

Suppose a professor posts a pornographic photo...

The Cranky Professor

The Journal, the campus newspaper at Saint Mary's, Vol. 73, No. 9, 14 November 2007

Mark Mercer

Department of Philosophy

Saint Mary's University

Halifax, NS B3H 3C3

(902) 420-5825

mark.mercer@smu.ca

Suppose I post on my office door a pornographic photograph. I don't mean a pleasant picture of a happy couple enjoying sex; no, what I've posted is ugly, vile, and disturbing. What should you do?

You could approach an officer within Saint Mary's and demand that the photo be removed. You could, that is, demand of the chair of my department or the Dean of Arts or the Vice-President Academic or the President himself that he or she sees to it that the photo comes down. Maybe you would make your demand through the Students' Association or the Faculty Association or Security. Maybe you would seek the help of the Conflict Resolution Advisor in pressing your demand.

You could approach an authority outside the university and demand that the photo be removed. My posting the photo might be illegal under legislation meant to ensure a safe and hospitable workplace. Perhaps it counts as harassment under statute or by precedent. You could take the matter to the Nova Scotia Human Rights Commission.

You could do any one of these things, but you ought not to. You ought not, even if indeed my posting is illegal or contrary to the sensibilities of human rights' commissioners.

You could issue your demand that the photo come down directly to me. That's what you should do. Talk to me or send me a message. If you are shy you might ask someone else, the chair of my department, say, or the Dean of Arts, to communicate your demand to me.

You might, of course, be curious why I posted the photo. You are a university student or a fellow academic, and so you have a passion to understand things. The questions to which you seek answers are: 1) What pedagogic or research or social or political goal did Mercer think he could promote by posting that photo? 2) Did his posting that photo go any distance toward promoting that goal? 3) Is that goal noble or otherwise significant? 4) What wrong is Mercer committing by having that photo on his door or what harm will or might come as a result of its presence there? 5) Does the wrong committed in Mercer's posting or the chance of harm it brings outweigh its value—if, that is, Mercer's posting is any way of promoting an even mildly valuable goal?

Right now your view is that the wrong or harm certainly outweighs the good. You've wracked your brains and talked to your friends and still you can't imagine how I could think I'm up to anything good. Nonetheless, if in coming to me to demand I remove the photo you engage me in discussion, discussion meant to satisfy your passion to understand things, you might discover that the good outweighs the bad. It's possible that in the course of thoughtful and open discussion you change your mind.

More likely, though, is that in the course of our thoughtful and open discussion it's my mind

that changes. I see the justice in your demand and I remove the photo. Maybe I apologize to the university community for the hurt or harm my bad judgement has caused.

It's possible, of course, that neither of us changes her mind. Worse, maybe I have changed my mind about my stunt, but yet refuse your demand. I'm embarrassed or stubborn or just plain cussed. (Possibly I've been up to no good all along.)

What do you do in this case? The case, again, is this: After considering the question from all sides, you have made a fair determination that the photo ought to come down. You have explained to me—patiently and fully—why the photo ought to come down. You have answered my criticisms of your argument. You have explained to the university community in an article you wrote for *The Journal* why that photo ought not be on Mercer's door. And I refuse to take the photo down. Maybe now, given that I've not been moved by your cogent argument, you should try to get the Vice-President Academic or the police or the Human Rights Commission to take it down.

No, even now you should not seek to have an authority remove the photo. You should not seek to have an authority remove the photo because ugly and hurtful as this bit of expression is, it's better that we at a university be free to post what we want than that we be prevented from posting what we want.

Suppose that instead of a piece of vile pornography, I've posted on my door a bit of racism or a celebration of miscegenation or a diatribe against homosexuality or a gay-positive poem or a malicious caricature of Mohammed or an invitation to convert to Islam. (Choose what you think would be the very most offensive or otherwise worst thing for me to post on my office door.) It doesn't matter. You ought not seek to have an authority remove what I've posted.

Next week: Why it is better that we at a university be free to post vile photos or whatever on our office doors than not be free to post them.