The classic defender of this position is John Milton. He writes:

I cannot praise a furtive and cloistered virtue, unexercised and unbreathed, that never sallies out and sees the adversary . . . that which purifies us is trial and trial is by what is contrary. The virtue therefore which is but a youngling in the contemplation of evil, and knows not the utmost that vice promises to her followers, and rejects it, is but a blank virtue, not a pure... .

Milton makes a strong act of faith in human nature. He conceives it as more robust and far less corruptible than Plato does. Accord-

ingly, he recommends that individuals, aided by sound moral education, should be exposed to both good and evil. They will, he believes, then choose the good. In his view, the virtue that results will be sounder for having been thus tested.

The third position lies between these two and borrows something from both. It asserts that the state should not determine what kinds of arts are permitted. This position, however, is distinguished from that of Milton by its insistence on reserving to society some control over the *exhibition* of works of art to the public at large. This is, in fact, the middle ground that we have adopted in America.

Artistic activity, whatever its intention, can be regarded as contributing to or detracting from human welfare. In other words, art can and does have social effects. This does not mean that moral instruction is the primary function of the artist. The fact that works of art can be used by parent, minister, or teacher to serve his ends does not make the artist a moralist or teacher any more than it makes him a parent or minister. But insofar as art can have social effects, it is argued, it should be subject to some minimal social control.

Understood this way, censorship is a way of protecting the adolescent, the physically unbalanced, and the foolishly gullible from those who pander to and profit from their weakness. But everyone realizes that prohibitions are far less effective than robust intellectual and moral habits which render human nature less frail.

It is also clear to many that censorship can be easily abused and can easily degenerate into arbitrary interference with art. Censorship, for example, cannot assume responsibility for the accidental effects of genuinely artistic works. It may be true that the very young, the emotionally disturbed, and even normal adults seeking excitation do, in some instances, find a particular play, book, or movie a stimulus to immoral conduct. But more often than not that has something to do with the particular spectator or reader and not with the work itself.

The use or abuse of any social control exercised over the arts depends almost exclusively on the prudence, the discretion, and the liberality of those who exercise the power of censorship. More important, however, is the reduction of censorship itself by raising private and public morality to the point where the necessity for censorship becomes negligible.

70. THE PURPOSE OF PUNISHMENT

Dear Dr. Adler,

Our whole system of criminal law and punishment is being increasingly scrutinized and questioned. Not only capital punishment but imprisonment and the whole penal system are criticized. Some people even argue that we should do away with prisons and substitute medical clinics to deal effectively with our criminal elements. What is the traditional nature and purpose of punishment? What are we supposed to accomplish by punishing the criminal? Can it be justified by the standards of reason and justice?

R. L. G.

Dear R. L. G.,

Punishment is a penalty levied by society on individuals for their misdeeds. Seen this way, the purpose of punishment is retribution for the wrong done—tit for tat, an eye for an eye, or a suitable fine or prison term for an offense. According to this view, justice is done when the criminal suffers a pain—in body, purse, or freedom—equal to the wrong he did. Any other function punishment may serve, for the individual or society, is, in this view, irrelevant. Kant and Hegel hold this *retributive* view of punishment.

According to another view, punishment should reform the criminal and deter others from similar acts. In one of Plato's dialogues, Protagoras says that it is unreasonable for the community to retaliate against the criminal for an act that is past and irremediable. The right thing is to look to the future and punish a man to prevent him or others from doing wrong again.

Socrates, in another dialogue, distinguishes between those who are curable and can be improved by punishment and those who cannot. He would inflict the death penalty only on the latter. For Plato, the main purpose of punishment is correction, cure, the restoration of right order to the soul of the criminal. He holds that the death penalty should be imposed only on incurable criminals and as a deterrent example to others. Plato's is the *utilitarian* view of punishment, which sees it as either reformatory or deterrent.

Thinkers such as Thomas Aquinas combine the retributive and utilitarian views of punishment. Aquinas holds that moral order requires that penalties be imposed in order to right wrongs that have been committed. But he believes that punishment should also reform the criminal and deter further wrongdoing.

Our present legal system tries to achieve all three aims retribution, reform, and deterrence. It tries to fit the punishment to both the crime and the criminal. First offenders and youths usually get a lighter penalty than habitual criminals for the same offense. We have “reformatories” as well as “penitentiaries” (derived from “penance”). We have the notion of a man’s “paying his debt to society,” and we also have the notion of “rehabilitation.” We have both the retrospective attitude (looking back to the crime) and the prospective attitude (looking forward to the criminal’s future life). And we inflict the death penalty for kidnapping and peacetime espionage as a deterrent in critical situations.

The argument between the retributive and utilitarian views of punishment still continues, especially when we have our periodic “crime waves.” The argument becomes especially acute in the most extreme case, that of the death penalty. Here it becomes impossible to combine all three functions of punishment. For although both retribution and deterrence may be accomplished by the death penalty, it is a cure that removes both the patient and the disease.

Nowadays the argument about the death penalty usually pits the two utilitarian aims against each other—deterrence versus reformation or cure. But some notion of objective retribution usually underlies the arguments for capital punishment. If mere deterrence were the issue, those who argue for this penalty in the case of murder would logically extend it to a number of lesser crimes.

Psychoanalysis views punishment as serving a natural psychological need. According to Freud, a man who feels guilty wants to be punished in order to gain emotional peace. There may be objective grounds for his guilt, and he may expect a reasonable punishment. But, in the case of disturbed personalities, the guilt may be illusory or exaggerated. Such persons may seek punishment for its own sake or commit overt acts in order to be caught and punished. The psychoanalytical view disregards the moral issue of the nature and purpose of punishment. In the case of the normal personality, it offers psychological support for both the retributive and utilitarian arguments.

71. THE REASONS FOR AND AGAINST THE DEATH PENALTY

Dear Dr. Adler,

The case of Caryl Chessman has focused public attention on the question of the ethics and efficacy of capital punishment. There have been many statements on both sides, but it is hard to get a clear picture of the principles on which the proponents and the opponents of capital punishment base their case. Can we find any clear statement of the opposing views among the writers of the past? What are the basic reasons for upholding or opposing capital punishment?

G. C. C.

Dear G. C. C.,

Our views on capital punishment are influenced by our notions of the purpose of punishment. The great thinkers of the past have had two basically different ideas about punishment. One theory is “retributive”; the other is “utilitarian.”

Thinkers who uphold the retributive view maintain that the wrongdoer must be punished as a matter of strict justice, in order to right the wrong he has done. The principle of justice which governs compensation for damages in civil suits is applied to the righting of wrongs in criminal cases. Just as a person who runs into someone else’s car or knocks down a fence must compensate the injured party, so a criminal must pay for his crime by suffering a fitting punishment. Hence the Old Testament precept: “Thou shalt give life for life, eye for eye, tooth for tooth, wound for wound.”

The Greek tragedies, in which each murder begets another in retribution, are dramatic illustrations of this view. Christian theologians regard retribution as an essential element in punishment, though not its only aspect. And the German philosophers Kant and Hegel declare that punishment must be imposed only as an act of retributive justice. Kant says:

Juridical punishment can never be administered merely for promoting another good, either with regard to the criminal himself, or to Civil Society, but must in all cases be imposed only because the individual on whom it is inflicted has committed a crime.

Thus Kant rejects the notion that punishment should serve any extrinsic purpose, such as the reformation of the criminal or the protection of society by deterring people from committing crimes.

Thinkers who maintain the utilitarian theory insist that punishment should serve just these ends. They see no point to punishment un-

less it tends to reform the criminal or to deter others from committing crimes. This theory rejects retribution entirely and requires us to justify punishment pragmatically—by its results. The utilitarian view is expressed by Protagoras in one of Plato’s dialogues:

No one punishes the evildoer for the reason that he has done wrong—only the unreasonable fury of a beast acts in that manner. But he who desires to inflict rational punishment does not retaliate for a past wrong which cannot be undone. He has regard to the future, and is desirous that the man who is punished, may be deterred from doing wrong again.

Many modern writers, including Hobbes, Locke, Rousseau, and Bentham, uphold this theory of punishment.

An eighteenth-century Italian criminologist, Cesare Beccaria, who takes the utilitarian approach to punishment, is the first notable writer to express unqualified opposition to the death penalty. He argues that it is not necessary to execute the criminal in order to deter others from similar crimes. Furthermore, there is always a chance that the court which tried the man made a mistake in convicting him. Taking his life prevents such an error from ever being corrected.

Another argument against capital punishment is that every man has a natural right to his life, which the state cannot rightfully disregard. But defenders of capital punishment point out that men also have a natural right to liberty, which appears to be infringed by imprisonment. They argue that in both cases the criminal by his own wrongdoing has forfeited the exercise of these natural rights.

Not all who take the utilitarian point of view are against the death penalty. Rousseau, for example, asserts that as members of civil society “we consent to die if we ourselves turn assassins.” However, he also says that “the State has no right to put to death, even for the sake of making an example, any one whom it can leave alive without danger.” Thus, on utilitarian grounds, Rousseau would not approve capital punishment where it served no social good.

Hegel opposes Beccaria’s demand that capital punishment be abolished, but he praises him for helping us “to see which crimes deserve the death penalty and which do not. Capital punishment has in consequence become rare, as in fact should be the case with this most extreme punishment.” Hegel believes in retribution, but he wants the punishment to fit the crime.

72. THE HISTORIC ROLE OF THE FAMILY

Dear Dr. Adler,

There has been a great emphasis on family life in this country since World War II. Even intellectuals and youngsters are going in for a wholesome family life. I wonder whether the family has been held in such high regard in past ages. What has been the main function of the family in the past?

E. K.

Dear E. K.,

The human family has differed greatly in various times and places in its organization, government, and social role. But it has always and everywhere fulfilled one essential function—the procreation and rearing of children. This is the natural basis and purpose of the family. The long period of infancy and growth peculiar to human offspring necessitates a stable and solid union between the father and the mother, so that children may be nourished and cared for as well as generated.

In earlier centuries the family unit was much larger than it is today. It usually included several generations, close relatives, and slaves—a veritable clan under an old patriarch. This large family, or cluster of families, fulfilled many social functions that are now performed by other institutions.

The principal social function of the family in the pre-industrial era was economic. The production of goods and the accumulation of wealth was the business of the family. This is what “household management” consisted of in the days before the industrial revolution. The family was an economic as well as a biological institution. Except in agricultural communities, the coming of the factory system meant the end of the “domestic economy” in the old sense.

The relation of the family to the state has been one of the major themes discussed in the tradition of Western thought. Plato’s program for the ideal state includes the state’s absorption of the family. Wives and children, as well as property, are to be held in common, and all citizens are to be members of one big family. Plato thinks that, in this way, social unity and devotion to the state would be secured. Aristotle, on the contrary, holds that, in providing for everyday needs and for the procreation and rearing of children, the family plays its part in the larger political community or

state. In any case, according to the ancients, children are the wards of the state, to be educated and trained as the rulers decided.

Christianity defends the natural and divinely ordained rights of the family against the state. According to Christian doctrine, marriage is a sacrament imparting divine grace, and the divine law buttresses family life with precepts enjoining filial piety and prohibiting adultery. The state has no right to interfere in matters which belong to the government of the household. Most modern states, however, assume jurisdiction over marriage and divorce, and have something to say about the care and education of children.

The family has always been a central unit in religious life. Fundamental beliefs, religious practices, and moral discipline have been transmitted through the family as well as taught by the church. In some communities the family hearth has been central in religious ceremonies and practices. Even in present-day America, family life and church membership seem to go together.

Despite his critical remarks about certain unwholesome aspects of traditional family relations, Sigmund Freud, the father of psychoanalysis, concedes the family's indispensable role in the development of the child. A father and a mother are necessary psychologically as well as biologically. In this natural, intimate setting, the child grows into a mature person and assimilates the moral ideals of his society.

In modern society, the essential role of the family is recognized by the state (including most communist states), by the churches, and by the professional disciplines that deal with human relations. Only bohemians, beatniks, and angry young men seem to be against it. Despite its buffetings by the winds of change, the family in its basic Western form seems destined to endure.

WELCOME NEW MEMBERS

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We welcome your comments, questions or suggestions.

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