

Spring 1983

Issues Forum: Pornography

Drucilla S. Ramey

Golden Gate University School of Law, dramey@ggu.edu

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/pubs>

 Part of the [Civil Rights and Discrimination Commons](#), and the [Constitutional Law Commons](#)

Recommended Citation

Alumni Forum, Spring 1983

This News Article is brought to you for free and open access by the Faculty Scholarship at GGU Law Digital Commons. It has been accepted for inclusion in Publications by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

Pornography

by Prof. Drucilla Stender Ramey

A controversy recently erupted in the University community when the manager of the GGU bookstore, finding that novels, women's rights literature and children's books were slow sellers, chose to replace them with a selection of largely trivial magazines, including *Playboy*, *Penthouse* and *Playgirl*. Protests by the law school Women's Association were summarily rebuffed and First Amendment principles were raised as an impenetrable shield to informed debate on the issue.

As former Chair of the ACLU of Northern California, I am not insensitive to the First Amendment issues at stake. True, the First Amendment applies by its terms only to governmental action, not to actions of private university officials and private protestors. On the other hand, neither the ACLU nor I am blind to the reality that under some circumstances, private action may produce the same constriction of the free marketplace of ideas that the First Amendment seeks to protect from government action. Yet since I believe that government has no place in media decisions, I therefore believe that it is all the more important for private individuals to make their views known to media purveyors. This is especially true for those speaking out on behalf of groups, like women, which have traditionally been the subject of pervasive discrimination in the society, and are afforded little or no voice in the decision-making process of media publishers or distributors.

As a woman in a reasonably responsible position in the law school of a private institution of higher learning, I was forced to determine whether, on balance, my free speech right to speak out on the propriety of the manager's action would serve diversity of speech better than my remaining silent. I decided that it would, in part because of the wholesale availability of such magazines at numerous outlets just a few feet from our door, in part because I felt my viewpoint clearly had not been considered by the manager in making his judgment calls, and in part because I felt that factors properly influencing the manager of a university bookstore differed enough from those of an ordinary commercial seller that his purported commercial rationale for the magazines was particularly inappropriate and worthy of comment.

It is obvious that the manager of a non-profit bookstore in a non-profit university must consider a variety of special factors in making decisions about what to sell: chiefly the scholarly and educational needs and goals of the students in the institution. It is for this reason that many of the nation's most prestigious universities decline to displace serious scholarly materials with a magazine rack. Once he made the decision to carry magazines, however, Golden Gate's manager clearly took into account what he thought to be prevailing community standards as to appropriate, tasteful magazine offerings. He declined to carry many magazines which would move well among neighborhood businessmen—his stated target group—including anti-semitic and racist magazines and, tellingly, *Hustler*. The thrust of my complaint is that the same considerations which spared us *Hustler*—presumably its bestial and degrading depiction of women—warrant rejection of *Playboy* in our university bookstore.



Professor Drucilla Ramey

As a practical matter, I think the anger and ridicule with which the complaints of women against pornography are greeted may well stem from men's fear that most women perceive something terribly wrong about pornography's message, something which may call into question the attitudes toward women of men who read and appreciate *Playboy*, something radically at odds with the otherwise "liberated" and enlightened views a man may hold concerning the equality of men and women. As author Susan Brownmiller puts it:

"The feminist objection to pornography is based on our belief that pornography represents hatred of women, that pornography's intent is to humiliate, degrade and dehumanize the female body for the purpose of erotic stimulation and pleasure."

In many respects, *Playboy's* treatment of women is even more destructive than its "hardcore" counterparts. Thus, gratuitously thrust into its pretentiously ponderous articles and book reviews are cartoon caricatures of naked women; incongruously spread over its centerfolds are the ridiculously posed, impossibly proportioned naked bodies of women Ph.D.'s, CPA's, lawyers, and students painstakingly recruited from Harvard. The message is clear: "Don't worry, troubled reader. Sure, she may be smarter than you; she may have a fancier degree or be more accomplished than you; but, take off her clothes, and she's just like all the rest—a piece of ass."

As a woman professor in a law school which markets itself as alert and responsive to the needs and sensibilities of its almost 50% female student body, I must differ with the manager's implicit statement that this literature comports with the tastes and standards of our university community. The April *Playboy's* clearest message to our women is contained in a cartoon depicting a lawyer standing with his stark naked female client before the court. The lawyer is saying, "May it please the court." Surely our women students deserve better than this at their own university's bookstore. ■

Editor's Note: This Spring Professor Ramey debated a representative from the Playboy Corporation at a Law School forum on "Pornography and the First Amendment." Ramey, former chairperson of the Northern California ACLU, remains active in that organization and presently serves by appointment of the Mayor on the San Francisco Commission on the Status of Women.